

**TOWN OF WEDDINGTON  
REGULAR TOWN COUNCIL MEETING  
MONDAY, AUGUST 12, 2013 - 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 August 12, 2013, with Mayor Walker F. Davidson presiding.

Present: Mayor Walker F. Davidson, Mayor Pro Tem Daniel Barry, Councilmembers Werner Thomisser, Pamela Hadley and Barbara Harrison, Town Attorney Anthony Fox, Finance Officer Leslie Gaylord, Town Planner Jordan Cook and Town Administrator Amy McCollum

Absent: None

Visitors: Linda Watt, Chase Gurley, Chief Joshua Dye, Jim Vivian, Joyce Helms, Richard Henry, Brenda Henry, Eugene D., Cory Riback, Christopher Duggan, Ray Roberts, Rick Yager, Walter Staton, Ken Chapman, Sandi Chapman, Mia Sensabaugh, Donna Walton, Scott Robinson, Bill Deter, Mark Wetherbee, Jeff Perryman, Genny Reid, Jack Parks, Pam Caskey, Steven Carow and Lance Daniel

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

**Item No. 1. Open the Meeting.** Mayor Walker F. Davidson called the August 12, 2013 Regular Town Council Meeting to order at 7:02 p.m.

**Item No. 2. Pledge of Allegiance.** Mayor Davidson led in the Pledge of Allegiance.

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

**Item No. 4. Presentations/Special Recognitions.**

**A. Recognition of Deputy Chris Black and Introduction of Deputy Chris Byrum.** Public Safety Chairman Michael Smith recognized Deputy Chris Black and his service to the Town. He stated, "Chris has been employed with the Sheriff's Office since 2006 and worked in Weddington for 1 year and 8 months and was just promoted to Detective. He did an outstanding job for the Town. His commitment to the Town has been outstanding and the Town is very appreciative. Sorry to see you go but happy for you. Thank you for your service."

Mr. Smith also recognized the Town's new Deputy Chris Byrum who has worked in public service since age 16 as a junior firefighter with the Wesley Chapel VFD and at the age of 18 served another eight years at WCVFD as a Firefighter and first responder. Mr. Smith stated, "Chris has been with the Union County Sheriff's Office for approximately eight years and is currently going through field training to be a patrol officer for Weddington. Welcome to Weddington."

**B. Presentation by Pamela Caskey with Safe Alliance.** Ms. Pamela Caskey with Safe Alliance gave a PowerPoint Presentation to the Town Council. She stated, "Thank you for the opportunity. We started in 1909 and our mission is to provide hope and healing to people in crisis. There are no geographic or economic limits to sexual assault, child abuse or children who have witnessed violent crimes in our community. Last year in Union County DSS accepted 1,293 reports of child abuse representing over 2,800 children. One in four girls and one in six boys are sexually assaulted or abused by the age of 18 and 87% of the sexually assaulted victims we work with are under the age of 19. Years ago we would serve 18 to 24 victims in the county. The last couple of years we served between 600 to 800 victims and family members just from our community. Sixty-seven percent of the children we work with are under the age of 13 and 23% of those are under the age of 5.

Thirty percent of the children that we work with are abused by older and other children and 99% of the victims know their offender. Sexual abuse occurs three times more often than physical abuse. What does trauma cost? It costs our entire community in adult medical expenses, child care, loss of work, child welfare, criminal justice department, etc. The intermittent impact in Union County is over \$2.2 million. The longer impact is \$22 million. Safe Alliance is a rape crisis center. We offer a 24-hour hotline. We go to the hospital. We have an incredible group of volunteers that help us respond. We provide crisis intervention, victim advocacy, victim's compensation, forensic interviews, medical exams, getting kids ready for court, support groups and counseling services. Recovering from sexual assault is like struggling with the loss of a loved one. We are looking for volunteers to help us hold our "hero parties." We have a Child Advocacy Center. We really loved the idea of a tree house because it is a safe place for children to go and want to go. We do help offer hope and with the hope we are hoping to change and make an impact in the community one child at a time. How can you help or get involved – listening and paying attention to children and reporting child abuse and neglect, minimizing one on one child situations. We need volunteers. We have events that we would love the Town to participate in. The reason for the increase in our community is the alliances that we have formed in the community in working with the schools, law enforcement, DSS and medical providers. At one time we were not all working together. Now there is a response process. Our community response has changed 10 fold. We need sponsors for our events, auction baskets, knit sets of clothing, bottled water and items for teenagers."

Mayor Davidson – I went down to look at their facilities and I encourage anyone that can to go and take the tour. It will affect you.

#### **Item No. 5. Public Comments.**

Mr. Christopher Duggan – I am speaking for myself as well as the law firm of James, McElroy and Diehl who have been retained by my clients who are in opposition to the placement of the tower at the Hemby Road site. This is the tower right next to the fire house, cell tower, and possible soon to be church. In the coming months you are going to be asked to consider a conditional zoning application by Union County. We are running on the screen a rendition of what the tower is going to look like. This is something that my clients have come up with. I would like to remind this Council that as part of that consideration you will be asked to consider the application and whether that application is consistent with the Land Use Plan. You have all read the Land Use Plan and been a part of that Land Use Plan because you just adopted it in April. You know it very well. I would like to refer you to the first goal of the Land Use Plan which is to ensure that all new development takes place in a manner that conserves open spaces and scenic views. That is your number one goal of your Land Use Plan. This we contend does not meet those standards nor does it meet the standard of Goal 3 which is to minimize the effect of development from surrounding properties. This we believe does not meet those goals. The proposed placement of the water tower at the Hemby Road site is placed at a highly concentrated area where there is a significant amount of residential development. What you would be doing by approving the conditional zoning application would be to change the characteristics dramatically for that corner. Now you have a fire house, cell tower, potentially you may have a church in that area and this big water tower. You as a board must think of not only currently but in the future of what could take place. What are the characteristics of determining future conditional zoning applications – the characteristics of surrounding property? We are going to be speaking going forward in opposition to this application and I ask that you consider the Land Use Plan in this application but also alternative locations. How can you consider whether this application would be consistent with your Land Use Plan if there are potentials for alternative locations? Simply saying we are not considering alternative locations I think you miss the point of considering all the aspects of your Land Use Plan and the possible alternative locations.

Mr. Cory Riback – I made this animation because visuals talk more for me than words. When we moved into Weddington, we expected the rural community setting. I made this to show how this disrupts the feeling of Weddington which is a beautiful community. I do not understand why this is not being put in a commercial area as opposed to being put in a residential area. I am afraid if this tower is placed at the Hemby Road site what that corner will become. It is not going to be a 5 star restaurant that is going to want to build next to that. It could be a factory for all we know.

Attorney Anthony Fox – I want to remind the Council and the public that the actual depiction of the water tower I will assume will be a part of the County application when it is submitted and therefore they will be able to assess the proper scale of the tower relative to the landscaping.

Ms. Linda Watt - I live at 1206 Waybridge Way in Weddington. I appreciate your time, dedication and what you do for the Town of Weddington. Attorney Anthony Fox just mentioned the dimensions of the water tower. When this video was made we were very careful to make it to scale. We actually put it next to the fire station and we measured and that is the height and from what we gathered the width of the water tower. I respectfully stand before you as one but I speak for over 320 homeowners who live within ½ mile of the proposed Hemby water tower location. I was made aware of your decision in May. Most of the residents did not know about it. I know that because I walked our neighborhoods and spoke to the residents. The residents have now signed a petition and the petition is growing. If you erect a water tower on Hemby you will affect the most densely populated residentially zoned area as opposed to the other commercially zoned site which will impact less than ½ the number of residents than this will impact on Hemby. Hemby is not zoned commercial. Hemby is not on the 24" water main. Please have vision for our future. No homes are going to be built on Hemby near a water tower. No upscale restaurants are going to be there. You will be opening this area to low-scale commercial. Homeowner property values will be impacted and we the most densely populated residential area residents are the ones who pay taxes to Weddington. By impacting our property values, you will be diminishing Weddington's tax base. John Fridell with US Fish and Wildlife stated, "If the area of Hemby Road is commercially zoned, draining into Six Mile Creek, the creek will be devastated, causing a failure of its ecosystem." In Ed Goscicki's PowerPoint, there are other potential sites at a lower cost than Hemby. In the forum meeting, he reversed his figures. We asked Goscicki for a factual breakdown; we were turned down. Do you know the actual costs of every location down to the penny? You can't answer me here but I say maybe you don't. I don't know. He stated the water tower might have a red spinning beacon for air traffic and what is to stop the tower from having more cell receivers (that is a public health concern) with profit of those rentals going to whom? Goscicki stated the tower will withstand 100 mph winds. An F1 tornado is up to 113 mph winds. Our area experienced an F4 tornado. It is not a wise decision to place it next to our fire station. We purchased our home because of the rolling farmland and dense tree line. This water tower is an eyesore which needs to be placed in an area that is already commercially zoned. There were 17 locations considered. If you don't want it in the commercial Weddington downtown area, don't at the 12<sup>th</sup> hour pick Hemby. I agree we need water storage because of water pressure issues. Come up with a reasonable solution. If we need to alternate our showering and clothes washing in order to keep water pressure while the appropriate area is chosen all in our communities will be happy to do so. Thank you.

Mr. Scott Robinson – I am a resident of Providence Woods and a member of the Providence Volunteer Fire Department Board of Directors. I am providing the following update to the Council and community on behalf of the Providence VFD. The board recently reappointed Chief Joshua Dye to continue for a third year as PVFD's Chief, allowing him to continue the fine work he has done leading the department in its first year as the primary provider of fire suppression and medical first response services to Weddington. Next Monday the renovation project on the main PVFD building will begin with completion planned for January 2014. This project will bring the facility up to building code requirements and provide the fire fighters with a safe and comfortable place to sleep and work on a 24 x 7 x 365 basis. During the project, PVFD will continue normal operations unimpeded. The storage building at the back of the property has been upgraded and will serve as the operations center and sleeping accommodations during the main building renovation. If you come to the station looking for the firefighters that is where they will be, ready to assist. Once the main building renovations are complete operations will move back to the main building and the rear building will then be available for a variety of fire department and community uses including physical training for firefighters and temporary accommodations in the event of an emergency. Voting for the November 5, 2013 municipal election for precinct 18 will still take place at Providence VFD but will be conducted in the renovated back building which has excellent handicap access and parking availability. I have worked closely with the head of Union County Board of Elections John Whitley to ensure that it is not necessary to move to a different site for voting on November 5. John has done an on-site review of the renovated back building and approved it for use in the election. I have

also arranged for the renovation contractor to not be working on Election Day to eliminate traffic and congestion on the site. Providence VFD appreciates the opportunity to support and protect Weddington in conjunction with the fine teams at Wesley Chapel and Stallings Volunteer Fire Departments. Come by and visit. We are your firefighters. Thank you.

Mr. Bill Deter - I live in Waybridge in Weddington. Public safety is paramount to our community. Public Safety is the largest item in our Town budget at roughly a million dollars a year. This is on an annual Town budget of \$1.8 million. Of this million dollars about \$800,000 is for fire protection from our three suppliers. Obviously it is a very important item. During this evening's meeting, based on agenda item 8.C., Council will be calling for a future public hearing on the application to the LGC for financing of the purchase of Providence VFD property. I also know that at these public hearings the people talk, state opinions and the Council listens intently to their input. Then usually a vote is immediately taken. However, before the public hearing all of you on the Council will discuss such things as amount of financing, source of funds (fund balance, annual fund revenues and/or tax increase). All of this in the hopes of doing what is best for our Town and I applaud you for your efforts. There will be discussion by the Council as part of the LGC plan to sign a 10-year contract with PVFD versus the contracts we usually do with the various suppliers of our fire and police protection. I want to ask the Council to clearly enumerate in your discussions the benefits to the Town of a 10 year contract that we cannot get with our normal contract procedures. Thank you for your service.

**Item No. 6. Additions, Deletions and/or Adoption of the Agenda.** Finance Officer Leslie Gaylord asked to add the following item to the agenda under New Business: Discuss and Consider Authorizing BB&T to be an official depository for the Town of Weddington in accordance with NCGS 159-31 (a).

Mayor Davidson asked to remove items 8.B. and 8.C. from the Consent Agenda and move to Old Business.

Town Planner Jordan Cook asked to remove Items 9.C. and 9.D. from the agenda.

Councilwoman Barbara Harrison moved to approve the agenda with the amendments. The vote is as follows:

AYES: Councilmembers Thomisser, Harrison and Mayor Pro Tem Barry  
NAYS: Councilmember Hadley

**Item No. 7. Approval of Minutes.**

**A. July 8, 2013 Regular Town Council Meeting Minutes.** Councilwoman Harrison moved to approve the July 9, 2013 Regular Town Council Meeting minutes. All were in favor, with votes recorded as follows:

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

**Item No. 8. Consent Agenda (Public Hearings to be held September 9, 2013 at 7:00 p.m. at the Weddington Town Hall).**

**A. Call for Public Hearing to Review and Consider – Anderson Agritourism Conditional Zoning Permit.**

The Town Council received a copy of the Conditional Zoning Application for the Providence Road tract, the Catawba Lands Conservancy tract and the Hunter Farm tract. Mayor Pro Tem Daniel Barry moved to call for a public hearing to review and consider the Anderson Agritourism Conditional Zoning Permit. The public hearing is to be held September 9, 2013 at 7:00 p.m. at the Weddington Town Hall. All were in favor, with votes recorded as follows:

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

**B. Call for Public Hearing to Review and Consider an Interlocal Agreement and Fire Service Agreement with Providence VFD.** This item was moved to Old Business.

**C. Call for Public Hearing Regarding an Application to the Local Government Commission (LGC) for Financing of the Purchase of the Providence VFD Building and Real Property.** This item was moved to Old Business.

**D. Consideration of Authorizing the Tax Collector to Collect the 2013 Real Property Taxes for the Town of Weddington.** Mayor Pro Tem Barry moved to authorize the Tax Collector to collect the 2013 Real Property Taxes for the Town of Weddington.

In accordance with General Statutes 105.321, I am hereby requesting authorization to collect the 2013 Real Property Taxes for the Town of Weddington.

State of North Carolina  
Town of Weddington

To the Tax Collector of the Town of Weddington:

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the Town of Weddington Collections Department and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the Town of Weddington, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with the law.

Witness my hand and official seal this 12th day of August, 2013.

All were in favor, with votes recorded as follows:

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

**Item No. 9. Public Hearings and Consideration of Public Hearings.**

**A. Public Hearing to Review Text Amendments to Section 58-3 (Enforcement and Penalties).** Mayor Davidson opened the public hearing to review text amendments to Section 58-3. The Town Council received a copy of the following proposed text amendment:

Sec. 58-3. - Enforcement and penalties.

(a) Pursuant to G.S. 160A-175, 160A-365, 160A-389, and 14-4, any person violating any provision of this chapter shall be subject to a civil penalty of **the greater of \$50.00 per day for each day that the violation exists or ten times the permitting fee, if applicable, with a maximum fine of \$500.00.** Violations of this chapter shall not constitute a misdemeanor or infraction. Proceeds from civil penalties collected under this chapter shall go into the town's general fund.

Town Planner Cook - This was a text amendment that was discussed at the Town Retreat. There were a couple of cases that we discussed at the Town retreat of events taking place without a permit. We discussed fines for those events not getting a permit and the fines were actually less than the application would have been to apply for the permits. I got direction from the Town Council to change this section of the ordinance where we will fine ten times the permitting fee, if applicable, with a maximum fine of \$500. This is in compliance with North Carolina State Statutes.

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

**B. Consideration of Ordinance Adopting Text Amendments to Section 58-3.** Mayor Pro Tem Barry moved to adopt Ordinance O-2013-09:

**AN ORDINANCE TO AMEND SECTION 58-3  
OF THE CODE OF ORDINANCES  
OF THE TOWN OF WEDDINGTON  
O-2013-09**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT SECTION 58-3 OF THE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:**

Sec. 58-3. - Enforcement and penalties.

(a) Pursuant to G.S. 160A-175, 160A-365, 160A-389, and 14-4, any person violating any provision of this chapter shall be subject to a civil penalty of **the greater of \$50.00 per day for each day that the violation exists or ten times the permitting fee, if applicable, with a maximum fine of \$500.00.** Violations of this chapter shall not constitute a misdemeanor or infraction. Proceeds from civil penalties collected under this chapter shall go into the town's general fund.

Adopted this 12<sup>th</sup> day of August, 2013.

All were in favor, with votes recorded as follows:

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

**C. Public Hearing to Review Text Amendments to Section 58-13 (Temporary Structures and Uses).**

This item was removed from the agenda.

**D. Consideration of Ordinance Adopting Text Amendments to Section 58-13.** This item was removed from the agenda.

**E. Public Hearing to Review Text Amendments to Section 58-60 (1) o Banquet and Reception Centers, and Conference Centers and Text Amendments to Sections 58-52, 58-53, 58-54 and 58-58 to add Wedding, Banquet and Reception Centers.** Mayor Davidson opened the public hearing. The Town Council received a copy of the following proposed text amendment.

Town Planner Cook – The Town Council voted to have me draft text to remove wedding and banquet facilities from the M-X zoning district and add it to all four residential districts. This would be more consistent with other uses in residential like country clubs, clubs and community centers. This use would still require a conditional zoning permit and conference centers would still stay in the M-X commercial zoning district. They are not permitted by right and still require a conditional zoning permit.

Mr. Bill Deter - I live in Waybridge in Weddington. Let me take you back a few years to 2007. At that time Chesterbrook Academy, a very large daycare center, was built at the corner of Cox Road and Highway 84. As you know, this is zoned R-CD residential. However, due to an interpretation versus the intent of the existing ordinance this commercial intrusion into a residential zoned area was allowed. Shortly thereafter both the Planning Board and Town Council at that time took action to strengthen the intent of the ordinance which was to protect residential areas from commercial encroachment and locate businesses such as large daycare centers to commercial use only. A year or two later the Council at the advice of the Planning Board also voted to make this applicable to wedding and banquet centers. The use was restricted to commercial only. Now let's move forward to today. Before you are proposed changes to Sections 58-60, 58-52, 58-53, 58-54 and 58-58. While these amendments include a bit of "word-smithing" they will basically move banquet centers back to an approved use in residential. It reverses a direction taken a few years ago and creates another opportunity for commercial development to more easily spread across the Town of Weddington. I ask you to reject the text amendment changes that will allow banquet centers as an approved use in residential. I know all of you understand the issues and the differences between residential and commercial. I ask you show the foresight and

wisdom shown by your predecessors to continue to protect the rural residential environment of our community. Please reject these changes as currently proposed.

Mr. Jeff Perryman – I live at Stirrup Court in Weddington. I am currently a member of the Planning Board and one of the two affirmative votes on this proposal that we are looking at right now. I did want to give you my opinion and why I supported it. First off, when this piece was brought before us and our Town Planner discussed it he was of the opinion that it was the right thing to do. I take great credit on Jordan’s knowledge of our Town code and ordinances and I certainly respect his opinion when it comes to things that should be in certain places and how things should be done. I certainly hope that the Council will apply that same consideration and the same weight in your consideration. Secondly, when you look at the list of uses that are currently permitted in that section for many of these items this banquet and reception center is both materially and substantially similar. Currently these are permitted under the section we are talking about moving this to: clubs, community centers, country clubs, fraternal organizations, social organizations, civic organizations and other such organizations are permitted. By placing this use in that section if that use or any of the other uses listed there should ever come to pass you are not adding or creating another commercial piece of property within the Town limits. It still remains zoned residential. I know that the creation of additional commercially zoned property in Town is of a tremendous interest to many people. For those reasons I would ask that the Town Council reviews this proposal favorably and votes in the affirmative.

Councilmember Thomisser – There is a lot of concern about mixed use and commercial. We had someone speak during the public hearing about these various text amendments and there is nothing that says these things will automatically become commercial mixed use enterprises but if they remain the same they could become mixed use and commercial enterprises. What you are doing is you are expediting it correct?

Town Planner Cook – Somewhat, the banquet wedding facility is the only use that we are changing. If someone came in today and applied for a conditional zoning permit for one of these uses, they would need to be rezoned to M-X in the Land Use Plan and the Land Use Map would also have to change to business. The way this text amendment is proposed they would come in and apply for a conditional zoning permit, the underlying zoning would stay the same and the underlying land use would stay the same. They would not have to go through a Land Use Plan change nor would they have to be zoned to M-X or commercial. The Town Council would make the final decision on this. It is still a conditional zoning process which is a legislative process.

Councilwoman Harrison – I come in and I do conditional zoning and get approval and I have that facility for ten years and then I sell it and whoever buys it wants to put up a 5 star restaurant is it acceptable?

Town Planner Cook – They have to come back and ask. That conditional zoning that they applied for and got approved is essentially their zoning district now. It is site specific.

Mayor Pro Tem Barry – If you want to do anything to it, we have to go through this all over again.

Town Planner Cook – Correct.

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

**F. Consideration of Ordinance Adopting Text Amendments to Section 58-52, 58-53, 58-54, 58-58 and 58-60.** Councilwoman Hadley moved to adopt Ordinance O-2013-11:

**AN ORDINANCE TO AMEND SECTIONS 58-52, 58-53, 58-54,  
58-58 AND 58-60  
OF THE CODE OF ORDINANCES  
OF THE TOWN OF WEDDINGTON  
O-2013-11**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT SECTIONS 58-52, 58-53, 58-54, 58-58 AND 58-60 OF THE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:**

**Sec. 58-60. - MX mixed-use conditional district.**

(1) *Permitted uses*

- o. ~~Banquet and reception centers, and Conference centers, provided the lot is at least five acres. However, nothing shall prohibit one or more of these uses from being combined on a single five acre lot. These uses shall not produce levels of noise or electronically amplified sound that is audible at levels greater than 60 db beyond the boundary of the property on which the facility is located. Further, no noise or electronically amplified sound shall be audible beyond the property boundary between the hours of 10:00 p.m. and 9:00 a.m.~~

**Sec. 58-52. - R-80 single-family district.**

**(This change will also be made in Sections 58-53, 58-54 and 58-58)**

- (2) *Conditional uses.* The following uses may be permitted by the town council in accordance with section 58-271. The council shall address review criteria for each use which is contained in section 58-271
  - a. Churches, synagogues and other places of worship, and their customary related uses.
  - b. Public and private schools serving all grades, including preschool facilities.
  - c. Golf courses, parks, playgrounds and community recreational centers (both public and private).
  - d. Country clubs, fraternal, social and other civic organizations.
  - e. Emergency governmental service facilities, including police, fire and rescue.
  - f. Cemeteries.
  - g. Essential services, classes II and III.
  - h. Clubs.
  - i. Community centers.
  - j. Public parks and recreational facilities.
  - k. Private airstrips, provided that:
    - 1. The airstrips may be used only by the owners of the land on which the same is located; provided, however, if the airstrip is located on a bona fide farm, any airplanes engaged in crop dusting may use such airstrip in connection therewith;
    - 2. No flying lessons shall be conducted in airplanes flying from or to the airstrip;
    - 3. No commercial sales of airplanes, parts or fuel shall be conducted at the airstrip;

4. The airstrip shall have been approved by the appropriate state and federal agencies.
  - l. Telecommunication towers.
  - m. Libraries.
  - n. Planned residential developments, subject to the requirements of section 58-23
  - o. Amateur radio towers. An amateur radio tower may also be located on a lot that contains another principal use or structure. In no instance, however, shall the amateur radio tower be located in the front yard of a lot containing another principal structure.
  - p. Government or town facility.
  - q. Land application of biosolids.
  - r. Agritourism.
  - s. **Wedding, banquet and reception centers provided the lot is at least five acres. However, nothing shall prohibit one or more of these uses from being combined on a single five-acre lot. These uses shall not produce levels of noise or electronically amplified sound that is audible at levels greater than 60 db beyond the boundary of the property on which the facility is located. Further, no electronically amplified sound shall be audible beyond the property boundary between the hours of 10:00 p.m. and 9:00 a.m.**

Adopted this 12<sup>th</sup> day of August, 2013.

All were in favor, with votes recorded as follows:

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

**G. Public Hearing to Review Text Amendments to Section 58-4 (Add Definition of Conference Center).**

Mayor Davidson opened the public hearing to consider text amendments to Section 58-4. The Town Council received a copy of the following proposed text amendment:

Sec. 58-4. - Definitions.

**Wedding**, bBanquet and reception centers are uses and structures that are designed for groups of people to gather for social functions or events, including, but not limited to, weddings and wedding receptions and other gatherings. This definition does not apply to churches.

**Conference centers are uses designed and built almost exclusively to host conferences, exhibitions, large meetings, seminars, company retreats, training sessions, etc.**

Town Planner Cook – This is creating a new separate definition for conference centers.

Mayor Pro Tem Barry – Was there any discussion around what the definition is of a large meeting?

Town Planner Cook – There was not. I actually pulled this together rather quickly before the Planning Board Meeting. I got this off a couple of other municipalities’ websites.

Mayor Pro Tem Barry – So we are leaving that discretion up to you?

Town Planner Cook – Yes, you may see this definition in a couple of months.

Councilmember Thomisser requested some parameters for what would be considered a large meeting.

Town Planner Cook – I do not have any parameters at this point.

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

**H. Consideration of Ordinance Adopting Text Amendments to Section 58-4.** Councilwoman Hadley moved to adopt Ordinance O-2013-12:

Mayor Pro Tem Barry – Is there anything coming at us from the Planning Board, parcel specific, needing us to act on this tonight? If we do not do anything with this tonight, does it delay?

Town Planner Cook – There is something coming I think. This definition will not come into play with it.

Mayor Pro Tem Barry – Can we delay action on this until next month so you can define appropriately?

Town Planner Cook – I would prefer to have this done tonight and amend this and have this definition back at the next Planning Board Meeting.

Mayor Pro Tem Barry – Can we have language that says we approve this with an expected amendment at the next Town Council Meeting to define this?

Attorney Fox – The Council could put their own definition of large meetings right now.

Mayor Pro Tem Barry – If you said a large meeting is anything greater than 50.

Town Planner Cook – I would say greater than 250.

Mayor Pro Tem Barry – Councilwoman Hadley, will you accept that amendment?

Councilwoman Hadley – I will.

**AN ORDINANCE TO AMEND SECTION 58-4  
OF THE CODE OF ORDINANCES  
OF THE TOWN OF WEDDINGTON  
O-2013-12**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT SECTION 58-4 OF THE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:**

Sec. 58-4. - Definitions.

**Wedding**, bBanquet and reception centers are uses and structures that are designed for groups of people to gather for social functions or events, including, but not limited to, weddings and wedding receptions and other gatherings. This definition does not apply to churches.

**Conference centers are uses designed and built almost exclusively to host conferences, exhibitions, large meetings (in excess of 250 persons), seminars, company retreats, training sessions, etc.**

Adopted this 12<sup>th</sup> day of August, 2013.

All were in favor, with votes recorded as follows:

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

**I. Public Hearing to Review - Southside Christian Assembly Temporary Mobile Classrooms Conditional Use Permit.** Mayor Davidson opened the public hearing. Town Administrator Amy McCollum swore in Town Planner Cook and Terry Whittenburg who wished to give testimony in this matter.

Councilwoman Harrison – I was at the Planning Board Meeting when this item was being discussed.

Attorney Fox – Can you base your decision on this matter solely on the evidence that is going to be presented here tonight?

Councilwoman Harrison – Yes.

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

Terry Whitworth requests a Conditional Use Permit (CUP) for three temporary modular classrooms located at Southside Christian Assembly. The modular classrooms will be located at 5207 Weddington Road. The modular classrooms are permitted per *Section 58-14* of the *Town of Weddington Zoning Ordinance*.

**Application Information**

Date of Application: May 22, 2013  
Applicant/Owner Name: Terry Whitworth/Southside Christian Assembly/All Nations Christian Fellowship  
Parcel ID#: 06-069-021  
Property Location: 5207 Weddington Road  
Existing Zoning: R-40  
Property Size: 3.13 Acres

**General Information**

- Applicant is required a CUP per *Section 58-14* of the *Town of Weddington Zoning Ordinance*.
- The three modular classrooms will be located behind the existing church facility.
- The classrooms do meet the setbacks requirements for the R-40 zoning district.
- The applicant has stated that the modular classrooms will meet North Carolina and Union County Building Codes.
- As stated in *Section 58-14* of the *Town of Weddington Zoning Ordinance*, the CUP may be issued for up to one year and may be renewed by the Town Council for subsequent periods of one year.
- The Planning Board gave this project a favorable recommendation with a 4-0 vote at their June 24<sup>th</sup> meeting.

Staff has reviewed the application and submitted documents and finds the Conditional Use Permit Application is in compliance with *Article 3-Conditional Uses* and *Section 58-14* of the *Town of Weddington Zoning Ordinance* with the following conditions (both conditions have been addressed):

1. **Zoning of adjacent properties of the displayed on the site plan;**
2. **Parking calculations to be shown for proposed trailers. Parking can be accommodated in gravel lot.**

The following is the narrative provided by Terry Whittenburg, ANCF on behalf of Crossroads South:

All Nations Christian Fellowship  
Crossroads South Campus  
5207 Monroe-Weddington Road  
Weddington, NC 28104

Weddington Town Council:

Our permit request is for three modular classrooms, each approximately 24'x36' for use for Sunday School classrooms, prayer meetings, committee meetings, etc. These classroom buildings will be placed in a column, according to our survey map, behind our church's current meeting facilities. The modulators will be placed, set, structured and wired according to NC state code as well as to the specifics required by Union County.

The reason that we need these classrooms is because our current facilities only has one children's classroom and one nursery area, and our Children's Ministry is rapidly growing as we are seeing more young married couples attending.

Furthermore, we anticipate relocating, as the church is steadily growing, within the next 2-3 years. Therefore we affirm the following:

1. We will not permanently install the modular. These are for temporary use.
2. They will remain on a portable frame and only be set on the property, as required by NC state code, upon cement block pylons.
3. We do not foresee the need for these modulators beyond the 2 to 3 years of occupancy at our current location.
4. Our goal is to prepare the grounds and obtain the required inspections, contact Duke Energy for setting power and meter, and transport and set the classrooms as soon as possible for our Sunday School rooms. Of course everything will be "to code" and properly inspected, as well as any upgrades that we see fit, i.e., new carpet, new outlet covers, etc.

The Town Council also received a copy of the following information:

- Conditional Use Permit Application dated May 22, 2013
- Site Plan - Physical Survey of 5207 Monroe-Weddington Road
- Aerial Image

Attorney Fox asked the applicant the following questions:

Attorney Fox – What is your name and how are you associated with this project?

I am Terry Whittenburg and I am the Pastor of All Nations Christian Fellowship and Associated Pastor for Crossroads South and the two churches are meeting together at that location.

Attorney Fox – You have made an application for a conditional use permit for this Board for temporary mobile classrooms.

Mr. Whittenburg – That is correct.

Attorney Fox – The Board is required to make certain findings and the burden of proof is on you so therefore I need to ask some questions to put on the record to support the findings that this Board has to make. I will ask you to answer yes or no and feel free to add additional information that you want to share. The use will not materially endanger the public health or safety if located where proposed and developed per the plan?

Mr. Whittenburg – That is correct.

Attorney Fox – The additional classrooms meet all required conditions and specifications?

Mr. Whittenburg – Yes they do.

Attorney Fox – That the use will not substantially injure the value of adjoining or abutting property or the use is a public necessity?

Mr. Whittenburg – It will not.

Attorney Fox – The location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and will be in general conformity with the Town’s development plans?

Mr. Whittenburg – Correct.

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

**J. Consideration of Conditional Use Permit for Southside Christian Assembly for Temporary Mobile Classrooms.** Mayor Pro Tem Barry moved to approve the Conditional Use Permit for Southside Christian Assembly noting that the applicant has satisfied the Findings of Fact with the conditions noted by Town Planner Cook. All were in favor, with votes recorded as follows:

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

**K. Public Hearing to Review St. Mark Coptic Orthodox Church CZ Rezoning.** Mayor Davidson opened the public hearing.

Councilwoman Harrison disclosed that she is one of the adjacent property owners to this site.

Attorney Fox – Will you be able to fairly make a decision based on what is presented here tonight?

Councilwoman Harrison – Yes.

The Town Council received a copy of the following memo from Town Planner Cook:

Gantt Huberman Architects requests a Conditional Zoning (CZ) Rezoning for St. Mark Coptic Orthodox Church located at the intersection of Providence Road and Old Mill Road.

**Application Information**

Date of Application: March 22, 2013

Applicant Name: Gantt Huberman Architects-Harvey Gantt

Owner Name: St. Mark Coptic Orthodox Church-Fr. Arsanios Ragheb

Parcel ID#: 06-153-013A

Property Location: Southeast corner of Providence Road and Old Mill Road

Existing Land Use: Residential Conservation (no proposed change)

Existing Zoning: RCD

Proposed Zoning: RCD (CZ)

Existing Use: Vacant Land

Proposed Use(s): Church, School, Multi-Function Building, Gymnasium, etc.

Parcel Size: 13.1 Acres

**General Information**

- The applicant proposes a Church and its customary related accessory uses in accordance with *Section 58-58 (2) a* of the *Weddington Zoning Ordinance*.
- The required Public Involvement Meetings for this project were held on May 13<sup>th</sup> and May 14<sup>th</sup>, 2013. The meeting on May 13<sup>th</sup> was held at Town Hall from 4:30-6:30pm. The meeting on May 14<sup>th</sup> was held on-site from 10:00am-12:00pm.

**Proposed Uses on Site Plan:**

- I. Phase 1—0 to 5 years
  - 15,433 square foot Multi-Function Building
  - 40 parking spaces
  - Single entrance from Old Mill Road
  - 9,800 square foot detention pond
  - 1,800 square foot rain garden and 4,880 square foot rain garden
  - Three sports fields (soccer, basketball and volleyball)
  
- II. Phase 2—5 to 10 years
  - 17,105 square foot Church Sanctuary
  - 104 additional parking spaces
  - Additional entrance from Old Mill Road and entrance from future Rea Road Extension
  - 4,380 square foot rain garden and 9,844 square foot garden
  
- III. Phase 3—10 to 15 years
  - 35,362 square foot K through 5 School
  - 300 square foot Outdoor Facility
  - Bleachers adjacent to Soccer Field
  
- IV. Phase 4—15 to 20 years
  - 10, 875 square foot Gymnasium
  - Once Gymnasium is built, the school will become a K through 12 school
  
- V. Overall Master Plan
  - 79,075 square feet of building facilities built in four phases over 15-20 years
  - 55,500 square feet of athletic fields
  - Landscaping is added as phases are built
  - Parking spaces built in phases as outlined above

**Development Standards (for a Church in the RCD zoning district):**

- Minimum Lot Area-3 acres
- Front Setback-75 feet
- Rear Setback-40 feet
- Side Setbacks-50 feet
- Maximum Building Height-35 feet except as permitted in *Section 58-15*

**Access and Parking:**

- The site will be accessed by one entrance on Old Mill Road upon the completion of Phase 1. Upon completion of Phase 2, another driveway will be constructed on Old Mill Road and the future Rea Road Extension.
- NCDOT and the Town Traffic Engineer have provided feedback on the proposed plan or the Traffic Impact Analysis.

- The applicant is required 125 parking spaces for the Church use (the most intense parking requirement use). The applicant has provided a total 144 parking spaces. However, 40 parking spaces will be built in Phase I and 104 parking spaces will be built in Phase II.
- Parking spaces and drive aisles meet the minimum size standards set forth in *Section 58-175* and *58-176* of the *Weddington Zoning Ordinance*.

**Elevations:**

- Materials on all buildings will be brick, stone, precast concrete, stained glass and metal roofing.
- The Church spires are proposed to be 85 feet and 40 feet tall. Church spires are exempted from our height requirement per *Section 58-15* of the *Weddington Zoning Ordinance*.

**Screening and Landscaping:**

- Screening and landscaping will be provided by using existing vegetation in addition to new landscaping. The applicant is required a 50 foot buffer around the perimeter of the property per *Section 58-8* of the *Weddington Zoning Ordinance*. The applicant has provided a 50 foot buffer around the perimeter of the property. The applicant has also provided internal landscaping within parking areas and islands.
- The proposed landscaping plan does comply with *Section 58-8* of the *Weddington Zoning Ordinance*. All proposed plants are permitted in *Section 58-384* of the *Weddington Zoning Ordinance*.

**Signage:**

- The applicant proposes a freestanding ground sign at the future Rea Road entrance and the Phase I, Old Mill Road entrance.
- Attached on-structure signage and a scoreboard are also proposed.

**Additional Information:**

- Adjacent Property Uses are as follows:
  - North: Old Mill Road and single family houses
  - South: Single family houses
  - East: Vacant tract zoned RCD
  - West: Providence Road and single family houses
- This site is not within a regulatory flood plain.
- A lighting plan is not part of this submittal and is addressed in the conditions.
- Water is currently provided by Union County Public Works. Septic is provided by a subsurface septic system built in Phase I.
- Planning staff has received a signed and notarized affidavit from the property owners allowing the applicant to apply for the CZ Rezoning.
- The Planning Board gave this project a favorable recommendation with a 4-0 vote at their June 24<sup>th</sup> meeting.

**Conditions of Approval:**

1. Water/Sewer note on site plan should be amended to state “Construction of the remaining three phases will be contingent upon the County’s plan to extend the sewer line”;
2. Engineering must be approved by Town Engineer, Bonnie Fisher with USI;
3. Water and sewer/septic plans to be approved by Union County Public Works and Environmental Health;
4. All signage must comply with *Chapter 58, Article 5* of the *Weddington Code of Ordinances*;
5. Lighting Plan must be approved by Town Staff and shall comply with Town Lighting Ordinance;
6. Applicant must confirm that parking is sufficient for all uses per *Chapter 58, Article VI* of the *Weddington Code of Ordinances*;
7. Any future revisions to the approved site plan and other approved documents must comply with *Section 58-271 (i)* of the *Weddington Zoning Ordinance*;
8. Prior to commencement of construction, Construction Documents shall be approved by the Weddington Town Council in accordance with *Section 58-271* of the *Weddington Code of Ordinances*.

Staff has reviewed the application and submitted documents and finds that the CZ Rezoning Application is in compliance with the *Town of Weddington Zoning Ordinance* aforementioned Conditions of Approval. The Town Council also received a copy of the following:

- Conditional Zoning Application dated March 22, 2013
- Site Plan
- Aerial Image
- GIS Map
- Traffic Impact Analysis conducted by Design Resource Group
- Email correspondence between NCDOT and Design Resource Group Regarding the Traffic Impact Analysis
- Independent Review by Transportation Engineer Justin T. Carroll, P.E. of the Traffic Impact Analysis Conducted by Design Resource Group
- Letter dated April 29, 2013 to Randy Goddard, Design Resource Group from John W. Underwood, District Engineer with NCDOT noting the approval and acceptance of the Traffic Impact Analysis as revised.

Councilmember Thomisser – We are considering Phase I tonight.

Town Planner Cook – Phase 1 through 4. We are considering everything.

Councilmember Thomisser – Are there any adjoining property owners here tonight with the exception of Councilwoman Harrison?

It was advised that Daryl Matthews was in the audience.

Councilmember Thomisser – How do you feel about this project?

Mr. Matthews advised that this was the first time he had heard of the project.

Councilmember Thomisser – Where do the members of your church currently live?

Ms. Mia Sensabaugh – I am a representative of Gantt Huberman Architects. There are various members of the congregation that do live in Weddington.

Councilmember Thomisser – Do they live in Charlotte also?

Ms. Sensabaugh – They do.

Attorney Fox – This is really a question of rezoning. When we ask about the residency of the users of the property it is not the basis for a decision either way of whether the land use is appropriate.

Councilmember Thomisser – I am trying to determine exiting. Mr. Cook stated that there was going to be a driveway in Phase 1 and another one on Old Mill Road and eventually there will be a driveway on Rea Road. My question is leading up to people leaving the church after service on Sunday and attempting to make a right-hand turn and a left-turn lane onto Providence Road.

Attorney Fox – Then it may be appropriate just to ask what about their plans for traffic control and utilization to the site.

Councilmember Thomisser – I am trying to determine whether people are going to make a right onto Providence Road or if the majority is going to make a left on Providence Road or is it going to be 50/50?

Ms. Sensabaugh – There is a great chance that it is going to be 50/50 but we did have a traffic engineer do the study and it should have minimal impacts on Providence Road. It may be mitigated as well with the potential Rea Road Extension having that driveway access as well. The circulation within the site does work with the curb cuts on Old Mill Road and the added bonus would be the driveway from Rea Road Extension.

Councilmember Thomisser – Do you plan on doing anything in the parking lot in order to enhance the buffering?

Ms. Sensabaugh – Absolutely, we are trying to eliminate as much impervious surface as possible so we are providing green islands within the parking and there are also the swells for runoff. There will be trees and they are indicated on the plans that were provided.

Councilmember Thomisser – How tall are the trees?

Ms. Sensabaugh – They will fall in line with the landscaping that Jordan has here.

Town Planner Cook – There is a minimal planting size. The ordinance says that all trees shall have a minimum caliper of two inches measured six inches above the ground at the time of planting. I do not know what that equates to the height of a tree.

Ms. Sensabaugh – They will probably be small trees that mature over time as they are planted and they will fall in line with the ordinance.

Mayor Pro Tem Barry – We are approving Phase 1 through 4 but we are not approving the construction documents.

Town Planner Cook – Correct, you are not. They will have to come in before each phase with construction documents which include detailed landscaping and building specs.

Mayor Pro Tem Barry – We are approving this use but if we do not like a parking lot on Providence Road do we deal with that tonight or is that with the construction documents?

Town Planner Cook – You would deal with that tonight. The Design Review Board will deal with the aesthetics of the building. If their construction documents meet the requirements of the ordinance I am not sure you can deny them at that point.

Mayor Pro Tem Barry – This meets the ordinance even with the parking lot on Providence Road?

Town Planner Cook – It does because it is not within a setback. If this were M-X it would not because we do not allow parking in the front similar to Polivka.

Ms. Sensabaugh – Noticing that the parking lot is in the front we will provide screening from Providence Road.

Councilmember Thomisser – Is the gym part of the multipurpose building?

Ms. Sensabaugh – It is a stand-alone building.

Councilwoman Hadley – The parking in the front would eventually be 100 parking places fronting Providence Road. Then you are talking about the size of the trees. Do we not have a more substantial landscaping plan that we can start out with than only two inch trees for Providence Road?

Attorney Fox – Since this is conditional zoning you can impose reasonable conditions and see if the applicant would adhere to some of the concerns with regards to tree size and plantings and orientation.

Ms. Sensabaugh – The reason that we put the parking in the front is because the site slopes downwards toward Providence Road so we wanted to take advantage of having impervious surface next to the detention pond so that the drainage will go there and not go through the site.

Councilwoman Hadley – Would there be any consideration for more mature landscaping for having the parking fronting Providence Road? I realize that the setback for Providence Road is 75 feet and you have actually gone beyond that and having the landscaping within the parking lot helps as well. I would like to see more mature landscaping at least on the front of Providence Road.

Ms. Sensabaugh – Absolutely. That is not a problem. A civil engineer and landscape engineer have not been contacted at this point. Once we do that and begin to develop the construction documents then we would be happy to address that.

Councilwoman Hadley – There are trees that have a quicker growth rate.

Attorney Fox – This is site plan approval for all phases. If there is an agreement on that, it needs to be incorporated into the approval.

Councilwoman Hadley – Also the landscaping on Old Mill Road. Do you intend to do the buffering for Providence Road and Old Mill Road all the way back to the ball fields?

Ms. Sensabaugh – I will say “yes” to Providence Road but for the ball fields there will be a buffer in the back but we have to come in with that second curb cut for Phase 2.

Councilwoman Hadley – Would you go down Old Mill Road far enough to buffer the multifunction building?

Ms. Sensabaugh – Yes we would.

Councilwoman Hadley – Then there will be a berm between Old Mill and the playing fields?

Ms. Sensabaugh – Yes there will be screening there as well.

Councilwoman Hadley – And then there will be landscaping once you put in the second road?

Ms. Sensabaugh – Yes.

Councilwoman Hadley – I did not see fire hydrants.

Ms. Sensabaugh – There are fire hydrants on the survey that can be provided.

Town Planner Cook – We actually had them turn off an extra layer. This was a busy map in the beginning.

Ms. Sensabaugh – I believe that they are along Old Mill Road. I believe there are two.

Councilwoman Hadley – Do we know if that will be enough?

Councilmember Thomisser – Is that enough with the number of buildings?

Councilwoman Hadley – I would like to make that a condition that the hydrants be approved.

Mayor Davidson – I assume if a fire breaks out on this campus once it is finished you want the fire put out. You are going to need fire hydrants and equipment but you may be building something that our fire departments are not prepared for. I want you to realize that. We do not have anything like this. The problem is that we do not have any revenue coming out of your facility because you do not have to pay property taxes. You are coming in and asking for service and you will not be paying anything for it. I will ask Chief Dye by looking at this proposed building once it is up and done can you put out the fire? The first thing to address is the fire hydrants.

Providence Chief Joshua Dye – The fire hydrants are dealing with the fire - what building it is in and what our needed gallons per minute would be. That depends on the water line size, the pressure you have coming in and there are several things that factor into that. There would be more information that we would need to gather on our side to see how many hydrants they would need and whether one would be sufficient or not and the actual square footage of the building itself because that plays into how many would be needed. Typically on a commercial building you need more than one hydrant. There are hydrants on Providence Road.

Councilwoman Harrison – Would not two stations come out if there was a fire?

Chief Dye – Yes.

Ms. Sensabaugh – Our buildings will be sprinkled.

Chief Dye – Being that they are sprinkled does not play into our fire flows as far as a ladder company is concerned. We still need to be able to pump into that and supplement that water supply through hydrants and boosting the pressure if we need to.

Councilmember Thomisser- It appears that you have 77,000 SF of buildings. There is a 24-inch water line running up Providence Road. Is that a sufficient amount of fire hydrants relative to the square footage of this campus?

Chief Dye – A lot of that will be brought in when they bring their sprinkler system in. They will have to bring in an 8-inch line that would come in off of that 24-inch line. They will bring that into their property and would set individual hydrants on their property as well. There are a lot of different factors that you are dealing with to know what you will need. The engineers will plan all that out in advance.

Councilwoman Hadley – We have had several incidences where fire hydrants have been buried during the final grading. I would like to make it a condition that for some reason if they were buried on your property that you would be responsible for the extension to get it back up and make you aware that there needs to be about a three foot in diameter clearance around the hydrant.

Councilmember Thomisser – I am still unclear whether we are voting tonight to approve the site plan which incorporates all four phases.

Attorney Fox – What is before you right now is a rezoning of the site. The rezoning is pursuant to the conditional zoning process. They have presented a site plan for the entire site. That site plan has different phases of development which if it is approved tonight they will have a by right use to that development consistent with the phases and the site plan as presented here. If you want to put conditions with regards to some facet of this development the appropriate time is to do it with the rezoning approval. You have the ability under your rezoning process to communicate with the applicant and get the applicant to agree to certain reasonable conditions. I heard a few tonight that may need to be addressed regarding fire service and whether or not the applicant will commit to work or consult with Providence VFD on an appropriate fire suppression plan to service the fire needs of the site.

Councilmember Thomisser – This is in a residential neighborhood and so if it is approved tonight and later on I have heartburn about a K-12 school because of the amount of traffic that it generates I have to approve it.

Attorney Fox – Unless you can forecast what the issues are and address those issues as part of your approval process. If you are approving the site plan with all four phases then they will have the right and ability to make that use of the property. When they get to construction there may be some construction related things that you will have the ability to weigh in on but the ultimate use will already be there.

Town Planner Cook – Read from the construction documents: The Town will approve any plans submitted to it unless those plans either violate requirements of this chapter including requirements applicable to the particular conditional zoning district at issue, violate any requirements standards or conditions contained in the applicant's rezoning application, violate any requirements, standards or conditions imposed under section f. of this section or will cause development not to be in harmony with the surrounding area. Collectively the provisions of this subsection constitute the standards referenced in this section.

Attorney Fox – Once you approve the rezoning when you get to the construction stage you really do not have any ability to deny construction. The burden is tonight. Harmony is not a standard that the courts have looked upon for basis of rejection of plans when at that stage of construction.

Mayor Davidson – What grounds could we turn this down on?

Attorney Fox – It is a legislative process/rezoning. You have the ability under your legislative powers to deny zoning but you have before you statements of consistency with your ordinance provisions, compliance with all your setbacks and other requirements. I think where you are now is to look at are there major heartburns about the project that can be ameliorated through reasonable conditions. That is something that you can work through the applicant to get there.

Councilmember Thomisser – There is a lot on this site and the school and the fields give me heartburn. Because I have heartburn I am going to have to vote against the whole thing.

Councilwoman Harrison – Do we have to vote on all four phases or can we make that we will vote on the first phase and they have to come back for each phase after that?

Attorney Fox – At this point what is before you is an application from an applicant as to all four phases. The applicant could have come and presented in different phases.

Councilwoman Harrison – As a conditional use can I put that in there that we would approve the first phase?

Attorney Fox – The applicant could decide to entertain presenting just one or two phases initially.

Councilwoman Harrison – This is a 20-year vision that potentially could or could not be all built out due to funding.

Ms. Sensabaugh – The large factor being septic. We are willing to do the underground septic system for Phase 1 but we do not want to provide that for the entire campus because the soil is not adequate for that and there is not enough space to have one flow and have a backup flow on the site. We are willing to do septic for our first phase but the further development is highly contingent upon sewer coming in.

Mayor Davidson – What have your discussions been about getting sewer?

Ms. Sensabaugh – Because we have not had any definitive answers from the County I have been in discussions with Jordan and since there is no timeframe out there now it may just be Phase 1 for quite some time.

Mayor Davidson – You have not talked with the County and have any plans or promises on allocation of sewer or sewer lines?

Ms. Sensabaugh – No we have not.

Councilwoman Harrison – Can we make it a condition that we approve this and if we have to approve all four phases that it is based on after Phase 1 the church needs to have sewer versus septic? Can we make that as part of one of the conditions?

Attorney Fox – I think you can make that a condition. What I am hearing is if this were to go forward that the motion may be to approve the rezoning for Phase 1 and with the remaining Phases 2, 3 and 4 be approved subject to actual sewer on the site.

Town Planner Cook – They would have to come in for site plan approval for Phases 2, 3 and 4 – not just construction document approval.

Ms. Sensabaugh – That is what we were trying to avoid in the beginning to get the full four phases knowing that we would not be able to come back beyond Phase 1 if there isn't sewer to the site.

Councilmember Thomisser – We are making a decision tonight for future Town Councils. It is a 20-year deal.

Councilwoman Harrison – That is something that a Council has to do. How do we do this that we all feel comfortable with what we are approving?

Attorney Fox – The applicant could just seek approval for Phase 1 at this point subject to any conditions that the Board wants to put on Phase 1. I do not see an issue with this governing board approving less than what they applied for. The applicant would have to agree that they are comfortable with moving forward.

Ms. Sensabaugh – My question is what would need to be done in order to come back possibly the next month and get all four phases versus just Phase 1 now and taking your additives and applying those to the application and coming back next month for all phases?

Mayor Davidson – Have you purchased all of the property?

Ms. Sensabaugh – Yes.

Councilwoman Harrison – My dilemma is the school and the septic versus sewer. I do not have an issue with the ball fields.

Ms. Sensabaugh – We cannot go beyond Phase 1 without sewer.

Attorney Fox – What I hear is that they agree to your conditions if you want to approve the entire site plan with all four phases subject to Phases 2, 3 and 4 being conditioned upon the availability and connection to sewer.

Ms. Sensabaugh – That is a condition on our side as well.

Councilwoman Harrison – I would be fine with that as well.

Councilwoman Hadley – I love seeing the rain gardens. Talk to me about the detention pond and the appearance.

Ms. Sensabaugh – That will be totally natural. The rain gardens are there to help with filtering the water before it actually gets to the detention pond. It will be screened so it will not be an eye sore. It is a very sustainable element to the site. That is the low portion of the site. Everything from the top to the playing fields will enter

the rain gardens and drop to that low portion of the site. It will be planted. For the most part it will be natural and there will be some screening around it but not to interfere with the slope and possible erosion.

Mayor Pro Tem Barry – The addition of Phases 3 and 4 - when you get that kind of traffic is that dependent on the realignment of Highway 84?

Ms. Sensabaugh – No it does not. Our site works without the Rea Road Extension. For school traffic it will stack within the site.

Councilwoman Hadley – The independent traffic analysis stated that the stacking on the original NCDOT was not sufficient but I could not tell from this drawing on whether you increased it.

Town Planner Cook – Our traffic engineer suggested 2,500 feet of stacking. NCDOT even said 2,500 of stacking is too much. The original 1,800 was not enough so they came up with 2,200 with 300 of that being off site on Old Mill Road.

Councilwoman Harrison – I bought my property in 2002 and was told that I would have sewer by 2007. I am at 2013 and Ed Goscicki said I will never get sewer.

Mayor Davidson – When would you start on Phase 1 if you got approval?

Ms. Sensabaugh – It still has to go through schematic design. We would start within three years and it would be completed between three to six years.

Mayor Davidson – Will you wait to do Phase 2 until you are finished with Phase 1?

Ms. Sensabaugh – There will probably be some time between the phases. We would need sewer within five to eight years to start Phase 2.

Council asked the applicant what they are willing to do because there were several options on the table – proceed with just Phase 1, rezoning for all four phases with Phase 1 being approved but Phases 2, 3 and 4 being contingent upon sewer being provided and the third option would be to approve as presented.

Ms. Sensabaugh advised that they would be agreeable to all options presented.

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

**L. Consideration of the CZ Rezoning Request for St. Mark Coptic Orthodox Church.** Councilmember Thomisser moved to approve only Phase 1 tonight with the following conditions:

- Conditions noted in Town Planner Cook’s Memo
- Additional fire hydrants as determined by Town staff in consultation with Providence VFD
- Adequate tree caliper as determined by Town staff on Providence Road and more mature landscaping on Providence Road than is required in Section 58
- Fire hydrants not buried and applicant is responsible for extension if necessary
- Three foot clearance around fire hydrants

All were in favor, with votes recorded as follows:

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

**Item No. 10. Old Business.**

**A. Consideration of Appointment to the Public Safety Advisory Committee – Staff.** The Town Council received a copy of the following memo from Town Administrator Amy McCollum and copy of the applications:

There is one vacancy on the Public Safety Advisory Committee due to the resignation of Cathy K. Brown. You have in your packet three applications from residents interested in this vacancy. The vacancy was advertised in the newsletter, website, Facebook and through our Constant Contact email list. The term will expire in 2014.

Councilwoman Harrison moved to defer an appointment to the Public Safety Advisory Committee until December at which time there will be a total of five appointments that will need to be made.

All were in favor, with votes recorded as follows:

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

**B. Call for Public Hearing to Review and Consider an Interlocal Agreement and Fire Service Agreement with Providence VFD.** The Town Council received a copy of the Fire Suppression Agreement and the Interlocal Agreement.

Mayor Davidson - I took this off the consent agenda because there is not consent. Anthony, did you write this interlocal agreement?

Attorney Fox – Yes.

Mayor Davidson - Who helped you write the document and gave you direction?

Attorney Fox - I dealt with Councilwoman Hadley on it with regards to the agreement and participated as a joint exercise with meetings with the Providence VFD.

Mayor Davidson - We have one option in this public hearing. I would like a second option. I will bring up this resolution that we did with NCDOT – *Whereas, prudent design makers should focus on the most expedient and cost effective solutions for transportation and consider improvements to existing roads which yield a higher costs benefit. Now Therefore Be it Resolved that the Weddington Town Council supports and encourages NCDOT to research and consider alternatives to the Monroe Bypass.* What I would like the Council to do is add a second option in here and it was the first option that I proposed back in February. If we are going to have a public hearing let's give the public the cost benefit analysis of this interlocal agreement that our Attorney has done against the other option being \$750,000 in cash, land and building and no 10- year contract. Let's do a cost benefit analysis of those two and provide that to the public to be discussed during the public hearing next month.

Councilwoman Harrison – I think we are past that. I think that is something you have brought up on multiple occasions and we have not said that it was something that we wanted to do. I am not in favor of it.

Mayor Davidson - I don't think we have talked about it where you said that it was something you did not want to do. It just was never addressed. I think it is funny how we are going to send a resolution to another body and not do it ourselves.

Councilmember Thomisser - You are talking about a \$750,000 number. Can you explain to me what you intend to do with that amount of money?

Mayor Davidson - That would be the offer to Providence VFD for building and land with no 10-year contract. This is the letter that Jack Parks gave me a long time ago that was written in public comment.

Councilmember Thomisser – If the Providence VFD Board of Directors turn that down what would our option be?

Mayor Davidson - Then we give them another offer and decide what we want to do. The frustration that I have is we have not given them that offer and that was the offer that they initially talked about. You sent me to go and talk to these three fire stations a year ago and you allowed me to negotiate. We offered the Wesley Chapel VFD something and they did not take it. We offered them less and they did not take it. In the end it favored the taxpayers and we saved money. The other thing I do not like is a 10-year contract especially since we put that letter out to all households that you get to vote every two years. This proposal costs too much money and it takes away people's right to vote for 10 years. They will not be able to vote on the largest expense that we have in the budget for five elections.

Councilmember Thomisser - You are talking about two things - a long-term contract and \$750,000.

Mayor Davidson - I do not consider them different. We would write it down so the citizens could see the cost benefits and terms. One thing I did talk about was adding in our contract a 90 day clause instead of a 30 day clause.

Councilmember Thomisser - I believe at the last Town Council Meeting that you stated if the Providence VFD did not accept it then we would go out and build a substation.

Mayor Davidson - The objective is 24/7. We are past \$1.1 million with this proposal and that is just me adding this up. No one has put before me the total cost of this. If you put the interest in there I am getting \$1.1 million. You sit here and say what can I get for \$1.1 million? We had a map that has three circles on it of proposed substations.

Councilmember Thomisser - The New Town Road fire station was built for \$3 million and the Wesley Chapel fire station I heard was between \$4 million to \$6 million. I am curious on how we are going to get 24/7 in a building for \$750,000 when we have evidence that stations in our area are not anywhere near \$750,000.

Mayor Davidson - This building is already built and those buildings were built from scratch. If you recall Providence VFD came to us two years ago and said \$450,000 would get it done and that would buy you 24/7. So we have gone from \$450,000 to \$750,000 to \$1.1. I do not have a document that has written everything down in this proposal. When we did this with their operating budget we sat in here for a lot of meetings with five options on the table and we went through a good thorough analysis on which one was the best one.

Councilmember Thomisser - I believe that Mr. Parks came in and gave a detailed breakdown on what it would cost for both buildings. One was for up to \$200,000 and one was \$622,000. That is \$822,000 and you are saying \$750,000 we are only \$72,000 apart.

Mayor Davidson - What has Providence asked for and not gotten during this negotiation?

Councilmember Thomisser - They have asked for \$200,000 to remodel the back building which was approved and I believe we have approved the front building for \$622,000 for a total of \$822,000.

Mayor Davidson - And they have gotten everything they asked for. You are okay with the numbers. Do you want to present the numbers to the people?

Councilmember Thomisser - I do not think at this point in the game we have any other options.

Mayor Davidson - Why are we having a public hearing if we do not have any other options?

Councilmember Thomisser – The public is always welcome to speak during public comments or a public hearing.

Mayor Davidson - We do not have any other options and we are going to have a public hearing. Should we disclose the total cost to the public before we have the public hearing?

Councilmember Thomisser - There has not been a secret here. We have been very transparent over the three to four months exactly what the costs will be.

Mayor Davidson - What are they?

Councilmember Thomisser – Mr. Parks presented the back building under \$200,000 and the front building \$622,000. That is very specific and it was laid out as to exactly what they were doing. The public is aware of it.

Mayor Davidson – Will you publish your numbers for this public hearing?

Councilmember Thomisser – They are already on the record.

Mayor Davidson - In the document that you post for the public hearing that we advertise on this are you going to put the total number in there?

Councilmember Thomisser - This is not my agenda item.

Mayor Davidson – Yes or No – Do you want to put the total number in there for the public to see?

Councilwoman Harrison - Point of order - I feel like you are debating.

Mayor Davidson - There is no motion on the table.

Councilwoman Harrison - It does not matter.

Mayor Davidson - You have to go by the Rules of Procedures. You guys rewrote half of them but you did not rewrite that one. This is the most offensive part. During the Land Use Plan, Werner Thomisser these were your quotes: “This is a 10-year document. In my opinion we are handcuffing ourselves to the future of the shopping center that I think is going to fail. I have a lot of faith in future Town Councils and they should have the opportunity to determine where M-X areas should be. I am trying to avoid handcuffing any future Council to a specific area particularly if this shopping center fails. I put my faith in future Town Councils to protect the residential areas of Weddington but at the same time do not want to tie future Town Councils to a specific area. I want future Town Councils to have the ability to make decisions based on things that are happening two to three years down the road. No one can predict that. I am saying if there is a better option then future Town Councils should be able to address that.”

Councilmember Thomisser - Mr. Mayor, what you are doing is making a comparison of the Monroe Bypass to a fire station and to a shopping center. It is apples to oranges to grapes. It is not the same thing. I do not get your logic. You are comparing what I said on the shopping center to what I said on the Monroe Bypass to the issue right here with the fire station and they all are different. There is no similarity.

Mayor Davidson - If that is your response - that is your response.

Councilwoman Harrison moved to call for a public hearing to review and consider an Interlocal Agreement and Fire Service Contract with the Providence VFD. The public hearing is to be held September 9, 2013 at 7:00 p.m. at the Weddington Town Hall.

All were in favor, with votes recorded as follows:

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

**C. Call for Public Hearing Regarding an Application to the Local Government Commission (LGC) for Financing of the Purchase of the Providence VFD Building and Real Property.** Mayor Pro Tem Barry moved to call for a public hearing regarding an application to the LGC for financing of the purchase of the Providence VFD building and real property. The public hearing is to be held September 9, 2013 at 7:00 p.m. at the Weddington Town Hall.

All were in favor, with votes recorded as follows:

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

**Item No. 11. New Business.**

**A. Discussion and Consideration to Authorize Staff to Engage Company to Perform Phase 1 and Phase 2 Environmental Study for Providence VFD Located on Hemby Road – Attorney Fox.** The Town Council received the following memo from Town Administrator McCollum:

I have received quotes from three companies on what it would cost to do a Phase 1 Environmental Study for the Providence VFD. Following are the preliminary estimates that I have received:

Ground Tech (GTSI)	\$1,300.00
S&ME	\$2,700.00
Resolve Environmental	Transaction Screen Assessment (TSA) - \$1,100 Phase I ESA - \$2,000 Phase II ESA - \$3,500 A TSA is a simplified version of a Phase I ESA but still gives vital information. If recognized environmental concerns are out there, they will be identified in a TSA just as they would be in a full-blown Phase I ESA.

It will take anywhere from 2 to 4 weeks to complete the Phase 1 study. They will not know whether Phase 2 will be needed until after they receive the findings from the Phase 1 environmental study. Phase 2 would cost \$3,000 to \$10,000 depending on the results of Phase 1. Attorney Fox will review with the Council his recommendation that a Phase 1 Environmental Study be conducted. Please authorize staff to enter into a contract with one of these organizations to provide the environmental study. Council will need to set the not to exceed amount and authorize the Mayor or his designee to sign the appropriate contract. The contract will also need to be reviewed by the Town Attorney.

Attorney Fox - This is for the potential acquisition of the land and real property of Providence VFD. In order to enter into an Interlocal Agreement to achieve closing there is some due diligence period set out in there. One of the issues if you do acquire the property is that you are not acquiring property that has environmental concerns that could end up costing the Town. I recommended that a Phase 1 be conducted where an environmental engineer would go walk the property, look at the public records as it relates to the historical use of the property and identify if there are environmental concerns that are raised by their review. Phase 2 would be a more detailed review of that process where if there was something that triggered a concern that they would do soil testing to make sure that there are not any environmental contaminants and a need for remediation or ability to address those concerns that the EPA may require.

Councilwoman Hadley moved to enter into a contract with Ground Tech to provide an environmental study at an amount not to exceed \$7,000 for Phase 1 and 2, for the Mayor or his designee to sign the contract and for the Town Attorney to review the agreement. All were in favor, with votes recorded as follows:

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

**B. Review and Consideration of the Atherton Estates Subdivision Modification Request.** Town Administrator McCollum swore in the following individuals wishing to give testimony: Jordan Cook, Walter Staton and Ken Chapman. The Town Council received the following memo from Town Planner Cook:

Atherton Estates Subdivision is a 29.30 acres assemblage of tracts located on Weddington Road. Shea Homes is requesting preliminary plat approval for 23 single family lots. The property is zoned R-CD and is being developed as a conventional subdivision.

Shea Homes is requesting modification from *Section 46-76 (g)* of the *Weddington Subdivision Ordinance* as it relates to length of cul-de-sacs for Atherton Estates Drive. Atherton Estate Drive is currently proposed to be 1,299 feet in length. *Section 46-76 (g)* of the *Weddington Subdivision Ordinance* as it relates to length of cul-de-sacs states the following:

“Permanent dead-end streets shall not exceed 600 feet in length in conventional subdivisions unless necessitated by topography or property accessibility and if the town council grants a modification per section 46-15.”

No modification shall be granted unless the Town Council finds:

- a) That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land.
- b) That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- c) That the circumstances giving rise to the need for the modification are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this ordinance.
- d) That the granting of the modification will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which said property is situated.
- e) That the modification will not vary the provisions of the Town of Weddington Zoning Ordinance (Chapter 58) applicable to the property.

A copy of the Subdivision Ordinance Modification Application and *Section 46-15* of the *Weddington Subdivision Ordinance* is attached. The Planning Board recommended approval with a 5-0 vote of the Subdivision Modification Ordinance at their July 22<sup>nd</sup> meeting.

The Town Council received the following information from the applicant in response to the Findings of Fact:

14(A) The site plan is an assemblage of two separate parcels, 06-150-066 and 06-150-087 where parcel 06-150-087 has an average of 450' of distance b/w parcel 06-150-066 and Weddington Road thereby only allowing ~150' of roadway allowed per the ordinance on parcel 06-150-087 since 450' of the 600' allowable would be located on parcel 06-150-066. This would limit its property owners rightful and reasonable enjoyment of over half of its property.

14(b) This request is necessary to allow for both parcel to reasonably provide road access from the rear of both parcel onto Weddington Road by allowing the attached site plan's proposed roadway.

14(c) The circumstances are peculiar given the distance from Weddington Road by parcel 06-150-087 occupied by the distance of parcel 06-150-066.

14(d) the granting of this modification will not be detrimental to public health. It will improve both parcels by allowing public water to be installed to access most of the acreage and further assist in the prevention and/or distinguish of fire more efficiently, allow for more direct public safety and police access to a majority of the property.

14(e) This modification will not vary the subdivision ordinance further than the proposed specifics within the modification.

Mr. Chapman - The special circumstances regarding this was the assemblage of three tracts - one tract that is 17 acres which is landlocked and did not have access to any road. Interesting part of that piece is it is 500 feet in any direction from any road. Once you put everything together to get a 600 foot cul-de-sac it is hard to develop that into individual parcels. We did agree to add a future access point in the rear to alleviate any concerns on connectivity. We felt that the 40,000 square foot lots saved more trees this way than doing a conservation subdivision. With the topo and trees and where the septic fields were allowed we think we can save more trees by situating the houses within the lots of that size. Within your own code if you do a conservation subdivision you allow longer cul-de-sacs so I do not feel there are any safety issues here.

Mr. Walter Staton – I am an adjoining property owner on three sides of this subdivision. I am opposed to the cut through road primarily because it will endanger the health and safety of the affected residents. Please consider my following concerns: There will be approximately 130 houses that equates to about 260 cars, garbage trucks, school buses and service vehicles attempting to use the short cut road through the cul-de-sac to Highway 84 and make an unsafe maneuver onto a busy two lane highway. Remember that public safety is the number one priority here in Weddington. Increased vehicle pollution and noise will occur. There is a lack of adequate buffer adjoining my property which will destroy my privacy. The 2013 Weddington Survey used to develop our Land Use Plan states on Page 62 that 93% did not want subdivision connectivity. Mr. Chapman said many times he did not like a cut through street or road but he would if he had to. Please do the right thing and eliminate this from happening because it is very unsafe. In closing, this would be the most unsafe subdivision in all of Weddington. This is a picture of another subdivision hooked on to that to make a cut through street all the way to Weddington-Matthews Road.

Councilwoman Harrison – My understanding is what we are voting on right now is the cul-de-sac length.

Town Planner Cook – Any cul-de-sac in excess of 600 feet requires a subdivision modification. That is only for conventional subdivisions. A cul-de-sac can exceed 600 feet in conservation subdivisions.

Mayor Pro Tem Barry – This item is for the length of the road. Everything else is the next one. The question before us now is do we approve this road being longer than 600 feet.

Town Planner Cook – And if you don't the applicant does not move forward because the applicant does not have a plan that meets the ordinance.

Councilmember Thomisser – We have a situation in my subdivision where there is a cul-de-sac and it is longer than 600 feet and there is an emergency gate. Is that an option?

Anthony Fox – They received a modification to permit that but one of the issues was fire service and safety at that point. Because of the design of the subdivision there was some concern with adequate fire service and the turnaround capability of the fire trucks and that is why the gate was put there.

Town Planner Cook – If you are talking about connection which Mr. Staton was talking about that can be addressed during the subdivision portion of this. If the subdivision modification is granted then you can talk

about that connector road in further detail. If the subdivision modification is not granted then you are not going to discuss the subdivision anyway.

Mayor Pro Tem Barry - Looking at where this is all going and we have this creek in there, can you not have the cul-de-sac shorter and then pull the road down from Cox Road and from Weddington-Matthews Road?

Mr. Chapman – I think there is some confusion that Mr. Staton did with giving that map and putting that together. There is no involvement of mine in the Delaney property which is behind there. I have no interest in it. It is not under my contract and I will not be building homes there. I have the Matthews tract and the two tracts from the Lutheran Church under contract. That is what I have been working on since I walked the property three years ago. I have had it under contract since last year. We initially put a connector road at the end. It was suggested and connectivity is good planning and most towns do it. It was suggested by your planner that we have connectivity at the back. We were not aware of what was going on in the back when he said it and I don't think it had been made public at that time. We made the connection per his request. It was discussed at great length at the Planning Board. They decided that they did want the connection at the back. They had the option to let us have the cul-de-sac without the connection but they chose to move forward with the connection.

Councilmember Thomisser – Mr. Staton said that the Land Use Plan and survey said that 93% of the citizens of Weddington do not want subdivision connectivity so why are we talking about this?

Attorney Fox – We are in a quasi-judicial hearing on whether or not this board agrees to allow a modification to the cul-de-sac requirements. As Jordan has stated if we do get to the next stage the connectivity component can be discussed then.

Councilmember Thomisser moved to accept the Atherton Subdivision Modification provided that an emergency gate is installed that has a “yelp” system for fire, police and EMS.

Attorney Fox - I do not think that is appropriate to where we are. I think approval of the modification request based on the determination that the proposed findings have been met would be appropriate at this point. At the next part of your agenda you will have consideration of the subdivision approval which will then show the cul-de-sac and any conditions you would like to attach to that.

Councilmember Thomisser moved to not approve the modification request. The only way you can get out of that subdivision is on Highway 84. Young families would live in the subdivision so you would have school buses, mothers with vans attempting to make a left hand turn out of the subdivision onto a two lane very busy highway not to mention garbage trucks and service vehicles. As a member of the Public Safety Committee I see this as an unsafe maneuver.

Mayor Pro Tem Barry - Your concern was the concern of the extension of the cul-de-sac but it is connecting the cul-de-sac on what may come on the other side.

Councilmember Thomisser - I have a problem with people leaving this subdivision and making a left hand turn so I offered the emergency gate. I will accept a friendly amendment.

Mayor Pro Tem Barry - I think what you are suggesting is the gate. The question now is do we allow them to build this road. The next agenda item addresses your concern right here. I would like to make a substitute motion that we approve the modification request.

Mayor Davidson – You cannot do a substitute motion.

Attorney Fox reviewed the Rules of Procedure and confirmed that they did not provide for substitute motions.

The vote on Councilmember Thomisser's motion is as follows:

AYES: Councilmember Thomisser  
NAYS: Councilmembers Hadley, Harrison and Mayor Pro Tem Barry

Mayor Pro Tem Barry moved to approve the Atherton Subdivision Modification request based on the fact that the conditions were met based on testimony received from the applicant and staff. The vote on Mayor Pro Tem Barry's motion is as follows:

AYES: Councilmembers Hadley, Harrison and Mayor Pro Tem Barry  
NAYS: Councilmember Thomisser

**C. Review and Consideration of the Atherton Estates Conventional Subdivision Preliminary Plat.** The Town Council received the following memo from Town Planner Cook:

Shea Homes submits a subdivision preliminary plat application for a 23 lot Conventional Subdivision on 29.30 acres located on Weddington Road.

**Application Information:**

Subdivision Name: Atherton Estates  
Date of Application: June 21, 2013  
Applicant/Developer Name: Shea Homes  
Owner Name: Parcels 06-150-068 and 06-150-066 owned by the Southeastern District of the Lutheran Church and parcel 06-150-067 owned by J.T. Matthews Heirs  
Parcel ID#: 06-150-068 (4.34 acres), 06-150-066 (7.56 acres) and 06-150-067 (17 acres)  
Property Location: Weddington Road (north side of Weddington Road between Weddington-Matthews Road and Shaver Farms Subdivision)  
Existing Zoning: RCD and R-40  
Proposed Zoning: R-40  
Existing Land Use: Residential Conservation and Traditional Residential (no change required)  
Existing Use: Vacant Land  
Proposed Use: Single Family Residential Subdivision  
Parcel Size: 29.30 acres

**Project Information:**

The Atherton Estates Subdivision is a proposed 23 lot subdivision on 29.30 acres comprised of three parcels. The subdivision is located on and accessed by Weddington Road and is being developed by Shea Homes as a conventional subdivision.

A conventional subdivision is permitted by right in the R-40 and RCD zoning districts per the *Weddington Zoning Ordinance*. A conventional subdivision requires a minimum of 40,000 square foot lots with a minimum of 10% open space.

**Background Information:**

- A pre-sketch conference was held January 3, 2013.
- Public Involvement Meetings were held on Wednesday, July 17<sup>th</sup> on-site from 10:00am-12:00pm and Thursday, July 18<sup>th</sup> at Town Hall from 4:00-6:00pm.
- The Zoning Administrator approved the Sketch Plan on June 26, 2013.

**Preliminary Plat Information:**

- The minimum lot size is 40,000 square feet. The smallest lot proposed is 40,000 square feet. Seven lots are proposed to be exactly 40,000 square feet.
- The applicant is required 10% or 2.67 acres of open space after dedicating 35 feet of right-of-way to NCDOT. The applicant has provided 10% or 2.67 acres of open space.

- 0.87 acres of open space is provided on the western border of the property.
- 0.66 acres of open space is provided on the eastern border of the property.
- 1.14 acres of open space is provided on a separate tract on the eastern side of the development.
- The applicant has also provided 0.95 acres of “open space” in a septic tract and 0.25 acres in a buffer along Weddington Road. These two areas do not count towards the Town’s required open space area.
- The cul-de-sac on Atherton Estates Drive is 1,299 feet in length. The applicant has filed for a subdivision modification request.
- The applicant has also provided a 50 foot right-of-way for future connection to parcel 06-123-126. Once the adjacent parcel is developed a connection will be required.
- A stream runs through the northern portion of the property. The applicant shows a 15 foot stream buffer as required.

**RCD and R-40 Minimum Yard Regulations:**

- Front Yard Setback—50 feet
- Rear Yard Setback—40 feet
- Side Yard Setbacks—15 feet
- Lot Width—120 feet as measured at the front yard setback
- Applicant has met all required setbacks per the *Weddington Zoning Ordinance*.

**Additional Information:**

- The Sketch Plan has been approved by the Zoning Administrator. The Preliminary Plat will now be reviewed by both the Planning Board and Town Council. Following approval of the Preliminary Plat, the applicant will have two years to apply for the Final Plat. The Final Plat can be submitted in multiple phases.
- Atherton Estates is to be served by Union County Public Water and individual septic systems. Union County Public Works has provided an approval letter to serve the site with water.
- North Carolina Department of Environment and Natural Resources (NCDENR) has approved the erosion and sedimentation control plans.
- Atherton Estates is comprised of three parcels. The Town has received signed and notarized letters from all property owners allowing Shea Homes to represent them in the subdivision process.
- The applicant is proposing a left turn lane into the site from Weddington Road.
- The applicant shows two new fire hydrants along Atherton Estates Drive.
- The applicant will dedicate 35 feet of right-of-way along Weddington Road in accordance with the LARTP and MUMPO Thoroughfare Plan. There will also be a 50 foot thoroughfare buffer along Weddington Road in accordance with the *Weddington Subdivision and Zoning Ordinances*.

**The Atherton Estates Conventional Subdivision Preliminary Plat has been found to be in general compliance with the Town of Weddington Zoning and Subdivision Ordinances with the following conditions:**

1. Development subject to review and approval/permitting of construction documents, driveways permit(s), etc. by NCDOT (*initial plans approved by NCDOT*);
2. Development subject to review and approval of construction documents by Town’s Engineering Consultant, US Infrastructure (*Bonnie Fisher’s comments have been addressed*);
3. Development subject to review and approval/permitting of construction documents by Union County Public Works (*applicant has addressed first round of UCPW comments*);
4. Road name to be approved by Union County E911;
5. Covenants, Conditions and Restrictions (CCRs) and Maintenance Plan and Maintenance Agreement shall be reviewed (by Town Attorney) and executed prior to Final Plat approval by Weddington Town Council;
6. Plans for subdivision entry monument to be approved by the Planning Board;

7. Subdivision Modification Request to be approved by Weddington Town Council.

Town Planner Cook - I know that you have these handouts from Mr. Staton. The Town does not have an application or a plan on file for the adjacent property. As Mr. Chapman stated, the way this stands now and the way we see it now is that it is a connection to a vacant piece of land.

Mr. Chapman – This is a piece of property I have looked at for a long time. I am typically a commercial developer. This is my first single family and I am doing this one because I want to live here. One of the lots will be mine. Walter and I have worked together quite a bit. We have made some changes and adaptations to fit what Walter would like to see and what we think will fit the topography of the land. The emergency gate confuses me greatly. I think we either have connection or we do not.

Mayor Davidson – Jordan, the cul-de-sac with the connectivity recommendation – it is going to look like what Shaver Farms has where there is no house at the end of that cul-de-sac.

Town Planner Cook – Yes. Our ordinance says that connectivity is up to the Town Council. It states that access to adjacent properties where it is deemed desirable by the Town Council and proposed streets shall be extended by dedication to the boundary of such property and a temporary turnaround provided.

Mayor Davidson – How does this work if somebody wants to buy this piece of property?

Mr. Chapman – It is a dedicated public right-of-way.

Mayor Pro Tem Barry – Unless we close it with a gate.

Mayor Davidson – You are saying if that other development is done the Town could prevent them from connectivity and put a gate there.

Mayor Pro Tem Barry – It seems to me that the primary concern that the adjacent property owner really has is this neighborhood that may or may not get approved using your street as a primary access point to Highway 84. The connectivity issue is from a public safety perspective if you had to get fire trucks from both directions in this very long cul-de-sac then your right-of-way becomes an access point for only the fire department.

Mr. Chapman – You could do that.

Mayor Pro Tem Barry – We could put a gate in there and the only people to open that gate would be the fire department and emergency responders and so you do not have all of that cut through traffic.

Attorney Fox – The only question is whether or not it becomes a public right-of-way. You show a proposed right-of-way for future connection. It does not have a dedication as a public right-of-way. We would probably want that dedicated as a public right-of-way so we have control over it should we want connection. I think the note needs to reflect that.

Town Planner Cook – We do talk in our ordinance in certain cases where connectivity is either not possible or not recommended the Town may require the installation of one or more emergency access gates. The HOA is responsible for maintenance, testing and repairs and functions of those gates.

Attorney Fox – You can put a condition that the applicant shall install a gate that will be allowed for fire service access until such time as the property is accepted as a public right-of-way by DOT and the Town.

Mayor Pro Tem Barry – What does that get us?

Attorney Fox – It removes the gate.

Mayor Pro Tem Barry – I know - that is my point. I want to create the opportunity for emergency services to access the back because that is a long cul-de-sac but I do not want cut through traffic. He builds a road and never transfers it to the DOT like a marginal access road.

Attorney Fox – We probably want to put a note on the plan that the cul-de-sac shall provide for a 50-foot strip as shown on the plan for private access for fire service with a gate with the yelp siren. The 600 foot cul-de-sac would be public. This shows a 50-foot strip between Lots 10 and 11 that he has not shown as public so I guess the intent was that it would be a private access for fire suppression.

Town Planner Cook – I think that it would eventually become public when it is connected because all the subdivision streets would be NCDOT.

Mr. Chase Gurley – I am with Shea Homes. Ken put together the Matthews and the Lutheran Church tracts that you are looking at now. We are going to contract to purchase and develop that property. We have also contracted for the Delaney property. As far as the concern with safety and additional traffic, Mr. Staton represented that 130+ home sites could travel through here and that is not necessarily accurate; it is more like 80. We have discussed with NCDOT about future connectivity and it would require a traffic impact study. You could present as a condition that upon the application of future connectivity that a traffic impact study would be provided to show whether or not that connectivity is safe and warranted. That would be a way for you to have another look at it down the road. There is concern about the design of this connectivity with conditioning another property to make a connection that they are not going to necessarily have access to.

Attorney Fox – You could just put a note on there that this is reserved for future right-of-way construction subject to connectivity being approved by the Town of Weddington and until such time that the applicant/developer agrees to maintain the 50-foot right-of-way with a yelp gate restricting access. That puts it off to some point in the future for you to decide.

Town Planner Cook – Do we also want the payment in lieu like we did in Vintage Creek for future construction?

Attorney Fox – Yes.

Mr. Staton – This big subdivision connecting to the other smaller subdivision that Mr. Chapman has planned out is something you have not seen. Jordan has given this to me. This is already in the works. The flags are already up. I see them out there surveying. It is a big safety issue.

Councilmember Thomisser – What is your relationship with Shea Homes?

Mr. Chapman – We are a partner on the 29 acres. I do not work for Shea Homes. I am not a partner in the other property. The first time I saw that map was tonight. After seeing it, there are other access points and NCDOT will have to study it so it will all come back to you again. It really has nothing to do with me tonight.

Town Planner Cook – That plan has not been presented to anybody. I do not have an application and a fee has not been paid.

Councilwoman Harrison – You have permits for septic for each of these lots?

Mr. Chapman – I do. We have a permit for each lot there and Jordan has a copy.

Councilmember Thomisser – The connectivity between these two subdivisions causes me heartburn. As stated in the Land Use Plan that 93% of the Weddington residents do not want connectivity. Can we put an emergency gate there and it will always be an emergency gate?

Attorney Fox – You probably could structure a way to put an emergency gate there. It may require that street be private and not ever become public and maintenance of that 50 foot street would be part of the HOA commitment.

Mayor Pro Tem Barry – There is another option not to do it at all.

Attorney Fox – What this developer has done has reserved space for connectivity if the Council wants it. You have already approved the modification of the length of the cul-de-sac. You could keep it as a cul-de-sac with no connectivity.

Councilwoman Harrison – We are the one requiring this road.

Town Planner Cook – It was my idea. It is in the ordinance. I asked the applicant to put it on there. A 1,300 foot cul-de-sac with one way in and one way out is long.

Councilwoman Harrison – Doesn't the ordinance say at the will or discretion of the Council whether we have an access road or not?

Town Planner Cook – Yes. It was never my goal that it would be private. It was going to be a continuous road. You do not have to approve the access road.

Mr. Chapman – If you keep it a reserved easement you cannot build it or connect ever, you can connect it, you can add a gate and that leaves all of your options open.

Mayor Pro Tem Barry moved to approve the Atherton Estates Preliminary Plat with the conditions noted in Town Planner Cook's memo and require that the applicant reserves an easement at the end of the proposed cul-de-sac of 50 feet to provide for connectivity subject to the Council's approval to connect sometime in the future.

Attorney Fox – It should also include that the applicant agrees to provide some type of bond if connectivity is sought to fund the construction of that portion of the right-of-way to NCDOT's standards.

Councilmember Thomisser – I do not want connectivity. I want a gate.

Mayor Davidson – We did not approve either one. We left it open for a future decision.

Councilmember Thomisser- I would like to amend the motion to have the same motion but to include an emergency gate which opens with a yelp for fire, police and emergency services.

Mayor Pro Tem Barry – He is adding that if they ever do connect that he is adding a gate. I accept the amended motion.

Councilwoman Harrison – Do we know how much the bond is going to be?

Attorney Fox – I just wanted to make sure that the homeowners would not be stuck in building it and also if there was connectivity that it would be built to NCDOT standards.

Mayor Davidson – The first motion has options to be decided later. This one goes ahead and says that it is going to be a yelp gate.

Councilwoman Harrison – I am not comfortable with the gate being decided on right now. Our judgment has been clouded by hearing about something that may or may not take place. I should be voting on this - not what is out there. If we do not want access then we should just say no access and forget a gate. We are talking about putting a gate on a field.

Councilmember Thomisser – Put yourself in that 22 house subdivision. Do you want all these cars going past your house? Do we want to create a situation where we have instead of 22 homes we now have 80 to 100 homes? Think about the children.

Councilwoman Harrison – We are supposed to be voting on this, not what may or may not happen in the future. We are penalizing someone that came in today on a potential future.

Councilmember Thomisser – You have had two applicants come in and say he is doing a 22 home subdivision and they are partnering with it and the other applicant is going to do a 80-lot subdivision.

Councilwoman Harrison – There is no application.

Councilmember Thomisser – It is coming. Trust me.

Mayor Pro Tem Barry – Barbara, I think you made a great point. The only challenge with that is that the applicant telegraphed something because he put the road in. We can go back in and take the road out.

Councilwoman Harrison – Jordan is the one that asked the applicant to put it in. He did not ask to put it in. We are penalizing him for something that we asked him to do.

The vote on the amended motion is as follows:

AYES: Councilmembers Thomisser and Mayor Pro Tem Barry  
NAYS: Councilmembers Hadley and Harrison

Mayor Davidson voted in the negative; therefore breaking the tie.

Mayor Pro Tem Barry – I move that we approve the Atherton Estates Preliminary Plat with the conditions noted in Town Planner Cook’s memo and eliminate the easement on the plat. It is going to be a cul-de-sac with no easement.

The vote on the motion is as follows:

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

**D. Review and Consideration of the Memorandum of Understanding – Charlotte Regional Transportation Planning Organization – Councilwoman Harrison.** The Town Council received a copy of the Draft Memorandum of Understanding. Councilwoman Harrison gave the Council the highlights of what has changed in the document. Councilwoman Harrison moved to approve the Memorandum of Understanding. The vote on the motion is as follows:

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

**E. Review and Consideration of Services Agreement and Statement of Work for Code Enforcement Services – Centralina Council of Governments.** The Town Council received a copy of the following memo from Town Administrator McCollum and a copy of the Services Agreement and the Statement of Work for Code Enforcement Services:

The Town uses the services of COG to perform Code Enforcement Services dealing with minimum housing issues. COG has revised their member hours program in an effort to be more responsive to their clients and to

address concerns expressed by CCOG's board members related to technical assistance services. Also in response to changes in state and federal requirements, COG has made changes to their services agreement contracting process that allows COG to provide us with technical services.

There are two agreements in the Council packet for your approval. One is the new Services Agreement with COG. The other agreement is for COG to provide Code Enforcement Services to the Town for Fiscal Year 2013-2014 in the amount of \$1,800. This amount has been budgeted. Please consider approval contingent upon the Town Attorney's review of the contracts.

Mayor Pro Tem Barry moved to approve the Services Agreement and Statement of Work for Code Enforcement Services with Centralina Council of Governments. All were in favor, with votes recorded as follows:

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

**F. Review and Consideration of Landscaping Agreement – Weddington Town Hall – Councilwoman Hadley.** The Town Council received a copy of the Landscape Maintenance Agreement for Town Hall. Councilwoman Hadley advised that the termination in the agreement had changes from 30 days to 90 days and an increase in cleaning the gutters from two times a year to four which increased the contract by \$150.00 per year which changed the monthly payment from \$400.00 to \$415.00. Councilwoman Hadley made a motion to approve the Landscaping Agreement for the Weddington Town Hall with the proposed changes. All were in favor, with votes recorded as follows:

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

**G. Review and Consideration of Technology Expenditures Recommended by VC3.** The Town Council received a copy of the following memo from Town Administrator McCollum and a copy of both contracts:

I have requested that VC3 give us a proposal for assistance with disposal of our old computers and servers. Town staff does not have the proper equipment to satisfactorily wipe off all of the data from the computers and servers. The cost for this work is \$637.20. Leslie has advised that this expense could be covered in the budget under Contract Labor.

Also VC3 has advised that we need a new router. They are allowing the Town to borrow one of theirs until we can purchase a new one. The cost of the router plus installation is \$1,187.25. Leslie has advised that this expense could be covered in the budget under Office Supplies.

Councilwoman Harrison moved to approve the two contracts with VC3. All were in favor, with votes recorded as follows:

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

**H. Discuss and Consider Authorizing BB&T to be an official depository for the Town of Weddington in accordance with NCGS 159-31 (a).** Finance Officer Gaylord – Currently we have all of our banking services with Park Sterling. We are trying to do online bill pay and maybe have a more advanced lockbox. We had discussions with representatives from BB&T and their services seem to fit what we want and need but to do any banking with them you have to approve them as an official depository for the Town. That would give us some negotiating ability with regards to fees, etc.

Councilwoman Hadley moved to authorize BB&T to be added as an official depository for the Town. All were in favor, with votes recorded as follows:

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

**Item No. 12. Update from Town Planner.** The Town Council received the following update from Town Planner Cook:

- Staff has received a Conditional Zoning Permit application for a 176 foot, 1.5 million gallon elevated water storage tank along Hemby Road. Public Involvement Meetings will be held on Thursday, August 22<sup>nd</sup> on-site from 10:00am-12:00pm and Monday, August 26<sup>th</sup> at Town Hall from 4:30-6:30pm. This plan will be on the August 26<sup>th</sup> Planning Board agenda.
- Staff has received an Agritourism Conditional Zoning permit for the Hunterberry Farms located on Providence Road. This item was on the July 22<sup>nd</sup> Planning Board agenda and will be on the September 9<sup>th</sup> Town Council agenda.
- Orleans Homebuilders has submitted the Lake Forest Preserve Phase 3B Map 1 Final Plat for 13 lots. This Final Plat will be on the August 26<sup>th</sup> Planning Board agenda.
- The following items were on the July 22<sup>nd</sup> Planning Board agenda:
  - Weddington Country Festival TUP-Approved
  - Anderson Agritourism CZ Permit
  - Atherton Estates RCD Subdivision Preliminary Plat
  - Atherton Estates Subdivision Modification Request
- The following items will be on the August 26<sup>th</sup> Planning Board agenda:
  - Temporary Use Permit Text Amendment
  - Height Exemption Text Amendment
  - Bromley Phase 3B Map 1 Final Plat

**Item No. 13. Update from Town Administrator.** The Town Council received the following update from Town Administrator McCollum:

- Councilwoman Harrison will be representing the Town at the Farm City Celebration to be held in September in Monroe.
- Staff is working on the next newsletter. It should go out the end of August.
- We are scheduling training for the Board of Adjustment to update them on changes that occurred through House Bill 276 (An Act to Clarify and Modernize Statutes Regarding Zoning Boards of Adjustment). Board of Adjustment Attorney Bill Brown will be conducting this training.
- I will be at a conference beginning August 14 through August 17.
- The Town Hall will be closed on September 2 for Labor Day.
- Staff and Members of Council received CPR and Defibrillator training on July 24.
- The next Public Safety Advisory Committee Meeting is scheduled for Tuesday, August 20 at 10:00 a.m.
- Steve McLeod has been contacted regarding the condition of the landscaping on the access road and he has advised that they will work on maintaining.
- A meeting will be held August 19 beginning at 5:30 p.m. with Town and NCDOT Officials regarding Rea Road Extension.
- The Providence VFD Board of Directors will hold the rest of their meetings for the year here at the Town Hall while construction is being done at the station.
- I did receive a letter from the League of Women Voters notifying the public that they want to work with the Town to conduct a Candidates Forum. We would need to pick the date and place and call them to confirm.

**Save the Date:**

Planning Board Meeting – August 26, 2013

Weddington Country Festival – September 21, 2013

Litter Sweep – October 12, 2013 at 9:00 a.m.  
 Tree Lighting – December 6, 2013

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

**Providence VFD**

35 Calls

Training – 154 Hours

The Town Council also received the Income and Expense Budget Performance and Balance Sheet as of July 31, 2013.

**Sheriff’s Deputies – 643 calls**

**Wesley Chapel VFD – 104 Calls**

**Item No. 15. Update from Finance Officer and Tax Collector.**

**A. Finance Officer’s Report.** The Town Council received the Revenue and Expenditure Statement and Balance Sheet for 7/1/2013 to 7/31/2013.

**B. Tax Collector’s Report.** Monthly Report – July 2013

<b>Transactions:</b>	
Adjust Under \$5.00	\$.01
Refund	\$25.00
Overpayment	\$(1.80)
Balance Adjustment	\$(53.90)
Penalty and Interest Payments	\$(186.73)
<b>Taxes Collected:</b>	
2006	\$(10.45)
2008	\$(212.31)
2009	\$(118.25)
2010	\$(118.25)
2011	\$(95.11)
2012	\$(1,227.10)
<b>As of July 31, 2013; the following taxes remain Outstanding:</b>	
2002	\$82.07
2003	\$129.05
2004	\$122.90
2005	\$252.74
2006	\$131.13
2007	\$144.42
2008	\$1,752.33
2009	\$2,160.66
2010	\$3,065.24
2011	\$4,955.22
2012	\$15,140.65
<b>Total Outstanding:</b>	<b>\$27,936.41</b>

**Item No. 16. Transportation Report.** Councilwoman Harrison gave a brief report from the last MUMPO Meeting.

**Item No. 17. Council Comments.** There were no Council Comments.

**Item No. 18. Adjournment.** Mayor Pro Tem Barry moved to adjourn the August 12, 2013 Regular Town Council Meeting. All were in favor, with votes recorded as follows:

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

The meeting adjourned at 11:14 p.m.

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Walker F. Davidson, Mayor

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Amy S. McCollum, Town Clerk