

**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
TUESDAY, NOVEMBER 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 November 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: Jacquelyn Clayton, Angela Vaughan, Jim Vivian, Christopher Clayton, Bill Price, Todd Alexander, Jessica Alexander, Genny Reid, Jeff Perryman, Craig Hazeltine, Nancy Anderson, Victor Guzman, Christopher Kollwitz, Elton Hardy, Bill Deter, Harry Welch, Debra Welch, Jane Duckwall, Wes Mangum, Tonya Mangum, Kathy Davis and Torrie Taylor.

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

Item No. 1. Open the Meeting. Mayor Davidson called the November 12, 2013 Regular Town Council Meeting to order at 7:01 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. Public Comments. Mr. Craig Hazeltine – It is evident by the recent election that the citizens of this Town have lost faith in this Town Council’s ability to represent them. The margin of victory for each candidate was overwhelming. Based on this I would ask that you defer any decisions that you might make until the new Town Council is seated.

Mr. Christopher Kollwitz – I am a five year resident of the Town of Weddington and I reside in the Willow Oaks Subdivision. Last week the residents of Weddington cast their votes and confirmed their desires to keep the Town of Weddington a residential community. This election reaffirmed that the residents of Weddington want to keep the Town of Weddington a residential community void of commercial development outside the Town center located at the corner of Highway 16 and Highway 84 and to keep the Town of Weddington a community that pursues one house per acre or equivalent policy. We have now entered into a lame duck status of our government within the Town. Newly elected Town Council members will not be sworn in until the next month and current Council members can still make decisions that the residents of Weddington do not support. Members of this Council are now in a peculiar position of not facing the consequences of their actions and the Council at this time has the freedom to issue unpopular decisions that the Town residents do not support. Tonight I stand before the Council and make one request: I humbly ask that on this snowy night the Town Council delay any and all business decisions, motions or rulings that conflict with last week’s resounding message as voiced in the November 5 election. Do not change Weddington. To Mr. Barry, Mr. Thomisser and to our Mayor we sincerely thank you for your service to the community over the past four years. To the attendees tonight I would like to ask everyone to stand and to give these three fine community leaders a sign of our respect and gratitude and a round of applause.

Item No. 5. Additions, Deletions and/or Adoption of the Agenda. There were no additions or deletions to the agenda. Councilwoman Barbara Harrison moved to adopt the November 12, 2013 Regular Town Council Meeting agenda as presented. All were in favor, with votes recorded as follows:

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

Item No. 6. Approval of Minutes.

A. September 9, 2013 Regular Town Council Meeting Minutes. Mayor Pro Tem Daniel Barry moved to approve the September 9, 2013 Regular Town Council Meeting minutes. All were in favor, with votes recorded as follows:

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

B. October 28, 2013 Special Town Council Meeting Minutes. Mayor Pro Tem Barry moved to approve the October 28, 2013 Special Town Council Meeting minutes. All were in favor, with votes recorded as follows:

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

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

A. Call for Public Hearing to Review and Consider Text Amendments to Section 58-23 Planned Residential Developments. The Town Council received a copy of the proposed text amendments. Mayor Pro Tem Barry moved to call for a public hearing to review and consider text amendments to Section 58-23. The public hearing is to be held December 9, 2013 at 7:00 p.m. at the Weddington Town Hall. All were in favor, with votes recorded as follows:

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

B. Call for Public Hearing to Review and Consider Text Amendments to Section 58-4 – Conference Center Definition. The Town Council received a copy of the proposed text amendment. Mayor Pro Tem Barry moved to call for a public hearing to review and consider text amendments to Section 58-4. The public hearing is to be held December 9, 2013 at 7:00 p.m. at the Weddington Town Hall. All were in favor, with votes recorded as follows:

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

C. Call for Public Hearing to Review and Consider an Amendment to the Weddington United Methodist Church Conditional Zoning Application for an Attached Sign. The Town Council received a copy of the Sign Only (Permanent) Zoning Permit Application and Zoning Permit. Mayor Pro Tem Barry moved to call for a public hearing to review and consider an amendment to the Weddington UMC Conditional Zoning Application for an attached sign. The public hearing is to be held December 9, 2013 at 7:00 p.m. at the Weddington Town Hall. All were in favor, with votes recorded as follows:

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

D. Review and Consideration of Amendment to the Municipal Records Retention Schedule. The Town Council received the following memo from Town Administrator Amy S. McCollum:

In April the Town Council adopted the amended Municipal Retention and Disposition Schedule. Since that time the State Archives of North Carolina has published amendments to that 2012 Municipal Schedule. They advised that they publish amendments when the law changes, when they learn of some records that weren't created before or when they realize that some of the language in the previous schedule needs clarification and they do not want to wait for a full update to modify the schedule.

The following items are being amended to the Municipal Schedule:

- Adds Accreditation Records to the schedule
- Clarifies language for retention period of employee eligibility records to match U.S. Code
- Consolidates 3 different types of leave records

Please adopt the amendments and I will have the Mayor sign the appropriate signature page and forward to the State Archives of North Carolina.

Mayor Pro Tem Barry moved to approve the amendment to the Municipal Records Retention Schedule. All were in favor, with votes recorded as follows:

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

Item No. 8. Public Hearings and Consideration of Public Hearings.

A. Public Hearing to Review and Consider – Anderson Agritourism Conditional Zoning Permit (Continued from the September 9, 2013 Regular Town Council Meeting). Mayor Davidson opened the public hearing.

Ms. Laurie McDonald – I am an Architect and Master Land Planner. I have spent 25 years with my own firm in Connecticut and retired from the practice when I came down here but I do a lot of consulting. Nancy Anderson has asked me to work with her on renovating the house that she moved onto the property and also to look at the application as it pertains to the entire farm. One of my areas of expertise is historic restoration and master land planning. I wanted to explain a little bit about Hunter Farm and what I have learned about it and came to know. Hunter Farm is a 60-acre working farm here in Weddington. Families come from all over Charlotte to enjoy activities at the farm. I was there this past fall with a group of students from Charlotte Christian and we went on the hayride throughout the property. The kids got to go to the milking barn and the petting barn with Nancy. They got to pick their pumpkins and it was an incredible educational experience for them. People that have been coming there for years say they have albums of their children since they were two years old and they were now 9 and 10 years old. It is a wonderful activity for families. I learned about the history of the farm. Nancy's family has owned the farm for over 150 years. The original house was built in 1868 and currently her son Eric who is a 5th generation farmer in Weddington lives in the house. Nancy and her Uncle Jim ran the farm until her Uncle Jim passed away but she at that point made the decision that she wanted that farm to remain part of the Weddington community because of all the services that it gives for the community and has given to the community for years and years. She dedicated the land to the nature conservancy and currently they have an easement over the property that will be used as a farm into perpetuity. She did this because she wanted to preserve for her and her family, grandchildren and for the Town of Weddington. It was a very selfless act on her part. What she has continued to do is to continue to farm strawberries, pumpkins and Christmas trees and it is not an easy business. It is a very difficult business and a hard business to make money. It is just Nancy, her husband and Eric that run the farm. One of the things that she has coming up to add for the community is a community garden where people can come and rent a plot and they can learn organic farming and grow their own vegetables for their family and friends. Nancy asked me to clarify the intent of the application for the conditional zoning use. I did a site plan so that I could explain what the purpose of it is. This is Providence Road and there are three lots across the front of the property. There is one lot here that is a ranch house which is currently occupied. Nancy's sharecropper lives there. Here is the historic home that we had proposed to

renovate. We wanted to turn it into a very beautiful Victorian home with wonderful landscaping so that it was a beautiful jewel of property along Providence Road. As you come into the property on the left hand side here is a strawberry garden which is planted every year and people come and pick their own strawberries. Here is where the pumpkins were and there is a small concession stand here where you can buy water, your hayrides or pumpkins. There is a little hut there where they have an office. Nancy has a classroom on the property where it says above the door "All food comes from the farm." I watched her teach these kids about seeds, eggs, etc. It is really amazing what she does with these children. This area is also a strawberry garden and what she plans to do is to develop a blueberry garden and some grape arbors here. These are palms that you see all over the property. There is a picnic area down in here and she has an area that she has different venues over in this area with picnics, outdoor classrooms where she teaches and has other types of venues that people attend whether it is corporate or private activities. This is where she is planning to put the community garden which the soils are being prepared right now which will be available in the spring and people can come in and learn agriculture and organic farming. Back here is the tractor shed, the milk barn, the petting barn where she has goats, sheep, bunnies and cows, etc. Some of these buildings were built in the 20's. Over here is the mule barn, the shelter which parts of it have to be rebuilt. Here is the original house that was built in 1868. That was the first house on the farm. There is Nancy's house which is the main house that she built there. In the back of her property is pasture. These areas are wooded areas around the perimeter. These are the trails that they take the hayrides on. The area in the center here is also used for different venues such as corporate events, weddings or all sorts of activities. It is an outdoor activity but she can put up a tent to have some enclosure for people. What we were originally looking to do here was to use the historic home as part of the working farm as a smaller enclosed inside venue in parts of the year when you cannot have something outside. It can only hold a certain capacity. That was the intent and to use the parking that we already had here and on the property to service that. That is basically how the farm is used and it continues to evolve and more things come to light that the community is looking for. There is a lot of communication between the community and Nancy on what they are looking for and what they would like to be done better or differently. It is really a community farm and that is what I love about it.

Councilwoman Hadley – The ranch house will not be used for events and will continue to be a residence for the sharecropper?

Ms. Nancy Anderson – No, it is part of the application.

Ms. McDonald – The ranch house is part of the application which would be used as a place if there was a wedding the grooms could go over there and the bride could be in the main house. It would be a supporting facility with supporting parking.

Ms. Anderson – Thank you for the opportunity to appear before you this evening. I would like to thank you for your service. Shortly before becoming Mayor myself I was challenged of finding a new home for an old house. It was destined for the landfill and we were trying to rescue it and we looked all over town for a place to transplant it. As time ran out, I was able to personally acquire a piece of property to become the new home for what I believe is one of Weddington's historical treasures. As it turned out this old house known as the Matthews Price House was part of my own family's personal history. My vision was to preserve part of our past and to find a way to share it with our community. After years of slow deliberate planning I began to work on it in earnest about two years ago. I had dozens of conversations with the Town Planner, Councilmembers, CLC and community members and I decided at that time that the best course of action was to submit an application for a conditional zoning permit for agritourism. Under our Town's rules I was required to get a permit to cover my entire farming operation. I can see now that was a mistake. The unintended consequences of seeking a Conditional Zoning Permit from the Town of Weddington could be disastrous for the viability of the farm long term. It requires people that know nothing about agriculture to make decisions on how a farm should be run. That is not fair to you and to me. To complicate matters what makes sense for today's farm will not be necessarily relevant in another 20 years. When I think about how we farmed when I was a child we used to cultivate the garden with mules and a hand plow - now we drive a \$70,000 tractor. Even more confusing are the blurry lines between agriculture and agritourism. The State regulates agriculture, not the Town, but the Town

has the authority to regulate agritourism. For example, when I plant strawberries, at one point we had 10 acres, we planted them, we took care of them, we irrigated them, we picked them and we sold them at a roadside stand. Clearly agriculture with the roadside stand and growing crops on the property but the moment that I allow you to pick the strawberries yourself now we have crossed over to agritourism. This Council and other Councils before you have had trouble even distinguishing, defining and delineating agriculture and agritourism from commercialism. The NC Department of Agriculture and the Department of Soil and Water Conservation are our regulatory agencies and I think it is best that we keep it that way. I do not want to subject myself to more government oversight and interference; therefore, I am withdrawing my application for a CZ permit. Thanks but no thanks.

B. Consideration of Anderson Agritourism Conditional Zoning Permit. The applicant withdrew the application.

C. Public Hearing to Review and Consider – 7112 New Town Road Wedding and Banquet Facility. Mayor Davidson opened the public hearing. The Town Council received the following memo from Town Planner Cook:

Todd and Jessica Alexander request a Conditional Zoning Permit for a Wedding, Banquet and Reception Center located at 7112 New Town Road, Weddington, NC.

Application Information

Date of Application: August 23, 2013

Applicant Name: Todd and Jessica Alexander

Owner Name: Rick and Doris Alexander

Parcel ID#: 06-129-045

Property Location: 7112 New Town Road (corner of New Town Road and Twelve Mile Creek Road)

Existing Land Use: Residential Conservation

Existing Zoning: RCD

Proposed Zoning: RCD (CZ)

Existing Use: Single Family Home and Accessory Uses

Proposed Use: Wedding/Banquet/Reception Center

Parcel Size: 7.70 Acres

General Information

- The applicant proposes a Wedding/Banquet/Reception Center in accordance with *Section 58-58 (2)* of the *Weddington Zoning Ordinance*. All proposed uses will be housed in existing buildings currently on the property.
- The required Public Involvement Meetings for this project were held on September 17th and September 19th, 2013. The meeting on September 17th was held on-site at 7112 New Town Road from 10:00am-12:00pm where there were seven attendees. The meeting on September 19th was held at Weddington Town Hall from 4:00-6:00pm where there were two attendees. There was no opposition to the project at either meeting.

Proposed Uses (Buildings) on Site Plan:

- A. *Building A-4,800 square foot Two Story Frame House with Tin Roof*
 - Will continue to be used residence of property owners.
 - Will contain main office and bridal dressing room.
- B. *Building B-1,154 square foot Wood Frame Arbor*
 - Will contain smaller ceremonies and cocktail hour.
- C. *Building C-800 square foot Garage*
 - Will contain storage.

- D. *Building D-1, 235 square foot Frame Building by Main Parking Lot*
 - Will contain storage.

- E. *Building E-6, 024 square foot Two Story Log Cabin Barn*
 - Will be the main function building on the property.
 - Will have seating for 180 people.
 - Will contain receptions, parties, corporate functions and retreats.

Access and Parking:

- The site will be accessed by an existing fourteen foot driveway from New Town Road. NCDOT has also requested a 30 foot wide ingress/egress from New Town Road. This new driveway is shown on the site plan.
- The applicant is required 1 space per employee during the shift with greatest employment plus 1 space for every 2 guests based on the maximum number of guests the facility can accommodate. The applicant has provided 94 parking spaces, therefore complying with *Section 58-175* of the *Weddington Zoning Ordinance*.
- There will be two parking areas. The main parking area will contain 59 gravel spaces and the secondary parking area will contain 35 gravel spaces. Of those 35 spaces, six will be handicap parking spaces and four will be vendor parking spaces.
- Parking spaces meet the minimum size standards set in *Section 58-175* and *58-176* of the *Weddington Zoning Ordinance*.

Elevations:

- All buildings are existing. Materials on all buildings are wood siding, stone, brick, metal tin roofing, etc.
- The applicant has provided photographs of all buildings.

Screening and Landscaping:

- Screening and landscaping will be provided by using existing trees and shrubs. The applicant is required a 42 foot buffer around the perimeter of the property per *Section 58-8* of the *Weddington Zoning Ordinance*. The applicant has provided a 42 foot buffer around the perimeter of the property. The applicant has also provided internal landscaping within parking areas and islands. Holly trees and magnolia trees line New Town Road and provide sufficient screening from the road.
- 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*.

Additional Information:

- Adjacent Property Uses are as follows:
 - North: Single family houses (Aero Plantation)
 - South: Single family houses in Unincorporated Union County
 - East: Single family houses
 - West: Single family houses
- No new lighting is proposed on-site as part of this plan.
- Freestanding Ground sign will be located left of the driveway and will comply with all Signage Ordinances.
- Water is currently provided by Union County Public Works and septic is provided by a septic tank.
- All buildings meet the required setback requirements.
- 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 an unfavorable recommendation by a 4-3 vote. The Planning Board also added conditions three through six at their September 23rd meeting.

Conditions of Approval:

1. All signage must comply with *Chapter 58, Article 5* of the *Weddington Code of Ordinances*;
2. Any future revisions to the approved site plan and other approved documents must comply with *Section 58-271 (i)* of the *Weddington Zoning Ordinance*;
3. Off duty police officer required at all alcohol related events with over 40 people;
4. Project must include an NCDOT approved two way entrance;
5. Re-establish and maintain the six foot fence at the rear of the property;
6. All events, other than on December 31st must end prior to midnight.

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 the following:

- Conditional Zoning Application
- Notarized permission from the owners of the property for Todd Alexander to apply to the Town to rezone the property
- Brief property history and overview of The Wellhouse of Weddington
- FAQ's that directly apply to the rezoning application
- FAQ's that do not directly apply to the rezoning application
- Site Plan
- Aerial Image
- Summary of the Trip Generation Calculation

Mr. Todd Alexander showed a video which showed the house and property.

Mr. Todd Alexander – My wife Jessica and I are pursuing the residential conditional zoning for 7112 New Town Road – a fulfillment of a goal that began 25 years ago. The property at 7112 New Town Road has been a part of my life for over 38 years. It has been a part of this community for over 130 years. It was built in 1883 by Dr. Thomas Redwine and his wife. Dr. Redwine was the County's only physician and served numerous years in the medical profession working out of an office located in the original well house. Over the years from 1917 after he lost the property until 1975 there were various owners and unfortunately not a lot of upkeep and maintenance from them. My parents Rick and Doris Alexander purchased the property in 1976. Along with the main house there were a few outlying structures around the rear of the house. There was a log cabin that was believed to have been the original kitchen. It unfortunately could not be saved due to its deterioration. The original well house and well, three bay carport and a smaller more modern electric well house had been installed by a previous owner that began a meticulous restoration of the home and grounds. My father designed and built what you see now as their private getaway and affectionately named it F8 Acres. In 1988 the main house was doubled in size with the new addition that was added going out towards the driveway and encompassing the historic well. The two bay garage was built in 1990 then between 1991 and 1992 the water feature and arbor were built off the back of the house. The log cabin barn was built in 2003. It was built on the site of the original horse barn. F8 is not only sentimental to me having grown up there but Jessica and I got married there in 2002. That leads us to present day. Since it is an extremely unique property and could not be duplicated within reason financially elsewhere we are pursuing this rezoning to enable us to preserve the property in its current state and historic significance as well as keep it in the family. The property will be shared with others to begin their memories and celebrate their special occasions. It is not our intent to make waves with our neighbors or the community. It is our intent to blend in and serve the niche in this area that has little to offer besides country clubs. We have pursued this from day one legally and with open communication to all who have engaged us one on one. Yesterday we celebrated Veteran's Day. A Veteran friend of mine recently landed a new job after finishing six tours in Afghanistan. He is now on the pit crew teams for Hendricks Motor Sports. He stated in a recent interview, "This is not a job it is a dream." For Jessica and me the Wellhouse of Weddington is our dream. We ask you the Town Councilmembers to allow us to pursue that dream.

Ms. Genny Reid – I am against this rezoning and this change. I do not think this will be good for Weddington. If you are against business then it would be easy for you to vote no on this request.

Mr. Jeff Perryman – I am on the Planning Board and I voted in favor of this motion when it was brought before the Planning Board. I would like to explain this as I see it and talk about what this project is and is not. It is not in my opinion any attempt to start some out of control commercial retail disaster in the Town of Weddington. During this entire campaign season I have heard plenty of that, read plenty of it on social media and I think that is completely wrong. It is not a commercial retail project. Anyone that saw that video and listened to Todd speak on what they are planning to do there knows that. It is as simple as that. Thirdly, it is not an attempt to rezone a piece of property outside of this center Town area into a piece of commercial property. We heard Jordan explain it. This will remain a residentially rezoned piece of property. It is not going to be rezoned commercial. Furthermore if in the future if Todd's kids want to take the property and do something different with it they are going to have to come before the Town Council and get permission to do that. That is why this is conditional zoning. You are giving them permission to only do what they are asking for in this application. This is a family business. Is it a business -yes? This is something that is going to be unique for our Town and in my opinion a tremendous asset. I have been out to the property. I walked around it and it is absolutely stunning. This is a historical property and probably not only the most historical in Weddington but probably within this entire County. Also during the last few weeks I have heard a lot said about the need to follow the Land Use Plan. Let me quote from our Land Use Plan Page 20 under Community Design and Image Policies – Policy #1 – Continue to encourage the preservation of older homes and structures in the community to preserve a sense of history. We are sitting in a historical piece of property that has been converted.

Mr. Elton Hardy – It is a business. My biggest concern arises around 180 guests that are served alcohol from four to six hours and loud music up to 10:00 p.m. and those 94 cars dumping out on to New Town Road and Twelve Mile Creek Road. This piece of property is in the middle of the Weddington School Campus and the Cuthbertson Campus. For those Friday and Saturday events that let out and collide with these 94 cars that have had alcohol for up to six hours including Sundays it is not a very good combination. I think it is a lovely home. The roads are rural and are designated for the County as low priority areas and they are not designated to be upgraded according to what I read for the next 15 to 20 years.

Mr. Bill Deter – The property is beautiful. I am here this evening to speak against the proposed wedding, banquet facility at Twelve Mile Creek and New Town Road. This proposal has been presented and discussed before the Planning Board twice already - once on April 22 and then again on September 23. Both times the Planning Board voted against this request. In between the Planning Board Meetings, Council took action to adopt text amendments to Sections 58-52, 53, 54, 58 and 60. These changes made some definitional changes that made this an acceptable use in a residential area and would not require rezoning to commercial. The only thing that has changed is some of the wordsmithing of the text. This is still a commercial business regardless of how nice it appears. I would ask that you do not approve this request this evening.

Councilwoman Hadley – The required Public Involvement Meetings were held on the 17th and the 19th - one on-site and one here at the Town Hall. The on-site meeting had seven attendees and the Town Hall had two attendees. There was not opposition at either of these meetings. Is that correct, Jordan?

Town Planner Cook – That is correct.

Councilwoman Hadley – The adjoining neighbor to the east and also the closest neighbor at about 302 feet from the barn said he was in support of this request. Is that correct?

Mr. Alexander – That is correct.

Councilwoman Hadley – The adjoining neighbor to the north approximately 337 feet from her house to the barn expressed concerns about guests wandering onto her property and pond. Please explain the topography and landscaping that you would have to go through to get to that property line.

Mr. Alexander – There is a substantial amount of woods. In the dark you could not navigate it. It is dense pine trees with underbrush. There is an existing fence that is fallen over that we are going to reestablish with the six foot fence in the same manner that it was - old school style stapled to the trees.

Councilwoman Hadley – That was Condition #5 to reestablish the fence to a six foot fence and you are okay with that.

Mr. Alexander – Yes.

Councilwoman Hadley – The adjoining property owner to the west appears to be a farm and I do not know if we have heard from that neighbor.

Mr. Alexander – We have not. That is Ms. Terrell. She has 16 acres and has lots of goats. She is very private. I could not tell you either way.

Councilwoman Hadley – And a realtor that resides in Aero Plantation wrote, “I am concerned about the impact the event banquet hall would have on our quality of life not only humans but our wildlife as well especially with noise, loud bands, night time lights and other celebration send offs that may occur at the late night end of events.”

Mr. Alexander – We did a decibel reading test in the barn which is our main hall – the 6,000 SF log cabin barn which has 12-inch thick walls. We cranked the music to a level of 106.2 decibels – by definition that is deafening. Normal conversation without the music on inside the barn was registered at 68.2. Nothing on at all is 55.9. We then went outside the building under the side awning and it read 73.3. At the property lines it was not audible and registered any where from 59 to 62 due to birds, the neighbor’s tractor, etc. You could not hear any sound from inside the barn from all property lines.

Councilwoman Hadley – Do you own this decibel reader?

Mr. Alexander – I do. It is a professional unit of about \$300 in value. We will have it at all functions for reference if needed.

Mayor Pro Tem Barry – When you took those readings, you had the volume inside the building at 106 and went to the property line and measured it?

Mr. Alexander – We went to the property line with the music at 106 and it did not register. We did it without it playing in the barn and the readings did not change. There was no change with it or without the music. We had more traffic noise from New Town Road, birds, tractors, etc.

Councilwoman Hadley – As far as the lights are concerned my understanding is that the County is not requiring additional lighting and the existing lighting on the property is sufficient.

Mr. Alexander – Yes, we have ample lighting up and down the driveway. There are numerous flood lights on corners of all the buildings specifically where the parking lot is coming off the garage and where the parking lot is going to be.

Councilwoman Hadley – Can you talk about the inside send offs?

Mr. Alexander – There are several venues that we play throughout the region and there are several private homes around the area – Vanlandingham, Morehead Inn, Duke Mansion and several others. They are not allowed because they are in a residential area to do send offs with the bride and groom leaving after the end of the reception. They are not allowed to do them outside. We do them in the banquet hall, they leave and the

guests then leave in a graduated style outside of the building. It is just understood at those venues that you are in a residential area and you must respect the folks around you and that is the type of client that we are after. I am not after Animal House. Our job is to blend. I am not here to make waves. I only want people to know we are there if they want a referral or reference for a good party.

Councilwoman Hadley – Vanlandingham - you said it is in a highly residential area. It is more in a neighborhood as opposed to you being on a road with three neighbors.

Mr. Alexander – They are so landlocked that they have to bus people in. The vendors and immediate family are about the only ones that can park on the property. It is at Plaza Midwood. It is a very historic home. Their banquet room is about the size of this and they have to stagger people around the rest of the house. It is very tight and small. It is historic – a very old home.

Councilwoman Hadley – Explain how your contracts will work. I heard that you talked at the Planning Board Meeting about noon to midnight to have people set up and time afterwards to clean up.

Mr. Alexander – We are working on them. We are looking at a 10 to 12 hour block to give them time to come in and set up, flowers, any rented things that they may need to bring in extra than what we have. They would be required to be off the property by midnight generally closing up by 11:00 for any events.

Councilwoman Hadley – You would not have any problems with writing that type of contract.

Mr. Alexander – It is pretty normal. Even the country club setting you are done by 11:00 because they have to pay their staff any time you are there longer and they usually have to flip the room for the next day's events. Most events will end at 11:00.

Councilwoman Hadley – Condition #6 allows to later on New Years but it says must end prior to midnight. Are you comfortable with that?

Mr. Alexander – Except for December 31. All events could go no longer than midnight.

Councilwoman Hadley – I would like to see that changed to no later than. According to Union County Code are your existing facilities sufficient?

Mr. Alexander – We will have to sprinkle the barn. Any time you are in Union County with over 100 people, loud music and alcohol you must have a sprinkler system in place. We will have to sprinkle the 6,000 SF barn. The house will be limited to 99 people or less because I do not want to cut into that house.

Councilwoman Hadley – What does Union County require for sewer?

Mr. Alexander – One toilet per 100 people. We have six toilets and three septic systems. We have two toilets in the barn, one toilet in the garage and three in the house. The barn is on one septic, garage on another and the house on the other. We have been told that is sufficient.

Councilwoman Hadley – Please explain the recommendation from NCDOT regarding the entrance and were turning lanes and lights recommended?

Mr. Alexander – We were requested to discontinue use of the existing drive. It was too narrow for two lane traffic. We applied for a dual entrance. Their minimum requirements are 24 feet. Due to the nature of us trying to preserve the existing landscaping we are doing what I refer to as an “S” into it. The entrance would be 50 feet to allow fire trucks or larger vehicles to swing in without encroaching on the oncoming traffic. Even when they are leaving they should not have to go across the center line. That was done in accordance with NCDOT. They were a wonderful help at their Union County office. We have that in writing. It is approved and we are ready to

move on it provided the outcome tonight. They prefer 500 feet of sight line. To the right we have more than 500 feet and to the left we have 358 feet.

Councilwoman Hadley – And the intersection of New Town Road and Twelve Mile Road is fully visible?

Mr. Alexander – Yes, it is fully visible. There is a stop sign coming from Twelve Mile Creek. The new entrance actually allows you to see the oncoming traffic from the east much better coming down New Town and the curve that everyone talks about. NCDOT advised that they did not feel that there needed to be a stop light nor extra turn lanes because of our off hours.

Councilwoman Hadley – You will be operating on their off-peak hours?

Mr. Alexander – Correct. Most of the traffic in the area is morning school traffic, morning rush hour traffic and afternoon same school and rush hour. Weekends it is not near as bad.

Councilwoman Hadley – Condition #3 has for events serving alcohol for 40+ people you will employ an officer and that is not a problem with you as well?

Mr. Alexander – No. My wife and I discussed that from the get go that we wanted one to assist with any traffic if needed and we just wanted a comfort level and if there was an issue with the caterer/alcohol that we had someone to stand behind us. We were intending to have an off-duty officer even before the Planning Board Chairman asked us to put it in.

Councilwoman Hadley – This property is unique and in my opinion needs to be preserved. Surrounding towns would love to have this and they called and told me so. It is my opinion that we have satisfied the objections of the adjoining property owners and with that being the case I see no reason not to approve. The applicant has certainly gone the extra mile to ensure that they want to be good neighbors. Thank you, Todd and Jessica. Then there is a group concerned about commercial so let's address that. Again I know that I am repeating Jordan and Jeff but there appears to be a misconception that we are rezoning to commercial. This is a conditional zoning that stays under residential. Is that not correct Jordan?

Town Planner Cook – That is correct.

Councilwoman Hadley – And if they were to sell the property and the new owners wanted a different use they would have to come back to the Town for approval?

Town Planner Cook – Correct.

Councilwoman Hadley – Even our Planning Board Vice-Chair Dow said and I quote, “This is really not commercial.” He goes on to say, “Our decision should simply be based on is this use appropriate for that piece of property and the surrounding area.” Now I think we need to consider just this use on this property and if it is in line with our Land Use Plan and the surrounding areas. Our Land Use Plan on Page 20 - #1 – where it talks about Community Design and Image Policies – Continue to encourage the preservation of older homes and structures in the community to preserve a sense of history. Policy #2 – Continue to support the adaptive reuse of historic structures in the community. Policy #3 – Continue to support the Weddington Historic Preservation Commissions efforts to preserve historically significant structures and sites. Of course there are other alternatives that this could be used for under the conditional zoning under the residential that include churches, public and private schools including preschools, golf courses, parks, playgrounds and community recreation centers both public and private, country clubs, fraternal, social and other civic organizations, emergency government services including police, fire and rescue, cemeteries, essential services, clubs, community centers and public parks and recreation facilities, private air strips provided certain conditions, telecommunication towers, libraries, planned residential developments. Someone could go in with an R-40 yield, clear cut the property which would affect the quality of life for wildlife, build seven homes with 3.2 people, teenagers

included adding to the school system and infrastructure and probably a minimum of two cars each adding to traffic on a daily basis. Also allowed would be radio towers, government or Town facilities, land application of biosolids, agritourism and of course the wedding banquet and reception center. I wanted to revisit all these uses during the Land Use Plan update. I discussed with Jordan about creating new boxes for them and revisit the uses and definitions to take the sheep's clothing off of the wolf but the immediate conclusion was that I was spreading the blood and providing for commercial all over Town. Take a look at the current Land Use Map, we have commercial all over Town. What I really wanted to do was call an ace an ace and a spade a spade, clean it up, call it what it is and have the appropriate zoning apply but that did not happen because of the outrage. That being the case, this applicant should have the same rights as anyone coming in with the aforementioned uses. This use is no different than a country club or a club and in my opinion the applicant was being penalized for having the same use as a club but under a different description and that is why I approved the text change to conditional zoning under residential. It should not be fair for one and not another depending on what use you were told to apply under and that is why this application has my vote to approve.

Councilwoman Harrison – There is the capability of having an outdoor wedding or party.

Mr. Alexander – The ceremonies will be allowed to be outside, cocktail hours and a big party or the main reception will be in the banquet hall.

Councilwoman Harrison – So there will not be anything where there will be a band outside – not during the day or at night?

Mr. Alexander – No – not possible.

Councilwoman Harrison – I know that you actually did all of the noise inside.

Mr. Alexander – I set the show up at the main ceremony site on the property as well and it did not change the decibel reading with the show running or without at the property line. You could not hear the ceremony where you will primarily have strings and that kind of thing whether it is played by a speaker or live. It did not change anything on the decibel reader at the property line and it was set at normal levels. Jessica has planned hundreds of weddings and coordinated them.

Councilwoman Harrison – You did not go offsite to see if you could hear anything. You stayed in your perimeter and you could not hear. Weddington is not flat so on a good day I can hear the high school band from Providence Road where I live.

Mr. Alexander – No, we did not physically go down the road.

Attorney Fox – I do not see any restrictions or conditions suggested by your Planning Board that would restrict an outdoor event so if that is the desire you may want to see if there is some flexibility of the applicant to agree to a condition along those lines.

Councilwoman Harrison – No, it was more that I wanted to make sure what kind of events and where was music going to be because that seems to be a concern for a lot of people.

Mr. Alexander – It simply will not be allowed and if the client is not okay with that they are going to have to go to another place.

Councilwoman Hadley – And to clarify for the audience that it is written into the ordinance that the events will not produce levels of noise or electronically amplified sound that is audible at levels greater than 60 decibels beyond the boundary of the property in which the facility is located, further no electronically amplified sound shall be audible beyond the property boundary between the hours of 10 and 9. If you did have something outside the sound ordinance the text amendment would apply.

Mr. Alexander – That is why we were proactive on the decibel reader. I can have it on site and if there is ever any question I can monitor it.

Town Planner Cook – I put on everyone’s desk the statement of reasonableness whichever way the motion goes I want to make sure that is met when whoever makes the motion.

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

D. Consideration of a Wedding and Banquet Facility to be Located at 7112 New Town Road.

Councilwoman Hadley – I make a motion to approve the wedding and banquet facility to be located at 7112 New Town Road with the conditions as presented with one exception to Condition #6 should say no later than as opposed to prior to.

Councilwoman Harrison – I did struggle with this but then I go down Weddington-Matthews Road and it has been a bone of contention with me when we were doing the Land Use Plan that you have a Swim and Racquet Club that holds all kinds of events, has wedding receptions, has alcohol and it is perfectly acceptable and when I keep challenging that it is a business I am told “no” along with the funeral home, the dog groomers, the Chesterbrook Academy. I look at that and I go why am I penalizing someone when others are like that?

Attorney Fox – One thing that may need to be included is a statement of reasonableness and the motion needs to include a finding that the use is consistent with the Land Use Plan and adopt a statement of reasonableness that Jordan has presented.

Councilwoman Hadley – My motion is in accordance with the Land Use Plan Page 20, Policy 1, 2, 3 and I find that this proposed use is reasonable and consistent with the adopted Land Use Plan for the Town of Weddington.

The vote on the motion is as follows:

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

Item No. 9. Additional Public Comments.

Mayor Davidson - We had three people that signed the wrong sheet for public comments and have requested to speak. Does anyone want to make a motion to allow these people to provide public comment?

Councilwoman Hadley moved to allow the three people that signed the wrong sheet for public comment to speak. The vote on the motion is as follows:

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

Councilmembers Thomisser and Mayor Pro Tem Barry left the room for a brief period of time.

Mr. Erik Blowers – Thank you for the opportunity to come up and speak. I inadvertently signed the wrong sheet. I want to say to each member of this Town Council that one week ago a supermajority of the Town residents – two out of three people in every voting precinct in Weddington - clearly and unambiguously expressed our complete lack of faith in our management of our great community. Years ago you made representations as to how you would lead this community if you were elected as representatives of the people. You have failed miserably. One month ago I sat in utter disbelief as I attended a public hearing on the water tower. These public hearings are supposed to be an opportunity for citizens of this Town to provide our elected officials with our opinions on proposed action by the Town Council. Each one of you came to that meeting with the decision made as to how you were to vote stating numerous times prior to the meeting that the water tower

location deal was a done deal. You offered the citizens of this Town an opportunity to express their opinion about the future of our community not yours through a Town survey. Based on the sole fact that you did not agree with the results of the citizens input you discounted the survey. You have totally and unequivocally silenced the Mayor of this Town because he does not agree with the majority on most issues. It was this type of arrogance that led to two out of three people to vote you out of office. I find it very ironic that the two people that have been voted out of office have left for my speech. You made a deal with the fire department after repeated promises that the citizens would be able to ratify any arrangement every two years through elections. The residents of this Town are now obligated to a 10-year contract which they did not ask for. You conducted meetings at times when you knew citizens could not attend and have had meetings with minimal notice and have attempted on numerous occasions to silence your critics. The height of your arrogance comes in the deals and agreements conducted outside of public scrutiny. You are conducting Town business on personal email accounts and selling the future of our Town to investment groups and political donors who do not even live in Weddington. Two weeks ago I made a public records request from every member of this Town Council for emails from your personal accounts relating to allegations from one member of this Council accusing me and an entire community volunteer group of stealing his campaign signs. I know these records exist because I have a copy of them. I received back requests for the identification of this specific email that I wanted so that it can be provided to me. This is ridiculous. I have been provided by nothing from any Town members of personal email accounts although I know that they exist. As representatives of the people we demand you to conduct yourselves with integrity and responsibility in the best interest of citizens of the Town. I request that the remaining two members of this Council who have two years left in their term seriously contemplate your positions on most issues and understand that as representatives of the citizens of this Town that our interests should be considered first and not your own.

Ms. Debra Welch- I just want to thank the Town Council, mostly and sincerely to the Mayor. I appreciate your time and what you have done for our community. Tuesday evening we had the pleasure of running to our next door neighbor's house. He is a brand new elected official. We are excited. It was a victory. We all worked hard and we thank the citizens that are here. Lots of people worked hard. I want to thank you and tell the Mayor publicly and his wife that is here tonight.

Mr. Harry Welch – I would like to echo the comments that Erik made and the other folks made about the landslide victory last Tuesday. Record numbers came out to the poles and the overwhelming response from the citizens was the need for a change and to look at our concerns as citizens of Weddington instead of individual concerns. I applaud everyone that did come in record numbers even higher numbers than I believe for the presidential election. Most of all thank you Walker for your service and the dedication you put in the years you did, this as well as the campaign. We do appreciate all of those efforts.

Item No. 10. Public Hearings and Consideration of Public Hearings (Continued)

A. Public Hearing to Review and Consider – Preliminary Plat for the Highclere Conservation Subdivision. Mayor Davidson opened the public hearing.

Councilwoman Harrison – Mr. Mayor, I am an adjacent homeowner.

Attorney Fox – Being an adjacent property owner does not disqualify you. If you do not have a financial interest in the outcome then you are able to participate in this decision and not be impacted by your geographic location to this project.

Councilwoman Harrison – I will not receive anything financially and I feel that I can be objective and impartial and fair to the applicant.

The Town Council received the following memo from Town Planner Cook:

Standard Pacific Homes submits a preliminary plat application for a 45 lot Residential Conservation Subdivision on 56.819 acres located on Rea Road.

Application Information:

Date of Application: August 22, 2013
Applicant/Developer Name: Standard Pacific Homes (Bob Bennett)
Owner Name: MFG Enterprises, Inc.
Parcel ID#: 06-180-019
Property Location: Rea Road
Existing Zoning: RCD
Proposed Zoning: RCD (Conservation Subdivision through the Conditional Zoning process)
Existing Land Use: Residential Conservation
Proposed Land Use: Residential Conservation (CZ)
Existing Use: Vacant Land
Parcel Size: 56.819

Project Information:

The Highclere Subdivision is a proposed 45 lot subdivision on 56.819 acres. The subdivision is located on Rea Road and is being developed by Standard Pacific Homes as an RCD conservation subdivision. A conservation subdivision must base the number of proposed lots on a yield plan per *Section 46-42 of the Weddington Subdivision Ordinance*. This yield plan must show the number of lots that would be allowed if the tract was developed as a conventional subdivision with 40,000 square foot lots and 10% open space. Conservation subdivisions shall be density neutral (same number of lots as would be permitted in a conventional subdivision). The site is 0.79 dwelling units per acre.

Background Information:

- A site walk occurred on-site May 1, 2013.
- Public Involvement Meetings were held on-site on Tuesday, June 11, 2013 and at Town Hall on Wednesday, June 12, 2013.
- The Planning Board approved the Sketch Plan on June 24, 2013. The Planning Board approved the Sketch Plan with 42 lots. The site has since been reconfigured and is now 45 lots. The applicant submitted the revised Yield Plan to the Town Planner prior to submitting the Preliminary Plat. The 45 lot Yield Plan did comply with the *Town of Weddington Zoning and Subdivision Ordinances*.

Preliminary Plat Information:

- The minimum lot size is 12,000 square feet. The smallest lot is lot 22 at 16,434 square feet.
- The applicant is required 50% or 28.31 acres of conservation lands. The applicant has provided 50.27% or 28.47 acres of conservations lands.
- The applicant is dedicating 0.195 acres to NCDOT along Rea Road.
- The cul-de-sac on Highclere Drive is 1,280 feet in length. The Town does allow cul-de-sacs in conservation subdivisions to exceed 600 feet in length. This is to prevent degradation and development in primary and secondary conservation lands.
- A pump station will be located between lots 13 and 14.
- Wetlands run along much of the perimeter of the property and through the middle of the site. There is also an existing pond at the northern portion of the site.
- The applicant is proposing a 100 foot landscaped thoroughfare buffer along Rea Road. There will also be supplemental planting around the perimeter of the pump station.
- A copy of the approved Sketch Plan and Yield Plan has been included in the packet.

Conservation Land Summary:

Section 58-58 (4) of the Weddington Zoning Ordinance stipulates that a minimum of 50% of the gross acreage must be retained as conservation land. Conservation lands must remain conservation lands in perpetuity. This is often done by requiring conservation easements and/or review and approval of neighborhood CCR's.

Conservation lands are broken down into three tiers and given different priorities. Highclere has provided the following conservation lands:

- Primary Conservation Lands - 15.759 acres of SWIM Buffers and Wetlands
- Secondary Conservation Lands - 6.871 acres of Tier A Forestlands
- Other Conservation Lands - 5.899 acres of Permanent Grasslands
- A total of 28.53 acres of the 56.819 acre site or 50.21% of the site will remain conservation lands.

Additional Information:

- Highclere is to be served by Union County Public Water and Sewer.
- The applicant will use an existing curb cut off of Rea Road for primary ingress/egress.
- The applicant will install a right turn lane on Rea Road.
- The Highclere subdivision will be a gated community with private roads. These roads must be built to NCDOT standards and approved by NCDOT. Approval of the entrance gate will be done during the Final Plat phase.
- The Planning Board gave this project a unanimous favorable recommendation at their September 23, 2013 meeting. The Planning Board also added conditions 7 through 9.

The Highclere RCD 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;
2. Development subject to review and approval of construction documents by Town's Engineering Consultant, US Infrastructure;
3. Development subject to review and approval/permitting of construction documents by Union County Public Works;
4. Declaration of Conservation Easement and Restrictions shall be reviewed (by Town Attorney) and executed prior to Final Plat approval by Weddington Town Council;
5. Maintenance Plan and Maintenance Agreement shall be reviewed (by Town Attorney) and executed prior to Final Plat approval by Weddington Town Council;
6. Covenants, Conditions and Restrictions (CCRs) shall be reviewed (by Town Attorney) and executed prior to Final Plat approval by Weddington Town Council;
7. Require additional landscaping along Rea Road as shown on Sheet C-8.1;
8. Plans for subdivision entry monument to be approved by the Planning Board;
9. Delineate conservation lands versus open space to allow for monument sign and guardhouse.

The Town Council also received the following:

- Conditional Zoning Application
- Application for Submittal of the Subdivision Preliminary Plat
- Cover Sheet, Existing Conditions Plan, Existing Tree Survey, Existing Wetlands Survey, Conventional Subdivision Yield Plan, Conservation Subdivision Plan, Environmental Plan, Viewshed Analysis, Overall Site Plan, Detailed Site Plan, Site Details, Conservation Plan, Overall Grading Plan, Grading Plan, Planting Plan, Planting Notes, Planting Details,
- Aerial Map

Town Planner Cook – It says Standard Pacific Homes throughout my memo. I got an email from them last week that they were currently out of the project and the property owner would proceed with this zoning hearing. Anywhere in the memo that discusses Standard Pacific Homes it is now MFG Enterprises.

Attorney Fox – You said the original plan was approved by the Planning Board with only 42 lots and this plan has 45 lots.

Town Planner Cook – They increased the number to 45. I talked with the Planning Board Chairman about that. It was not a 10% increase in lots. Planning Board Chairman Sharp felt that could be done administratively which our code allows. That was just the sketch plan phase. The preliminary plat for 45 lots did go through the Planning Board and they also said the 45 lots on the sketch plans was okay as well at their meeting. They included a sketch plan as part of that preliminary plat application at the Planning Board level.

Attorney Fox – This is a gated community. The requirement is that the roads must be built to NCDOT standards and accepted by NCDOT. NCDOT will not accept the gated roads.

Town Planner Cook – It was not the applicant’s plan for NCDOT to accept the roads. These will be private roads maintained by the HOA.

Attorney Fox – This says that the roads must be built to NCDOT standards.

Town Planner Cook – They will not be accepted by NCDOT. This will be maintained by the HOA. NCDOT will still approve the standards. They will not accept the streets.

Attorney Fox – You are saying that they will sign off that they are built to NCDOT standards. That is all. The approval is for construction quality.

Town Planner Cook – That is right and if it is not them anymore then our engineer still does that as well. Someone on the Town’s behalf will be out there to say that they are built to NCDOT standards. That may not be NCDOT anymore.

Councilwoman Harrison – As the representative for MUMPO and dealing with the 2040 Plan there are plans to widen Rea Road to three lanes. How does that affect Highclere because for me I do not want any other subdivision to go through what my subdivision is going through where we are going to have 17 homes going to have a road going right through their living room. I want to know if there is a sufficient buffer even if there was a third lane that the people that back up to Rea Road are not going to have that road in their back yard.

Town Planner Cook – That is not in our LARTP. The applicant may be able to address that. They have a 100 foot buffer up front on a landscaped berm. I know that I did not require them to set aside right-of-way for that additional lane.

Mr. Keith Cooper – I work with the applicant Mel Graham. There aren’t any lots that back up to Rea Road. We have our 100 foot buffer then our road then our lots opposite side facing so in the event that there ever was a widening you have a huge buffer there already and we are planting the buffer and planting additionally as the Planning Board requested.

Councilwoman Hadley – How much would a third lane come into that buffer?

Mr. Cooper – If you look at the site plan you see the lane that we are adding as 10 feet – it is not much of a widening. We have a 100 foot buffer and that is measured off of the right-of-way. There is the right-of-way then the 100 feet then our roads and then the homes.

Attorney Fox – That assumes that they put it on both sides.

Councilwoman Hadley – The landscaping for the buffer - I see you added more. I know that it is according to our requirements. Is this going to be mature landscaping?

Mr. Cooper – I am thinking that they are.

Councilwoman Hadley – The Town’s requirements in my opinion leave a little bit to be desired.

Mr. Mel Graham – I will far exceed the ordinance. I am a huge believer in landscaping. We almost always totally overdo landscaping. It will be incredible landscaping. If you drive up and down Tom Short Road where I did Longview a number of years ago – we planted very mature trees on day one.

Councilwoman Hadley – What are you going to do with the barn?

Mr. Graham – It was an Arabian horse barn. It was built in the 80’s. The barn will eventually be taken down and recycled. It will be reused. I have someone that wants it. We have a contractor that will take it down and reassemble like it is.

Councilwoman Hadley – My other question is regarding the fire hydrants. I know you have them according to code. The problem that I have seen in the past couple of years during the final grading a lot of times fire hydrants are buried and then all of a sudden the connectors for the firemen are right at the ground level and it requires mounts to get it up and all that costs money. I know that it happens during the final grading after the approval by Public Works and all of a sudden it is buried and so then at that point Public Works does not want to put the mount on it and the developer says that it is approved. Do you have a problem that if you do bury it you would take responsibility for putting in the mount?

Mr. Cooper – We can do that.

Councilwoman Hadley – Also with the perimeter around it we had a subdivision where the entrance wall was put too close and the firemen cannot make a complete turn with it. I would like for a three to five foot clearance for the perimeter of the fire hydrant.

Mr. Cooper – We can do that.

Councilwoman Hadley – One consideration that I would like to mention and I am sure you know the Loves to the east of the project. I know Mr. Love planted that first row of trees then there is a power line and then more trees. I would like some type of consideration to leave that buffer as dense.

Mr. Graham – That is going to stay. All of the tree line of the current property essentially stays like it is virtually untouched. We have a complete buffer around the entire project. Literally everything that we are disturbing is in the open field. It is a remarkable site and stays exactly the way it is. We believe this is the perfect poster child project for Weddington with quality housing with no impact to the road and great buffers all around it and to use land the way it should be used.

Attorney Fox – You said that Standard Pacific Homes was initially listed as the applicant and they are no longer part of the application. Has the current applicant Standard Pacific had any obligations as part of the preliminary plat and have those been assumed by the current applicant?

Mr. Graham – Yes. I have assumed all responsibility.

Mayor Pro Tem Barry – I was looking at the layout last night and you have eight lots that the physical structure on your layout is either butting into the wetlands or right on top of it. Is there an issue that we need to be aware of? We have flooding problems. I do not want to approve a plat that we know from the beginning that we have physical construction going on in that area. I want to make sure we are not going to run into any problems.

Mr. Graham – Matt is our lead engineer and I will have him address that. We spent an enormous amount of time and energy on that and he can address that.

Engineer – You are correct. What you actually see is the building setback runs up against the wetlands and does not mean that the structure will actually be up against the wetlands. I believe almost all of the lots that you referenced have flood protection elevations on them. Those elevations are set two feet above the 100-year expected flood elevation. We ran a flood study and that is controlled by the culvert. Those do have flood protection elevations within the two feet above the expected 100-year water surface elevation and the storm drainage easement that is required to contain a 100-year storm.

Mayor Davidson – Jordan, do you have any concerns about that?

Town Planner Cook – I do not.

Ms. Kathy Davis – I am a property owner that backs up to this new subdivision. I back up to the wetlands. If the wetlands are increased for our property and it affects our properties adversely are there provisions set up for us as those wetlands encroach upon our properties? We are not currently in the wetlands. We border them.

Mr. Cooper – That was all taken into account in the design of the project. We talked early on when you came to the initial public involvement meetings. That is a concern. It has been carefully designed as our engineers went through the project. We have been through that process with the Town’s engineer. They reviewed it and signed off on it. The State engineers have reviewed and signed off on it and issued the storm water permit for the project. Through the whole process the goal is no impact to the neighbors.

Mr. Graham – It is not a goal; it is a requirement.

Mr. Cooper – That is right, we do not have a choice. It is the way DENR requires it and the way it is designed.

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

B. Consideration of the Preliminary Plat for the Highclere Conservation Subdivision. Councilwoman Harrison moved to approve the Preliminary Plat for the Highclere Conservation Subdivision with the conditions as stated by Town Planner Cook and two additional conditions regarding hydrants requested by Councilwoman Hadley and this plat meets our zoning requirements and is consistent with the Land Use Plan.

Mayor Pro Tem Barry - I support the motion but I want to add into the record that with conservation zoning the yield requirements of 50% are the maximum. You can always approve these with less density assuming you are willing to accept it. I think in the future we need to be careful about the question about the rise and where these floodplains are pushing into where the construction easements or fall back lines are going to be.

The vote on the motion is as follows:

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

Item No. 11. Old Business. There was no Old Business.

Item No. 12. New Business.

A. Discussion and Consideration of Council Communication to Media in Response to Citizen’s Request – Councilwoman Barbara Harrison. Councilwoman Harrison – At the October 14, 2013 Weddington Town Council Meeting, Mayor Davidson entered into public record that he had an agreement and a handshake with Jack Parks to sell the property owned by the Providence VFD to the Town for \$750,000. On that night the Weddington Town Council was unaware of this email and that the email would be read into record. It is not the intention of this sitting Council to humiliate, defame or embarrass or cause undue stress to any Weddington citizen or to humiliate defame and embarrass or cause undue stress to the men and women that serve and

volunteer on Weddington's primary fire department – Providence VFD by reading in a private email. This email was never brought to the attention of the Weddington Town Council nor can any decision be made to buy, sell or approve of a transaction without a public hearing. For the record and for future Town Councils, I will now read the entire email. It was from Jack Parks to Walker Davidson and sent on January 9, 2012 and the subject was Building Upgrades.

Walker,

Here is an example of what I am looking for from the Town to enable us to proceed with obtaining accurate estimates from contractors to make changes to the PVFD Facilities. [This was never read into record.] The Town of Weddington agrees to partner with Providence VFD to facilitate with needed upgrades to the station located at 5025 Hemby Road. The support will include financial assistance to be used for the acquisition of contiguous property, renovation of the existing facilities and construction of a building addition. The financial assistance will consist of money and loan guarantees not to exceed \$750,000. Providence VFD will be expected to bring offers for purchase of property and estimates from contractors to the Town Council for review and approval. In return Providence Volunteer Fire Department will agree to transfer ownership of real estate including land and structures to the Town of Weddington. [Again this line was also not included.] If you can get this approved from the Town Council, I will take it to our Board of Directors for their approval.

We just had a citizen come up and accuse the Councilmembers of meeting outside this building, meeting secretly and doing things behind closed doors. That has never been the case for me. This email and what was put into record on October 14 it seems like our Mayor had an agreement and a handshake by an email. I now wonder how many agreements and how many handshakes are we going to find out about after the Mayor leaves office. You can tell half truths all you want but in the end the whole truth will prevail.

Mayor Davidson – Is there a motion?

Councilwoman Harrison – No.

B. Consideration of Approving New Bond Instrument for Arbor Oaks (Formerly Bonner Oaks) and Release of Current Bond Money back to Developer – Staff. The Town Council received the following memo from Town Administrator McCollum and a copy of the bond instrument:

The Town is currently holding \$6,336.00 for road performance and \$7,500.00 for road maintenance for the Bonner Oaks Subdivision. This subdivision has been bought by Parker and Orleans and they have submitted a bond in the amount of \$13,836 to replace the money currently being held for this subdivision. The subdivision has changed names and is now called Arbor Oaks. Please authorize staff to release the current bond money back to Randall Ell on behalf of Bonner Oaks and accept the new bond instrument for Parker and Orleans for Arbor Oaks.

Mayor Pro Tem Barry moved to approve the new bond instrument for Arbor Oaks and to release the current bond money back to the developer. The vote on the motion is as follows:

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

Item No. 13. Update from Town Planner. The Town Council received the following update memo from Town Planner Cook:

- Staff has received a Preliminary Plat for the 130 lot Atherton Estates subdivision. This is a conventional subdivision located on Weddington-Matthews Road. Twenty-four of these lots will be located off of Cox Road. The previously approved 23 lot Atherton Estates subdivision Preliminary Plat will be vacated. Those 23 lots and the new 107 lots will become a 130 lot subdivision known as Atherton

Estates. Public involvement meetings will be held on Tuesday, November 19, 2013 on site (Weddington Road) at Parcel #06-150-066 from 12:00 noon to 2:00 p.m. and on Thursday, November 21, 2013 from 4:30 p.m. to 6:30 p.m. at the Weddington Town Hall, 1924 Weddington Road.

- Staff has received a Sketch Plan application from Pulte Homes for a 45 lot conservation subdivision located on Lochaven Road. Public involvement meetings will be held on Wednesday, November 20, 2013 on site at Parcel #06-153-025 from 1:30 p.m. to 3:30 p.m. and on Wednesday, December 4, 2013 – 4:00 p.m. to 6:00 p.m. at the Weddington Town Hall, 1924 Weddington Road. This plan will be on the December 16th Planning Board agenda.
- Staff has received a Sketch Plan application for the six lot Graham Hall subdivision located on Weddington-Matthews Road across from Weddington Swim and Racquet Club.
- The Planning Board approved a monument sign application for the previously approved Bonner Oaks subdivision. This is a ten lot subdivision located off of Amanda Drive. No new approvals are needed for this project other than the monument sign. This subdivision is now being referenced as Arbor Oaks.
- The following items were on the October 28th Planning Board agenda:
 - Bonner Oaks Subdivision Entrance Monument Sign
 - Bromley Subdivision Entrance Monument Sign
 - Weddington United Methodist Church Signs
 - Conference Center Definition
 - CUP Text Amendment regarding PRD's

The following items will be on the next Planning Board agenda:

- Atherton Estates Subdivision
- Fire Hydrant Easement Text Amendment
- FEMA Revisions and Text Amendments

Item No. 14. Update from Town Administrator. The Town Council received the following update memo from Town Administrator McCollum:

Terms due to expire in December: Planning Board (Janice Propst) and Public Safety Advisory Committee (Michael Smith, Michael Carver, Douglas Sabo, Council Seat and One Vacant Seat)

The parts to repair the street lights have been ordered and should be received this week. I will then work with Boswell Electric to get installed.

Plans are underway for the Tree Lighting to be held on December 6 here at the Town Hall.

The speed limit sign has also been ordered as recommended by the Public Safety Advisory Board and approved by the Town Council.

I have attached a copy of the most recent worksheets for WCWAA Expenses and Current Bond/LOCs that are held for the Town.

Item No. 15. Public Safety Report.

Providence VFD

12 Union Fire
14 Union EMS
02 Meck Fire
00 Meck EMS

Training Hours 507.00 hours

The Town Council also received the Income and Expense Budget Performance and Balance Sheet for October 2013.

Weddington Deputies – 809 calls

Wesley Chapel VFD – 115 calls

Councilwoman Hadley - I think that the Wesley Chapel VFD reported 115 calls for the month in their district. Union County is now providing me with monthly numbers that I will put in the packet from now on. For October there were 16 calls in Weddington.

Item No. 16. Update from Finance Officer and Tax Collector.

A. Finance Officer’s Report. The Town Council received the Revenue and Expenditure Statement by Department and Balance Sheet for 10/1/2013 to 10/31/2013.

Finance Officer Leslie Gaylord - I did want to give you an update on the LGC application for the financing. We sent out the RFPs for the financing to five different financial institutions last week. I have heard back from four of them. They are due back to us on November 20. The application to the LGC needs to be in by December 6 to be on their January 7 meeting and because of the timing of that we will need to have a Special meeting to do the resolution and approve the proposal. We were thinking the night of the Planning Board meeting just before they meet at 6:00 p.m.

Councilwoman Hadley - This is not a commitment. This is just to have paperwork in place to be able to submit the application and to get competitive bids.

Finance Officer Gaylord – Right.

Mayor Pro Tem Barry moved to call for a Special Meeting to be held November 25, 2013 at 6:00 p.m. at the Weddington Town Hall to approve the LGC resolution. The vote on the motion is as follows:

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

B. Tax Collectors Report. Monthly Report – October 2013

Transactions:	
Utilities Charges 2013	\$8,282.23
Adjustments <\$5.00	\$(.76)
Penalty and Interest Payments	\$(197.31)
Refunds	\$845.77
Releases	\$(59.77)
Overpayments	\$(566.88)
Taxes Collected:	
2008	\$(60.00)
2009	\$(268.96)
2010	\$(60.00)
2011	\$(385.63)
2012	\$(1,469.64)
2013	\$(206,528.43)
As of October 31, 2013; the following taxes remain Outstanding:	
2002	\$82.07

2003	\$129.05
2004	\$122.90
2005	\$252.74
2006	\$131.13
2007	\$144.42
2008	\$1,684.55
2009	\$1,864.68
2010	\$2,102.27
2011	\$3,580.27
2012	\$10,756.46
2013	\$701,470.74
Total Outstanding:	\$722,321.28

Item No. 17. Transportation Report. Councilwoman Harrison gave a brief update. She stated, “They changed the Strategic Mobility plan once again. That is what we spent most of our time on last month which is with MUMPO and how they are balancing out the dollar amounts between state, regional and local roads. Basically at this meeting it was suggested by NCDOT that Towns may want to pay for their own roads.”

Item No. 18. Council Comments. Councilwoman Harrison - I will be here the day before Thanksgiving decorating the Town Hall if anyone would like to help.

Councilwoman Hadley – I would like to thank Barbara Harrison for once again organizing and having a successful Country Fair. I was unable to attend but from all the pictures, emails and phone calls I received once again you outdid yourself. Sorry was not able to help as much as I normally do. Thank you from the Council and from the community for all you do. I would also like to thank Werner and Daniel for the last two years. I know at times I wanted to kick you both to the moon and back but I also have learned a lot from you and I appreciate the willingness to work together and thank you for that. I also would like to thank you for taking the high road with the campaign and very proud of you two and Scott as well for taking the high road and not getting in the gutter. You will both be sorely missed.

Mayor Davidson – These are my last closing comments as Mayor. This has been a lot of fun. I would do it again in a heart beat. Unfortunately I got a new job and I think the perception is that I have had enough and I do not want to do this anymore. Sally knows that I would do this every day and it is a lot of fun. I recommend if you want to do it sometime I can give you some help. Thank you for your support. Again it has been a lot of fun.

Item No. 19. Adjournment. Mayor Pro Tem Barry moved to adjourn the November 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 9:05 p.m.

Walker F. Davidson, Mayor

Amy S. McCollum, Town Clerk