

**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, DECEMBER 9, 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 December 9, 2013, with Mayor Bill Deter presiding.

Present: Mayor Bill Deter, Mayor Pro Tem Don Titherington, Councilmembers Michael Smith, 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: Everlyn Hall-Baker, Nancy Anderson, John Houston, John Zotter, Bill Price, Irene Titherington, Don Titherington, Sr., Daryl Matthews, Genny Reid, Rebecca Titherington, John Titherington, Chris Kollwitz, Sally Davidson, Nancy Bartsch, Jack Parks, Kittee Deter, Alan Kerley, Traci Stone, Cathy Killough Brown, Anna-Marie Smith, Peggy Stallings, Craig Hazeltine, Rob Dow and Cathy Dow.

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

Item No. 1. Open the Meeting. Mayor Davidson called the December 9, 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. Approval of Minutes.

A. October 14, 2013 Regular Town Council Meeting Minutes. Councilwoman Barbara Harrison moved to approve the October 14, 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. November 12, 2013 Regular Town Council Meeting Minutes. Councilwoman Harrison moved to approve the November 12, 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

C. November 25, 2013 Special Town Council Meeting Minutes. Councilwoman Harrison moved to approve the November 25, 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. 5. Acceptance of the Union County Board of Elections Official Results for the Municipal Election November 5, 2013. The Town Council received a copy of the Official Results from the Union County Board of Elections for the Municipal Election held November 5, 2013.

Mayor Pro Tem Daniel Barry moved to accept the Union County Board of Elections Official Results for the November 5, 2013 Municipal Election. All were in favor, with votes recorded as follows:

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

Item No. 6. Special Recognition.

A. Councilmember Werner Thomisser – District I. Councilwoman Harrison recognized Councilman Werner Thomisser on behalf of the Town Council. She stated, “I would like to thank Councilman Werner Thomisser for all the years of service to the Town of Weddington, first as an activist and then on the Weddington Town Council. You were instrumental in working with NCDOT for a light at Hemby and Providence and for “keeping Weddington unique” by being involved with the landscape design of the Town’s medians. You researched every topic and made difficult decisions. I also appreciate the fact that you served our country. Though I may not have agreed with you on every decision, I respect and admire you for standing up to your convictions. I appreciate your service and it was an honor and privilege to have worked with you. I am proud to call you my friend.”

Councilman Thomisser - It was an absolute honor serving with this Town Council and it has truly been an honor serving the people of Weddington.

B. Mayor Pro Tem Daniel Barry – District III. Councilwoman Pamela Hadley recognized Mayor Pro Tem Barry on behalf of the Town Council. She stated, “You’ve represented your position with class and dignity. I have seen you time and again make yourself available to the community regardless of your initial position, listen to their concerns and evaluate the consequences of your vote. During that process you have initiated lively debates with Council and the community that resulted in options that may never have been considered. Having been part of those debates, I thank you for holding myself and Council accountable. What you brought to the table with your financial expertise and knowledge of parliamentary procedure will be sorely missed. You kept Council grounded and did so in a manner that was not offensive but helpful and respectful - a leader in the true sense of the word. The community and Council are losing a true advocate. Agree or disagree, I never questioned your integrity. Your intent has always been for the best interests of the Town. On behalf of the community, Council and staff thank you for your service and we wish you all the best for the future.”

Mayor Pro Tem Barry - Thank you. It has been a true honor and a distinct privilege to represent all the people that live in this great Town. It is not goodbye but so long for now. Tonight I will not stay for the whole meeting but you can count on it that I will be back.

C. Mayor Walker F. Davidson. Councilwoman Harrison recognized Mayor Davidson on behalf of the Town Council. She stated, “I would like to thank Mayor Walker Davidson for the years of service to the Town of Weddington, first as an activist and then as Mayor. You were instrumental in recommending public speaking time go from two minutes to three minutes, you also recommended not to fund WCWAA because of the issues with FEMA. As Mayor you graciously got in the dunking tank for charity and when a citizen was having difficulty making a left turn by the Methodist Church you went out and weed whacked down the daylilies. In fact you did that several times until the road was moved. The daylilies called and wanted to thank you for making them strong. Walker you have given much of your personal time and expertise to the Town and I hope you continue to have fun. Good luck to you and thank you for all you did.”

Mayor Davidson - I want to thank everybody. This has been a lot of fun for me. I hope everyone will continue to come to the meetings and stay involved. It is a great town and we have a great group of people here.

Item No. 7. Oaths of Office.

A. Oath of Office for Bill Deter – Mayor. Mayor Davidson administered the Oath of Office to Bill Deter.

**TOWN OF WEDDINGTON, NC
MAYOR
Oath of Office**

I, Bill Deter, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of the State of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Mayor, so help me God.

B. Oath of Office for Don Titherington – District I. Mayor Deter administered the Oath of Office to Don Titherington.

**TOWN OF WEDDINGTON, NC
COUNCILMEMBER
Oath of Office**

I, Don Titherington, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of the State of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Councilmember, so help me God.

C. Oath of Office for Michael Smith – District III. Mayor Deter administered the Oath of Office to Michael Smith.

**TOWN OF WEDDINGTON, NC
COUNCILMEMBER
Oath of Office**

I, Michael Smith, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of the State of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Councilmember, so help me God.

Mayor Deter called for a brief recess.

Item No. 8. Determination of Quorum. There was a quorum.

Item No. 9. Public Comments. Ms. Nancy Anderson – A season of hope lives inside of me and breaks me open with a joy and heartache and a love like none I have ever known - like nothing I could have ever imagined. It is a true story of a football team, a dying girl and her last wish. Yet it was not a story. It was for real. It all happened and I want you to know about it. I want you to know how it felt. I am reading from a book by Keith Larson. It is called Seasons of Hope. It is a story of a 12-year old girl named Hope from the Town of Weddington whose life and death helped define who we are as a community. Two weeks after I got sworn in as Mayor the following story appeared in the Charlotte Observer - Granting Hope's Wish. Offered anything she asked to help other sick children. When the Make-a-Wish Foundation asked 12-year old Hope Stout what she wanted instead of answering Hope asked a question. How many children are waiting on the list? Another 155 they told her. My wish is to help raise money to grant all of their wishes. This story and many others to follow grabbed the heart of WBTV radio personality Keith Larson who as he puts it his heart was broken open with joy and heartache and took to the air waves. A blow out celebration was planned to raise money for Hope's wish. They needed over one million dollars to grant the 155 wishes. Her date for the Gala Event was to be Kevin Donnalley - # 65 of the Cinderella Team of the Panthers going to the Super Bowl that year. Hope died on January 4. She never made it to the celebration in her honor but we were all there. Many people from the Town and many of her classmates from Weddington Middle School were all there and Town officials myself included

all attended that year and every year after in celebration of Hope and we continue to support the March Forth for Hope foundation. We raised over \$100,000 for our Library and the reading room to be named after her. The Library was never built. The Town has never officially recognized or marked this extraordinary life of this young girl. As we approach the 10th anniversary coming up January 2014 I am asking that the Town issue a proclamation marking this event to recognize the young girl from Weddington who brought out the very best in all of us.

Mr. Walter Staton – I live right down the road here next to the proposed Atherton Estates that will be all around my house on all three sides. I will be 80 years old my next birthday. All of you know me. I was here way before we had the Town of Weddington. Why am I here? I had six to eight pages that I was going to talk about tonight but I had a wonderful call from a gentleman this afternoon that made me very happy. I will not get into that. In closing, I am happy to see one acre lots and all brick homes of \$500,000 and up on the Atherton Estates very, very large subdivision that surrounds me here in Weddington. Thank you again from the Staton family.

Item No. 10. Additions, Deletions and/or Adoption of the Agenda. Councilwoman Harrison moved to adopt the agenda as presented. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Titherington, Harrison and Hadley
 NAYS: None

Item No. 11. Consent Agenda.

A. Consideration of the 2014 Meeting Schedule. Councilwoman Hadley moved to approve the 2014 Meeting Schedule. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Titherington, Harrison and Hadley
 NAYS: None

**TOWN OF WEDDINGTON
 SCHEDULE OF TOWN COUNCIL MEETINGS - 2014
 (2ND MONDAY OF EVERY MONTH)**

DATE	TIME	LOCATION
January 13, 2014	7:00 p.m.	Town Hall Council Chambers
February 10, 2014	7:00 p.m.	Town Hall Council Chambers
March 10, 2014	7:00 p.m.	Town Hall Council Chambers
April 14, 2014	7:00 p.m.	Town Hall Council Chambers
May 12, 2014	7:00 p.m.	Town Hall Council Chambers
June 9, 2014	7:00 p.m.	Town Hall Council Chambers
July 14, 2014	7:00 p.m.	Town Hall Council Chambers
August 11, 2014	7:00 p.m.	Town Hall Council Chambers
September 8, 2014	7:00 p.m.	Town Hall Council Chambers
October 13, 2014	7:00 p.m.	Town Hall Council Chambers
November 10, 2014	7:00 p.m.	Town Hall Council Chambers
December 8, 2014	7:00 p.m.	Town Hall Council Chambers

B. Consideration of the 2014 Holiday Schedule. Councilwoman Hadley moved to approve the 2014 Holiday Schedule. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Titherington, Harrison and Hadley
 NAYS: None

**TOWN OF WEDDINGTON
HOLIDAY SCHEDULE
YEAR 2014**

New Year's Day	Wednesday, January 1
Birthday of Martin Luther King, Jr.	Monday, January 20
Good Friday	Friday, April 18
Memorial Day	Monday, May 26
Independence Day	Friday, July 4
Labor Day	Monday, September 1
Veteran's Day	Tuesday, November 11
Thanksgiving	Thursday, November 27 and Friday, November 28
Christmas	Wednesday, December 24, Thursday, December 25 and Friday, December 26

C. Call for Public Hearing to Review and Consider Proposed Text Amendments to Article XIII – Floodplain (Public Hearing to be Held January 13, 2014 at 7:00 p.m. at the Weddington Town Hall). The Town Council received a copy of the proposed text amendments. Councilwoman Hadley moved to call for a public hearing to review and consider proposed text amendments to Article XIII – Floodplain. The public hearing is to be held January 13, 2014 at 7:00 p.m. at the Weddington Town Hall. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Titherington, Harrison and Hadley
NAYS: None

D. Call for Public Hearing to Review and Consider Proposed Text Amendments to Section 46-46 – Subdivision Checklist (Public Hearing to be Held January 13, 2014 at 7:00 p.m. at the Weddington Town Hall). The Town Council received a copy of the proposed text amendments. Councilwoman Hadley moved to call for a public hearing to review and consider proposed text amendments to Section 46-46 – Subdivision Checklist. The public hearing is to be held January 13, 2014 at 7:00 p.m. at the Weddington Town Hall. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Titherington, Harrison and Hadley
NAYS: None

Item No. 12. Appointments.

A. Appointment of Mayor Pro Tempore. Mayor Deter moved to appoint Councilman Titherington to the position of Mayor Pro Tem.

Councilwoman Hadley - I have a hypothetical question to ask our attorney. If for some reason our Mayor decided to not sign a contract and the Mayor Pro Tem decided not to sign a contract that was voted on by the majority of the Council - who would sign?

Attorney Fox - You cannot force them to sign it. The question of whether or not the board action can be reflected by another signature of the governing body - I don't want to answer the question without researching further because if it is a hypothetical there may be some real life perspective if it becomes reality on some issue and I don't want to take a position until I have had a chance to actively research.

Councilwoman Hadley - Let's say that Barbara, Mike and myself approve a contract to purchase an ATV for the Town and the Fire Department. The Mayor and Mayor Pro Tem do not want it and they refuse to sign the contract for the purchase after there is a vote from the board.

Attorney Fox - If there is action taken by a majority vote of the governing body and the lone remaining act needs to be the execution and carrying forth of the board action it would seem to me that the law would provide that any member of the remaining majority might have the ability to execute. If it is action of the board then the board has the ability to implement it.

All were in favor of the motion, with votes recorded as follows:

AYES: Councilmembers Smith, Titherington, Harrison and Hadley
NAYS: None

B. Declaration by Mayor Bill Deter of Delegate and Alternate to the Charlotte Regional Transportation Planning Organization (CRTPO). Councilwoman Hadley moved to declare Mayor Deter as Delegate and Councilwoman Harrison as Alternate to the Charlotte Regional Transportation Planning Organization. All were in favor of the motion, with votes recorded as follows:

AYES: Councilmembers Smith, Harrison, Hadley and Mayor Pro Tem Titherington
NAYS: None

C. Appointment of Delegate and Alternate to Centralina Council of Governments (COG). Councilwoman Hadley moved to appoint Mayor Deter as the Delegate and herself as Alternate to Centralina Council of Governments. All were in favor of the motion, with votes recorded as follows:

AYES: Councilmembers Smith, Harrison, Hadley and Mayor Pro Tem Titherington
NAYS: None

D. Appointment of Facilities Manager. Mayor Pro Tem Titherington moved to appoint Councilwoman Hadley as Facilities Manager. All were in favor of the motion, with votes recorded as follows:

AYES: Councilmembers Smith, Harrison, Hadley and Mayor Pro Tem Titherington
NAYS: None

Item No. 13. Public Hearings and Consideration of Public Hearings.

A. 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 Deter opened the public hearing.

Town Planner Cook - This is a housekeeping item. A Planned Residential Development is a gated and private subdivision. This has typically been done through the conditional use permit process. As most of you know everything in our ordinance especially which deals with subdivisions is either by right or through a conditional zoning process. What we have done is scratched PRD's from the conditional use permit process and moved to the conditional zoning permit process. At no point will we be crossing a by-right and a conditional use permit. It will all be an open forum legislative conversation and decision.

With there being no one wishing to speak, Mayor Deter closed the public hearing.

B. Consideration of Ordinance Adopting Text Amendments to Section 58-23 Planned Residential Developments. Councilwoman Hadley moved to adopt Ordinance O-2013-13. All were in favor of the motion, with votes recorded as follows:

AYES: Councilmembers Smith, Harrison, Hadley and Mayor Pro Tem Titherington
NAYS: None

**AN ORDINANCE TO AMEND SECTION 58-23
OF THE CODE OF ORDINANCES
OF THE TOWN OF WEDDINGTON
O-2013-13**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT SECTION 58-23 OF THE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

Sec. 58-23. Planned residential developments.

(a)

Planned residential developments (PRDs) are allowed as a conditional zoning districts use in the R-CD, R-80, R-60 and R-40 zoning districts. PRDs are established in order to provide a residential development at low densities consistent with suitability of the land and the rural character of the town. In order to encourage high quality design and innovative arrangement of buildings, these districts provide flexibility from the conventional use and dimensional requirements of the general districts. Unlike other developments in the town, a PRD may be allowed to have private streets that are not owned and maintained by the state department of transportation (DOT). In addition, a PRD may be a gated community where a gate is placed at the outer periphery of the development in order to restrict access. All PRDs must be developed in accordance with the regulations of this section, other applicable regulations of this chapter, and chapter 46

(b)

The town council may approve a PRD for any new development proposed in the town. Existing developments in the town shall not be considered as PRDs and are not subject to any PRD regulation.

(1)

Uses permitted in a PRD and minimum lot and setback requirements for such uses in a PRD shall be as allowed in the underlying zoning district.

(2)

As PRDs are conditional zoning districts uses, a conditional zoning application use permit must first be approved by the town council in accordance with Section 58-271 ~~article III of this chapter~~. Once a conditional zoning is approved, use permit is granted the developer shall comply with all applicable procedures of chapter 46

(3)

The design and layout of any gatehouse, external fence, walls and berms that serve the entire PRD and other amenities to the PRD that are visible from any public street shall be included with the conditional use permit application. All such facilities shall be located outside any public street right-of-way and shall be designed to blend in, to the greatest degree feasible, with the proposed development and shall be attractive to motorists and pedestrians from adjoining public streets.

(4)

With the exception of the placement of the gate and/or guardhouse in a private street, any road built within a PRD shall be built to state standards and shall meet all applicable minimum right-of-way, pavement, and construction standards for public roads as established by the state department of transportation. A certified engineer shall verify that all roads within the PRD conform to all required state department of transportation standards for roadway and storm drainage design. The NCDOT Built-To Standards Checklist (available at town hall upon request) will be required to be submitted to the town zoning staff for review and approval. The town reserves the right to have streets inspected during the construction phase to insure that they are being built in accordance with all applicable state DOT standards. The PRD developer of the subdivision shall bear all costs borne by the town in association with such inspections.

(5)

Before the approval of a final plat for a PRD, the developer shall submit to the town evidence that the developer has created a homeowners' association whose responsibility it will be to maintain common areas and private streets within the PRD. Such evidence shall include filed copies of the articles of incorporation, declarations and homeowners' association bylaws.

(6)

The maintenance and upkeep of any guardhouses or entry structures, and subdivision walls, fences or berms located at the external periphery of the PRD, as well as the maintenance and upkeep of any private streets in the PRD, shall be the sole responsibility of the developer and/or any duly incorporated and active homeowners' association. Accordingly, any bond accepted by the town per subsection 46-49(b) for a PRD subdivision shall be calculated using the construction costs of all such facilities (in addition to the cost of streets as provided in subsection 46-49(b)) and shall remain in place until the town council is satisfied (in its own exclusive discretion) that the homeowners' association is controlled by individual lot owners other than the developer (which generally the town council shall not deem to have occurred until one year, at a minimum, after a homeowners' association is incorporated and active) and has made necessary assessments for, and has otherwise taken over the full responsibility of, maintaining and repairing such streets and facilities. The decision to release such bonds shall rest entirely within the town council's discretion and shall be made based upon the homeowners' association's financial ability to properly maintain and repair these streets and facilities. After the bond is released by the town council, the homeowners' association shall be required to submit to the town, by January 15 of each calendar year, the names, addresses and telephone numbers of all duly elected members of its board of directors as well as a copy of its annual financial statements showing, at a minimum, the amount of funds budgeted to maintain such streets and facilities. In the event the town council, in its discretion, believes the homeowners' association is not adequately maintaining or repairing the streets or facilities or is not making assessments necessary to cover the cost of said maintenance or repairs, it may, after holding a hearing, require the homeowners' association to provide a bond as required in subsection 46-49(b). The hearing described above, shall be duly noticed by publication as provided in this chapter

and by mailing notice of the hearing to at least one officer (according to the most recent list of officers the town has received) of the homeowners' association or to the homeowners' association's registered agent at least ten days before the hearing. The homeowners' association's bond may be eliminated, modified, or reinstated at the discretion of the town council after a hearing notice as described above.

(7)

Subdivisions which have an entrance gate are subject to the following regulations: The homeowner's association will provide the access code to the gate and an emergency contact number to the fire department, the Union County Sheriff and other emergency services and will be responsible for maintenance, testing and repairs of all functions of the gate. An annual inspection and test of the gate system shall be performed and the results submitted to town hall. Should there be a problem with the operation of the entrance gate, the gate shall remain open and accessible until the gate is repaired and tested. Any homeowner's association that is found to be in violation shall be required to maintain a service agreement with a qualified contractor to ensure year-round maintenance and to submit a copy of the service agreement to town hall.

Adopted this 9th day of December, 2013.

C. 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 amendments. Mayor Deter opened the public hearing.

Town Planner Cook - Several months ago the Town Council adopted text that separated conference center and wedding and banquet facilities. We modified the definition of a wedding and banquet facility. It was added to residential zoning districts as a conditional use. Conference centers however remained in MX (Mixed Use) as a conditional zoning process and a conditional zoning permit. It was a recommendation of the Planning Board and direction by the Town Council to tighten up the definition of a conference center. That is what we have done. We wanted to make sure there was a clear difference. Conference centers are only allowed in M-X zoning. They are defined as follows: Conference centers are uses designed and built to accommodate 250 or more persons and used to host conferences, exhibitions, meetings, seminars, company retreats, training sessions, etc. Conference centers may include meeting rooms, auditoriums, exhibition halls, facilities for food preparation and serving, parking facilities and administration offices.

With there being no comments or questions, Mayor Deter moved to close the public hearing.

D. Consideration of Ordinance Adopting Text Amendments to Section 58-4 – Conference Center Definition. Councilwoman Hadley moved to adopt Ordinance O-2013-14. All were All were in favor of the motion, with votes recorded as follows:

AYES: Councilmembers Smith, Harrison, Hadley and Mayor Pro Tem Titherington
NAYS: None

**AN ORDINANCE TO AMEND SECTION 58-4
OF THE CODE OF ORDINANCES
OF THE TOWN OF WEDDINGTON
O-2013-14**

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.

Conference centers are uses designed and built to accommodate 250 or more persons and used to host conferences, exhibitions, meetings, seminars, company retreats, training sessions, etc. Conference centers may include meeting rooms, auditoriums, exhibition halls, facilities for food preparation and serving, parking facilities and administration offices.

Adopted this 9th day of December, 2013.

E. Public Hearing to Review and Consider an Amendment to the Weddington UMC Conditional Zoning Application for an Attached Sign. Mayor Deter opened the public hearing. The Town Council received the following memo from Town Planner Jordan Cook:

Please find the attached application from Weddington United Methodist Church for two signs located on an existing brick wall located along Providence Road.

The signs will be facing Providence Road. The signs will read “Weddington Christian Academy” and “Weddington Christian Preschool”. A copy of the site layout, sign description and setbacks from Providence Road and property lines are included in the plans provided. The specifications for the monument signs are as follows:

- Weddington Christian Academy sign is 23.544 square feet.
- Weddington Christian Preschool sign is 26.568 square feet
- The signs will be located on an existing brick wall.
- The monuments are clear of the site triangle and out of State right-of-way at both entrances.
- Signs will be front lit by a floodlight.

Section 58-152 (d) of the *Weddington Zoning Ordinance* permits attached orientation signs, behind the right-of-way line. The signs are in general conformance with the *Weddington Zoning Ordinance*.

The Planning Board gave these signs a favorable recommendation at their October meeting.

The Town Council also received a copy of the following:

- Sign Application
- Sign Description
- Photo of Proposed Signs
- Site Plan

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

F. Consideration of Amendment to the Weddington UMC Conditional Zoning Application for an Attached Sign. Mayor Pro Tem Titherington moved to approve the amendment to the Weddington UMC Conditional Zoning Application for an attached sign. All were in favor of the motion, with votes recorded as follows:

AYES: Councilmembers Smith, Harrison, Hadley and Mayor Pro Tem Titherington
NAYS: None

Item No. 14. Old Business. There was no Old Business.

Item No. 15. New Business.

A. Review and Consideration of the Final Plat for Lake Forest Preserve, Phase 3B – Map 2. The Town Council received the following memo from Town Planner Cook:

Orleans Homebuilders submitted an application on November 8, 2013 for approval of the Final Plat of Phase 3B Map 2 in the Lake Forest Preserve subdivision located on Weddington Road.

Project Information:

The Lake Forest Preserve Subdivision is an approved 211 lot subdivision on 260.61 acres. The subdivision is located at the intersection of Weddington Road (NC 84) and Cox Road. Lake Forest Preserve is being developed by Orleans Homebuilders as an R-CD conservation subdivision.

Phase 3B Map 2 is comprised of 28 lots (tax parcel 06-099-009) and was given Preliminary Plat approval on May 9, 2005. The original deadline to submit the Final Plat was May 9, 2007. However, the Permit Extension Act of 2009 and 2010 essentially “froze time” from 2007 to 2010 giving Orleans Homebuilders until May 9, 2013 to submit their Final Plat(s). The submitted Final Plat for Phase 3B Map 2 is identical to the approved Preliminary Plat showing Phase 3B Map 2.

Phase 3B Map 2 Information:

- Phase 3B Map 2 is 28 lots and 15.250 acres.
- Phase 3B Map 2 is not required open space on its own. The Lake Forest Subdivision has provided 138.81 acres of conservation land in accordance with *Section 58-58 (4)* of the *Weddington Zoning Ordinance*.
- Development standards are as follows:
 - Minimum lot size- 12,000 sq. feet
 - Minimum lot width- 80 feet
 - Minimum front yard setback- 20 feet
 - Minimum rear yard setback – 30 feet
 - Minimum side yard setback – 30 foot separation of structures
- Lot 36 is the smallest lot within Phase 3B Map 2 at .380 acres or 16,553 square feet.
- All adjacent parcels either owned or maintained by Lake Forest Preserve Homeowners Association.
- Water and sewer services are to be provided by Union County Public Works (approvals on file).
- A copy of the approved Declared Covenants, Conditions and Restrictions (CCR’s) for Lake Forest Preserve are on file at Town Hall. Those CCR’s address ownership and maintenance of all conservation lands and have been approved by the Town Attorney.
- US Infrastructure has previously reviewed and approved the Preliminary Plat.
- All roads are built to NCDOT standards (final layer of asphalt to be added after construction). Road names and addresses have been approved by Union County E911.
- All NCDENR, NCDOT and Union County approvals and permits are on file with the Town. These approvals were required during the Preliminary Plat process.
- The Planning Board gave this final plat a favorable recommendation at their November meeting. The Planning Board recommendation only included condition number one. Staff added conditions two and three after the Planning Board meeting.

The Lake Forest Preserve Phase 3B Map 2 Final Plat has been found to be in general compliance with the Town of Weddington Zoning and Subdivision Ordinances with the following exceptions:

1. Performance and Maintenance Bonds to be approved the Town Council (USI and Union County currently reviewing the bond estimates);
2. Maintenance bond to be approved shall be no less than amount submitted to Union County Public Works;

3. Applicant to install rises on fire hydrants if covered during any phase of construction.

The Town Council also received a copy of the following:

- Final Plat Application
- Final Plat for Phase 3B – Map 2
- Approved Preliminary Plat

Town Planner Cook - The roads on this plat have not been turned over to NCDOT and I do have the final bond amount that the Town Council will need to approve. The final plat is the final stage that the developer goes through before being about to pull zoning and building permits. The preliminary plat has been approved. This is their final step to record. The majority of the roads in this subdivision have been turned over. This is going to be the only subdivision in Weddington that is going to have streets that are maintained by NCDOT and not maintained by NCDOT.

Mayor Pro Tem Titherington - Lots 45 and 46 are awfully close to the FEMA floodplain. I understand that was redrawn in 2008. If that changes with further development are we putting homeowners at risk of suddenly being in a floodplain if they do a redraw?

Town Planner Cook - The back of the lots are probably 10 to 15 feet away from the floodplain. In 2008 the floodplain lines were redrawn. There is always a risk that could change. That may not be an area that changes. All of them did not change in Weddington in 2008. I don't think we have any way of telling at this point.

Mr. Alan Kerley – Many times we have flood lines actually on the lot. There is a sewer easement that runs through there. From an elevation standpoint we are not concerned that there is going to be any issue with infringement that would come back and require flood insurance. If it happens FEMA sends a notification and will make them do flood insurance. In my 16 years we have never had that happen.

Councilwoman Hadley - Is there anything that needs to be addressed in the covenants and restrictions relative to the road situation? At this point do we need something in writing?

Town Planner Cook - I have had a conversation with the Attorney about us having some type of condition on the final plat that protects the Town and deals with the roads and how they will be maintained in the future even though we do not know that at this point.

Attorney Fox – We have looked at the restrictive covenants as part of the subdivision process. Generally it occurs during the preliminary plat phase of the review process. We are at final plat approval; however, there is information that has recently come to the Town's attention with regards to NCDOT's position with ongoing maintenance of subdivision streets that does offer information that the Council could consider.

Councilwoman Harrison - Could we not have them put on the deeds to these houses that the road is not maintained? I think people upfront should know that they are buying a home on a road that potentially is not going to be maintained like the rest of the subdivision.

Attorney Fox - You can impose reasonable conditions as part of the approval process. What we did in the Bromley approval process was to require that the developer show on the deed to each of the properties. We can do on the plat for this because it has not been recorded. Nothing has been sold here and you can do it as a note to notify property owners that the streets shown on the plat which are offered for dedication will not be maintained by the Town of Weddington and maintenance would only occur if those streets are accepted by NCDOT for maintenance and that is the Town's intent not to accept such streets for maintenance.

Mr. Kerley – Being that this is a new situation for the Town we would like to propose language that at the time of the plat recording the Town of Weddington is not accepting maintenance of these streets so if the Town

decides a few years down the road that they are going to begin maintaining streets we would assume that subdivision would fall under that maintenance agreement.

Attorney Fox - The problem with that language as I hear it from the governing body is their intent to put property owners on absolute notice that it is not the intent now or at some point in the future to accept these streets for maintenance.

Councilwoman Harrison - I prefer people know that up front and that there is no surprise.

Councilwoman Hadley - I am a little confused because have we voted that the Town is not going to take over the streets? We have not made a decision on that. I would propose the wording might be that NCDOT is not going to take it over.

Town Planner Cook - I have had several conversations with NCDOT. NCDOT is aware that this is the only subdivision like this in Weddington. If there is a subdivision in Weddington where DOT is going to stand down just a little bit would be this subdivision. I don't want to exclude the possibility of DOT taking over three or four roads in this subdivision being that this may be the only one that they do in Weddington.

Councilwoman Hadley - How can you have any language when you do not know? You do not have a definitive answer from DOT and a definitive decision from the Town.

Councilwoman Harrison - I have a neighborhood that is going to have a road go through it because the language was not on our deeds. I am on the side of the homeowner.

Mayor Deter - We can delay or defer this decision because later on this agenda we are going to be talking about and voting on the Town not accepting maintenance of the roads. Right now I get a sense that we cannot say it because it is not definitive yet.

Attorney Fox - Regardless of what you might do with regards to a policy statement on street acceptance by the Town this item even if you adopt that policy statement does not address this item absolutely. What I hear is a notification to future purchasers in that subdivision and what kind of notice they have and therefore what kind of expectation they may have. What are you comfortable with approving as final plat for this subdivision and under what conditions would you be comfortable approving it? I am hearing maybe a new condition that would require some language that would need to be worked through between the Town and the developer on what kind of language is sufficient to give future purchasers notice of the Town's position on street acceptance.

Mr. Kerley - We have no issue with that notification on the plat. We are in favor of that. We do not want to have any disclosure issues down the road either. Can we not fix this by getting an agreeable statement on the plat so that if the plat is ever revised you do not have to get the signature of each individual homeowner on their deed?

Councilwoman Harrison - That is true but when I bought my property I did not look at a plat. That is the issue that is going on in my neighborhood is that the deed did not reflect that a road was going to go in people's back yards.

Mr. Kerley - Typically the deed is not really reviewed until at closing. That is something in the fine print. I think you get more exposure looking at the plat. We want that upfront too as a seller to give them the most time to see that. We think informative precise information on the plat will solve that.

Attorney Fox - It depends on what is the goal of the Council. If the goal of the Council is to put the public on notice that is what the plat does. That is what recordation does. By recording on the plat the law is going to presume that the buyer had notice because they would have had the availability to look at that and determine what other conditions as it relates to this subdivision that I am going to buy and invest money in.

Councilmember Smith - People may not know to do that. We need to make sure they know right up front this is what the situation is.

Councilwoman Harrison - I think the fourth condition should say something about our attorney working with the developer on coming up with language.

Attorney Fox - I am hearing that the Council is interested in seeing as much notice as possible that can be given which might mean notice on the plat and in a deed instrument as to what the limitations are.

Mr. Kerley - If there was a change made to the plat how would the deed be changed? I feel that could be the challenge if the plat is changed post closing.

Councilwoman Harrison - I am good with the plat if it is on the plat if that is really giving people notice.

Mr. Kerley - Your Zoning Administrator signs off on all the permits before we start a home. What if we brought in a signed acknowledgement from the buyer that not only it is on the plat but they have read it and signed in and we hand to the Zoning Administrator.

Council agreed that worked for them.

Mr. Kerley - If we can agree to the language on the plat we will just attach that to the building permit and for remaining homes you will have written acknowledgement.

Councilwoman Hadley – I think we all agree that something needs to be written somewhere and I think that is a good idea. My question is what are you going to write? We have no definitive answers.

Town Planner Cook - This is a suggestion: Applicant required to add note to plat and or deed addressing NCDOT's new street policy and Town's decision on acceptance and/or maintenance of subdivision streets.

Attorney Fox - She is not sure that the Town Council has made a decision.

Town Planner Cook - That is why I said the Town's decision since we do not know the decision.

Attorney Fox - You may know the answer by the end of the meeting. There is also the question of the covenants. The covenants would address if the Town is not going to maintain it, NCDOT is not going to accept it and how will maintenance be addressed.

Mr. Kerley - Right now the covenants say that Orleans Homes will maintain the streets until they are turned over but at a certain percentage they could turn over to the HOA. Under the language we have and are willing to propose is that they would be made aware that if that were to happen an assessment or something would be needed and the new people would be notified.

Attorney Fox – What you are saying at this point is a portion of this subdivision will have an HOA that could ultimately be responsible for maintaining roads akin to a gated community or private development.

Mr. Kerley - We feel somewhat confident that we can work with NCDOT. We have 13 streets in this neighborhood and 7 ½ of which have been accepted. It is a little bit of an issue for them to go from a State accepted street to a private street back to a State accepted street. We cannot commit to that now because we have not had the conversation. We feel pretty confident that NCDOT will work with us in this neighborhood.

Attorney Fox - Are you prepared to take action subject to direction of the Town Attorney to work with the developer on adequate language that addresses the concerns and discussion we heard or do you want it to come back to you to see what that language is?

Mayor Deter - I am comfortable that you know what you are doing and you know the intent of what we want.

Mr. Kerley – We have sold homes that we are waiting for the plat to record so we can pull permits.

Town Planner Cook read his suggested condition again.

Attorney Fox - He was not going to add to the deed.

Mr. Kerley – I prefer not to add to the deed because it would become a hassle to the seller and the homeowners at a later date.

Town Planner Cook – We also would add that the applicant must provide a signed letter from the homeowner’s acknowledgement of street maintenance during the zoning permit.

The Council added a condition to the approval that the developer will work with the Town Attorney on the actual language to go on the plat.

Councilwoman Hadley – I would like to add the condition regarding installing the risers on the fire hydrant and also with a three to four foot diameter.

Town Planner Cook – They actually have a 10 foot diameter on their final plat so they provide the easement. USI has approved the road and storm drainage bond. We had to add condition number 2 as part of this because of Union County’s new process. We are not going to get their bond approvals as soon as we are seeing these final plats at these meetings based on their timelines. Union County has it and is reviewing for water and sewer and we have a maintenance bond to be approved no less than the amount submitted to Union County Public Works.

Attorney Fox - The Town’s ordinance as part of the subdivision review process requires that the developer maintain these streets until they have been accepted for maintenance. It is hard for US Infrastructure to make a determination of when that would be.

Town Planner Cook - That is going to be part of the sections of the ordinance that we are going to have to start changing. I have had conversations with USI.

Attorney Fox - If they are comfortable with these conditions of agreeing to an unknown and that unknown may become known at a cost that you do not know.

Mr. Kerley - If for some reason the Town called the bond to make the repairs that does not mean you would take over the maintenance of the streets and by that time the HOA would have to come up with any assessments for future maintenance.

Attorney Fox - Part of the performance is to make sure that the street continues to perform for the period of time that they are under whosoever’s’ direction and they do not revert back to the Town.

Mr. Kerley - I do not know how you could answer that question at this point in time. I think the current bond amount that you have would cover any immediate needs and by the time anything else would come up the decision would have clearly been made either by way of the HOA, DOT or the Town at some later date.

Attorney Fox - If USI asked me my advice I will make sure you have a bond sufficient to cover any defects and the maintenance and performance of that street whether it is a month from now or 10 years from now or 20 years.

Town Planner Cook – USI has approved \$135,907.50 and that is only under the assumption that the HOA takes it over at some future date not what you are saying in 10 to 20 years.

Mr. Kerley - I am confused at this point.

Mayor Deter - The way I read it is the Town is not going to take over the roads, NCDOT is not going to take over roads, you posted a bond and unless some agreement is put together the HOA is going to be taking over the roads.

Mr. Kerley - You can't just say that you have to put in the bond money for perpetuity because what is the Town going to do with that money? If you do not take it into your system what are you holding the money for and who determines when you release it?

Attorney Fox - The Town's interest is to the future residents who buy in that subdivision to ensure that they have some security for their investment and they have roads that are functioning in accordance with state standards.

Mr. Kerley - I agree with that to a point and time.

Mayor Deter - Somehow the money ultimately goes into an HOA if they are the ones going to maintain them.

Attorney Fox – When you get the language that is when the handoff is going to occur. It is going to have to happen at some point when there is a transition of responsibility to the HOA.

Councilwoman Harrison moved to approve the Final Plat for Lake Forest Preserve Phase 3B, Map 2 and advised that the plat is in compliance with our Town ordinances with the following exceptions:

- Performance and Maintenance Bonds in an amount to be recommended by USI in concert with the Town Attorney;
- Maintenance bond to be approved shall be no less than amount submitted to Union County Public Works;
- Applicant to install rises on fire hydrants if covered during any phase of construction.
- Developer to work with Town Attorney on language to be put on the plat regarding the maintenance of the roads and when a zoning permit is issued for this section of the plat that a statement is included and signed by each homeowner stating that they are aware of the road situation.

All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Harrison, Hadley and Mayor Pro Tem Titherington
NAYS: None

B. Review and Consideration of the Preliminary Plat for Atherton Estates. The Town Council received the following memo from Town Planner Cook:

Shea Homes submits a subdivision preliminary plat application for a 130 lot Conventional Subdivision on 170.81 acres located on Weddington Road, Weddington-Matthews Road and Cox Road.

Application Information:

Subdivision Name: Atherton Estates

Date of Application: October 30, 2013

Applicant/Developer Name: Shea Homes, Chase Kerley

Owner Name: Parcels 06-150-066, 06-150-067 and 06-150-068 are owned by Shea Homes. Parcels 06-123-011, 06-123-125 and 06-123-126 are owned by John Rodman Delaney Jr.

Property Location: Weddington Road, Weddington-Matthews Road and Cox Road

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: An assemblage of 170.81 acres

Project Information:

The Atherton Estates Subdivision is a proposed 130 lot subdivision on 170.81 acres comprised of six parcels. The subdivision is located on and accessed by Weddington Road, Weddington-Matthews Road and Cox 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 Tuesday, November 19th on-site from 12:00pm-2:00pm and Thursday, November 21st at Town Hall from 4:30-6:30pm.
- The Zoning Administrator approved the Sketch Plan on October 30, 2013.

Preliminary Plat Information:

- The minimum lot size is 40,000 square feet. The smallest lot is lot 19 proposed is 40,065 square feet.
- The applicant is required 10% or 16.53 acres of open space after dedicating 4.45 acres of right-of-way to NCDOT and one acre for the future amenity area. The applicant has provided 10% or 16.63 acres of open space.
 - Lots 131-138 are listed as common open space on the plan. The pump station square footage has been subtracted out of the open space area on lot 138.
 - The applicant has also provided 0.93 acres of “open land” in a septic tract labeled as lot 135.
 - The applicant has also provided 4.77 acres of buffer area along Weddington Road, Weddington-Matthews Road and Cox Road. These buffers do not count as open space on the plan.
- No permanent cul-de-sacs are in excess of 600 feet.
- The applicant has also provided a 50 foot right-of-way for future connection to parcels 06-123-003C, 06-150-069 and 06-123-002. Once the adjacent parcel is developed a connection will be required.
- A stream runs between lots 15 and 16 and lots 34 and 35. The applicant shows a 15 foot stream buffer as required. Two existing ponds will remain on the site. Two wetland areas are also depicted on the site plan.
- The amenity area on lot 146 will need to go through the Conditional Zoning process. The one acre that the amenity area sits on has been subtracted from the entire site acreage.

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 was given a favorable recommendation with a 5 to 1 vote by the Planning. Following approval of the Preliminary Plat, the applicant will have two years to apply for the Final Pat. The Final Plat can be submitted in multiple phases.
- The Town Council previously approved the 23 lot Atherton Estates subdivision. Since that approval, the applicant has added parcels 06-123-011, 06-123-125 and 06-123-126 to the plan. Therefore, the original 23 lot Atherton Estates subdivision plan has been vacated and the applicant will proceed with this 130 lot plan.
- Atherton Estates is to be served by Union County Public Water. Lots 14-37 will be served by individual septic systems. Union County Public Works has provided an approval letter to serve the site with water.
- The North Carolina Department of Environment and Natural Resources (NCDENR) are reviewing the erosion and sedimentation control plans.
- The applicant is proposing a left turn lane into the site from Weddington Road and a right turn lane from Weddington-Matthews Road going into the site.
- The applicant has provided 50 foot landscape buffers along all road frontages.
- NCDOT has reviewed and approved the traffic study. However, these subdivision roads will not be accepted and/or maintained by NCDOT based on their new policy.

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;
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. 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;
5. Plans for subdivision entry monument to be approved by the Planning Board;
6. The lot summary on Sheet L-1 shall indicate non-buildable lots. (They are proposing 130 lots and it actually says that there are 146 on the plan. That is something that I asked the applicant to do due to some complications I run into with Union County. When they require power on even an open space site we need to assign an address to that and a lot of times that has been difficult so I have asked them to list actual lots created not just single family lots.)

The Planning Board added condition six at their November 25th meeting. The Planning Board also gave this a favorable recommendation with a 5-1 vote.

The Town Council also received a copy of the following:

- Preliminary Plat Application
- Preliminary Plat including the Cover Sheet, Site Plan, Planting Plan, Overall Grading and Drainage Plan, Sight Distance

Town Planner Cook - The Planning Board recommended that the side setbacks on Lots 24 and 25 be expanded to 25 feet. That was not a condition. It was just a general discussion that they had. Those are lots that their side yards abut Weddington Road. I have also set a new sheet L1 and L2 on your desk tonight. There are seven lots

that about Mr. Walter Staton's property. If you look at Lots 60 – 66 there is a new note that says, "50 foot buffer - no structures or clearing of trees larger than 2 inches in caliper shall be removed."

Councilwoman Harrison - None of those roads are going to be maintained. We need some type of verbiage added. There is a proposal by NCDOT to widen Highway 84 and Weddington-Matthews Road. Any lots abutting both of those should there should be an indication of a future road? I just feel it is the right thing to do for people to know up front that they are buying something with the potential that the road is going to be widened and they may lose a little bit of their right-of-way.

Mr. Michael Shea – I am one of the four owners of Shea Homes. We are locally owned and operated. We built the Hollister Subdivision. We have built subdivisions in Marvin, two subdivisions in Waxhaw and about 800 homes since we moved here in 1995. Our last names are on our product. We are locally owned and operated and employ a lot of local folks. We personally believe that Union County wants a large lot with a full brick home. We are the oldest family owned homebuilder in the United States. For the second year in a row we earned the prestigious JD Power Customer Service Champion, one of only 50 companies to earn such a distinction in 2012. We were the only homebuilder that won it in 2013. One of the things that came up at the Planning Board was road frontage on 84. We have done some homework on that. We talked with NCDOT and even in 2020 there are no plans to widen 84. They would like to do it but they do not have the funds to do it.

Councilwoman Harrison - It is on the 2040 plan.

Mr. Shea – We heard the Planning Board's urgency that there should be more room from Highway 84. We went ahead and conditioned our plan and made it have corner lot restrictions to add an additional buffer area from Highway 84 on those particular lots. Weddington has a tougher corner lot restriction. I heard what the Planning Board was suggesting and we went back and did our homework and made them corner lots which added another 10 feet.

Councilwoman Harrison - You are putting a berm?

Mr. Shea – Yes we have a cross section and a drawing to hand out to you. We compete with Toll Brothers and we feel this community will directly compete with Bromley. We feel that we will have a very nice amenity area which we will propose at a later date to service the residents. This is an absolute huge investment for our company and we know it is a big investment for Weddington. It is going to be our flagship community and we have our name on our product. We want to do nothing but make Weddington and everybody around it proud that it is there. The homes will be in the \$550,000s to \$700,000s and 3,200 square feet to over 6,000 square feet.

Mr. Chase Kerley – The corner lot setback is not something we actually proposed and it was something that we were going to add as a condition tonight for Lots 24 and 25. Since the original 23 lots we have added an additional 10 feet of common area, in addition to that would be this corner lot setback. It is an additional 20 feet from what has already been approved.

Mayor Deter - Is there currently a 50-foot buffer?

Mr. Kerley - Weddington Road was done different.

Town Planner Cook - It is measured from the center line on Weddington Road and not measured from any edge. From Weddington-Matthews it is measured from the back of the ditch.

Mr. Shea – We understand that there is not the same amount of relief there. We have to sell those lots. We plan to put up a model home there. We plan to have a very large berm that is going to be very well landscaped and basically give these folks as much relief from Highway 84 as possible.

Mr. Kerley - In additional discussions with NCDOT they did state that the 70 foot right-of-way is what is required now. Maybe in 2040 that may change but we are providing 35 feet on our side.

Councilwoman Harrison - There is noise and whoever buys there should know up front.

Mr. Kerley - It is likely those homes would be built as an inventory home.

Mr. Shea – The road improvements that are required of us from NCDOT on Highway 84 are much more extensive with this particular plan than what was previously approved with the 23 lots.

Mr. Kerley - Originally with the 23 lots there was a right in. This will be a left in and a right in.

Councilwoman Harrison - You are going to allow them to make a left out of your subdivision?

Mr. Kerley – Yes.

Mr. Shea – I don't think anyone is going to want to make a left. Common sense tells you not to do that especially since the roundabout. NCDOT tell us what to do.

Councilwoman Hadley - Left turn from 84 and right in on Weddington-Matthews Road.

Mr. Kerley - There will be a right in on Weddington-Matthews Road. They can turn left but there will not be a dedicated left turn lane from Weddington-Matthews into the community. On Weddington Road there will be a traffic circle and this storage area, a dedicated left turn lane only and then a dedicated right turn lane. We hired a traffic analysis firm which provided that information along with what NCDOT had for traffic counts.

Councilwoman Hadley – Weddington-Matthews Road does not change.

Mr. Kerley - There will be a dedicated right turn lane in but not a left in.

Mr. Shea – Part of that is because Bromley's improvements are going in right now and they are widening it.

Councilwoman Harrison - How big is Bromley?

Town Planner Cook - 120 lots.

Councilwoman Harrison - There is going to be a lot of traffic on that road.

Mr. Kerley - This has exits onto Weddington Road as well as Cox Road. There are multiple exit points and 130 homes traveling out one entrance.

Mr. Shea – There are 24 lots on Cox Road that will have pedestrian access within the community.

Mr. Kerley - This is on Cox Road and will only have pedestrian access so these lots would have no connectivity. They can only come in and out of Cox Road.

Mr. Shea – There will probably be some type of walking trail but no vehicular access. There is no change on Cox Road.

Councilwoman Harrison - Aren't pumping stations noisy?

Mr. Kerley - They have a generator so they do make noise.

Mr. Shea – They make us enclose it so some of that noise is muffled. I have never had a complaint from a pump station.

Mr. Kerley – The pump station is almost 600 feet from the roadway and 400 feet from the rear of a home. It is technically in the woods. I think there is a significant buffer.

Mr. Shea – That is a heavily wooded area that we do not intend to impact at all but to put the pump station in and they require a gravel road to access it for maintenance purposes.

Mayor Deter - Do pump stations make more noise than air conditioners?

Mr. Kerley – I am not sure. They don't crank up that much. The pump station will be built before any one buys and there will be plenty of disclosure that it is there.

Mr. Shea – It pumps up about once a week but not sure how long it runs.

Mayor Pro Tem Titherington – Going back to road safety and the comment around common sense - that is what scares me. When you look at the traffic and you go to the DOT meetings and they talk about Rea Road Extension, that is the plan that they are looking at for Highway 84 whether it is 2020, 2025 or 2030 the reality is that you are building a product that is going to be out there for 40 to 50 years. As you look at taking a left turn out of there and if you drive on this road on any given day common sense does not prevail. What are the opportunities to make that a non left turn? We have that out in front of the Orleans Development on Hemby Road where there is a barrier that the fire trucks can get in but you cannot make those lefts.

Mr. Kerley - Mr. Goddard with Design Resource Group is the Traffic Analysis Company and he can speak of what kind of restrictions we can make on DOT roads.

Mr. Shea – We could also probably post a no left turn out of our subdivision. I do not have a problem restricting people not to make a left out of the subdivision.

Mayor Pro Tem Titherington – That is the biggest concern I have. Town Council is responsible for safety. I would not want any one making a left turn. Posting a sign is not going to stop it.

Mr. Goddard – The site itself really is not generating a great deal of traffic.

Mr. Kerley - This is a general table that describes during AM and PM peak hours when cars are expected to traffic in or out of the neighborhood.

Mr. Goddard – In the morning you have 19 turning right, 5 turning left and again in the afternoon you have 21 turning left from 84 into the development and you have 10 turning right. This is from existing traffic volumes.

Mr. Kerley - That was taken after the traffic circle was built during school hours.

Mayor Pro Tem Titherington - So you are saying five cars will be coming out that way.

Mr. Goddard – In the morning you have 25 coming in and 75 exiting. That is over the entire development and not just one access location. In the afternoon you have 83 coming in and 49 leaving. That is based on the three access locations for the overall development. It is not just the Highway 84 access.

Mayor Pro Tem Titherington – I drive that road every morning. I am not sure if you have driven that road during school hours but you are going to have more than five high school kids coming in out of that development.

Mr. Kerley - It is also measured on road length. If someone is leaving here they are not going to travel down and turn left they are going to turn right on Weddington-Matthews Road and go down Cox Road and then turn left at the stop sign. When you talk about these five exiting and 19 exiting turning left and right that is 24 – we had 23 lots originally approved. From those 23 lots from that original development we are adding an additional left turn lane into the neighborhood. The traffic count does not show much more traffic than what we have already approved.

Mayor Pro Tem Titherington – Except that you have connected it now.

Mr. Kerley - We are giving them another way out to come out through the traffic circle. The traffic circle is a fairly efficient use and I think traveling through the neighborhood just to turn right on Weddington Road is sort of a waste of time.

Mayor Pro Tem Titherington – I am worried about the left turn leaving. You are selling this to families I am assuming with two to three kids. They are going to be going to WCWAA three or four times a week, they are going to the schools, going to plays, they are going to be coming in and out of those houses three or four times a night. They are going to be taking a left there unless they are forced to go back up Matthews and Cox. When you look at the Orleans Development they put in a left turn lane and a concrete median that is rounded so the fire trucks and the police cars can still get in there but you are not going to go up and over that thing. They allowed a left turn in.

Mr. Shea – Is that something NCDOT would approve on Highway 84?

Mr. Alan Kerley – You can take a left out of there now. It was an initial requirement but they came back and said it was not needed. You can take a left out of Providence Forest.

Mr. Shea – That is something we can ask John Underwood with NCDOT to see if that is an option. It would be an improvement on their state maintained road. I have no problem with it we would just have to get approved.

Mayor Pro Tem Titherington – My other concern regarding traffic is when you get the Bromley subdivision built out, you get the 485 extension built and no left turn on Matthews-Weddington Road you will be backing the traffic up. What is the capability of putting in a left turn in there?

Mr. Kerley - Based on the traffic study, NCDOT is not requiring a left turn lane.

Mayor Pro Tem Titherington – I understand that but these people drive these roads everyday. NCDOT does a traffic study and leaves. Is there the capability in that space? If you do not have a left turn lane you are going to have a person sitting there with a blinker and all that is going to be backing up.

Mr. Kerley - The traffic study is saying how much traffic is really coming from that direction to turn left. A lot of the traffic is coming from 16 and 84 and that is based on existing traffic patterns and traffic flows. That is not something that we are proposing to do.

Mr. Shea – You are asking me to improve what is already a preexisting condition that I cannot change. I can possibly look at widening that road but I can't change the fact that there are two lane roads in Weddington that have preexisting traffic.

Mayor Pro Tem Titherington – We are looking at putting in a 130-lot subdivision and the fact that you are going to be adding 200+ cars to that road. That is why I asking the question.

Councilwoman Harrison - When they were widening Providence Road, Tilley Morris Road to Weddington Matthews Road became a highway. They said once the road gets widened people will go away. No they like that and they did not go away we have just added more traffic on Providence Road.

Mayor Pro Tem Titherington – My question is around safety. You are going to be selling that to your homeowners going in there. Those are two choke points that are just dangerous. Safety is a big concern.

Mr. Goddard – It is a directional crossover. You can do left in and right in but only a right out. It could be done. I would be under the impression of actually having it open to see exactly how bad it is. You can always go in and put it in later versus right from the get go.

Mr. Kerley - If NCDOT agrees to that design I think we are for that.

Mayor Pro Tem Titherington – Then a left turn onto Matthews-Weddington Road.

Mr. Kerley - That is not something that we are proposing.

Mayor Pro Tem Titherington – There is going to be a bottleneck there. People in the community at night are heading out that way. That is unfortunately the design that NCDOT gave us to get into this grocery store.

Mr. Shea – On the 84 condition I can certainly check with NCDOT. I do not have to get right-of-way to do that. I may have to get right-of-way to make an additional turning lane on Weddington-Matthews Road.

Mr. Kerley - It is an expense over and above what has been a studied traffic flow pattern that did not suggest one based on NCDOT and the traffic study.

Mr. Shea – I do not have any problem with the 84 concerns. I think to differentiate between the two improvements one is a safety issue and one is an imposition on your time. You are at a stop sign and you cannot get out. That is a quality of life issue and not a safety issue. I agree with you on the safety issue but I am sorry I do not agree with you on the Weddington-Matthews improvement.

Councilwoman Harrison - This is a by right subdivision.

Attorney Fox - It is a preliminary subdivision plat that is before you. Your staff has determined that it has met your preliminary subdivision requirements. You have the ability to make reasonable conditions as part of the process. I heard issues about safety. Safety is a concern that the courts will recognize as a reasonable concern for the governing body to consider in trying to make a subdivision approval.

Mayor Deter - A concern I have is where you have the two lots that are coming into Weddington Road. I know our Land Use Plan and the Union County Plan tries to minimize curb cuts. Is there any way to connect those through some type of cul-de-sac into that main road?

Mr. Kerley - The lots will have septic fields in their rear as well as repair areas. There is not enough room for a roadway to be built there.

Mr. Shea – We can address that comment by trying to make a really wide well lit shared driveway. I do not think we have the ability to run a road through it because we have already internally studied it.

Mayor Deter - I do not want these guys to lose these two lots but I am also very concerned about the safety issue.

Mr. Kerley - There is not enough room to lose any lot width area on these lots. They are at their minimum lot width. There will be topography challenges as well.

Mayor Deter - Lots 25 and 28 are 45,000 square foot lots.

Mr. Kerley - It is a lot width issue and not a lot depth issue. There is a 120 foot lot width minimum and those lots just meet that. We tried to squeeze as much room as we had up here in the front.

Mr. Shea – You are talking about turning a house that is going to face this way to now face this way. Which you just created more frontage on Highway 84.

Mr. Kerley - I think there are a lot of complications with that and I do not think it is something that we are probably ready to concede and step away from tonight. There was a lot of effort made to minimize that issue before and I generally do not think it is something that we can efficiently do without creating a severe issue for the septic systems.

Mr. Shea – We can certainly look at but I don't think it would be able to be done.

Attorney Fox – I am hearing concerns about safety and design. There is not an absolute right to a number of lots. The Council if it has safety concerns can impose reasonable conditions on this preliminary subdivision plat. I am hearing that the Council is trying to provide for you your lot count in a way that is reasonable. We are just trying to figure out a dialogue that we can still give you the return that you are seeking but I am hearing and I think it is a valid concern that this Council has that you have two curb cuts on Highway 84 that create some concerns about safety to the public having to enter and exit this subdivision at two different points.

Mayor Pro Tem Titherington – And in effect you are going to have that left turn that we are going to try to avoid.

Mayor Deter - I would like to find a way to address that safety issue but yet I know you need these lots. Is there a way you can do that? Can you look at to see if there is a way to do that?

Mr. Shea – I can certainly agree to a shared drive. I don't think there is a way to pull a road through there. The prior Council approved the previous plat which was approved for 23 lots with lesser improvements. What I am bringing you is a lot more road improvements and greater road improvements for what is a by right zoning. If we felt that we were not going to get our zoning we could just pull this application and go with the 23 lots because the Town is going to be better for approving this and comes out better because we are conceding more - a lot more pavement and road improvements than what were previously approved.

Mayor Pro Tem Titherington – There was not road connectivity between those. Now you are connecting. I appreciate the negotiation. The issue is that you are now connecting it from 23 lots to 130 lots so the risk goes up. It is a safety issue. I think we have been perfectly clear about that.

Mayor Deter – Can we have you look at it and come back to us and say you can or cannot do it. If you cannot do it then personally I do not see keeping those two lots.

Attorney Fox - I hear you say that you may want to entertain a motion to table this to your next meeting to allow the applicant to consider an approach that may provide for removing access off of 84, to provide access through some type of interior driveway or shared driveway component to establish those two lots but the Council is not feeling good about having the two separate lots having access to Highway 84.

Mr. Kerley - Since this had previously been approved had we just submitted and left these two lots off since they were on an existing preliminary plat would we have been able to do that?

Town Planner Cook - If you are including the other 128 lots – no. That subdivision was approved as a 23 lot subdivision in its entirety.

Mayor Deter - If you feel you can find a solution there I would be willing to make it conditional and they would come back to Town Planner Cook and if it meets the requirements then you could move it forward and it would not delay it to the January meeting.

Town Planner Cook - I think based on the rest of the Council's comments tonight there may be more items that come up where the Town Council would want to see it and I would like that comfort level as well.

Mayor Deter - I will entertain a motion to defer to the next Council meeting.

Councilwoman Harrison - They do not have to go back to the Planning Board.

Town Planner Cook - That is correct.

Mr. Shea – Are you generally okay with some sort of private drive through the lots. We are really narrow on the lots in here because we tried to concede as much property as we could for buffer up front because those were the previous comments.

Mayor Deter - The only question I have is whether a fire truck can go down a private drive where there are two homes there. The concept I believe is acceptable.

Town Planner Cook - We do allow for easement lots and require them to be 45 feet wide. It does not have to be paved.

Attorney Fox - In that time period they can work with NCDOT regarding the no left turn.

Mr. Goddard – NCDOT has already approved all this stuff. This is going back to something they have already signed off on.

Mr. Kerley - If they allow it we will build it and then we would have a shared access drive between one of those lots where there would not be road frontage.

Councilwoman Hadley - On a previous preliminary plat we talked about the road that fronted Rea Road and they talked about if they made that an additional lane that it would come over so many feet and if an additional lane was added in the future it would be 35 feet. There was clearly enough in his buffer to accept that additional lane in the future. I am still confused on Lots 24 and 25 if it were to go to four lanes do we know where it would be in relation to the buffer that you have already presented?

Mr. Kerley - I do not know if NCDOT has designs for it. If it is 12 feet and it is a 6 lane road with two travel lanes and a right in lane and at that point you have 36 feet in width and we have a 35 foot right-of-way dedicated we would have an extra foot.

Mr. Shea – We are dedicating that right-of-way to them now so that is on the preliminary plat. That future improvement has been taken in mind. When you submit a preliminary plat to NCDOT the first thing they check is if you are giving them land for future road improvements.

Councilwoman Hadley - Hydrants?

Town Planner Cook - They are shown.

Councilwoman Hadley - Will it be a part of the new text amendments or do we need to make that as part of the condition?

Town Planner Cook – It would be a condition.

Mr. Shea – I have no problem with that.

Councilmember Smith - To clarify on this concrete barrier on 84 I would like to see it solid and not a left turn coming off of 84 into the development. I would like no left turns period going in or out. Is that what you understood?

Mr. Shea – What I understand is that NCDOT is requiring us to make a left if you are coming southbound. What I feel like I have conditioned is there is no left exiting the community. We are going to ask NCDOT for the opportunity to create a concrete barrier for any person that does not have good common sense and makes a left turn.

Councilmember Smith - My only concern is them coming out of the development and using that left turn lane that is not for them and get into it and go left on Highway 84.

Mr. Shea – If somebody is going to be really stupid I can't regulate that. We will definitely study that to see if that is possible.

Mayor Pro Tem Titherington moved to defer consideration of the preliminary plat for Atherton Estates until the January meeting to allow Shea Homes to work on the areas of concern discussed by the Council. All were in favor, with votes recorded as follows:

AYES:	Councilmembers Smith, Harrison, Hadley and Mayor Pro Tem Titherington
NAYS:	None

Council took a brief recess.

C. Discussion and Consideration of Change to Rules of Procedure – Rule #8 – Public Address to the Council. The Town Council received a copy of Rule #8 in the Rules of Procedure from November 2011.

Mayor Pro Tem Titherington - I moved that we put Rule 8 back to what it was in November 2011 and avoid confusion for citizens when they come to speak.

Mayor Deter – It takes away the sign in component and it says to limit each person wishing to make a comment to three minutes should it appear that a large number of persons desire to make comments. My thinking was if we have a large group we still have the option to do three minutes but if we have two people that want to speak if they go four to five minutes it should be allowed. That is open for discussion.

Councilmember Smith - I would like to keep it as 3 minutes and be consistent throughout and do away with the sign in.

Councilwoman Hadley - There have been discussions around taking away constitutional rights and really the only thing that was done is we clarified what is already stated in reasonable rules in the comments section and require people wishing to speak to sign in. After polling surrounding Counties and Municipalities I found out of 26, 18 actually have a sign up, four use a sign up and ask if anyone wanted to speak if they got there too late and 4 did not require a sign up. That is almost 70% of the surrounding areas that use sign in. I personally think it is a more professional way to conduct a meeting plus it gives contact information to the Council should they want to contact a speaker later since obviously they cannot during their comments. I would really like to suggest that Council defer this until you have at least gone through the process of sitting on this side of the table more than once. I would also like you to consider having public comments with any discussion agenda item because so often the public has no way of knowing the direction that an item will go in therefore unable to address it prior in public comments. This gives the Council the opportunity to have input before making decisions. I think this is a wonderful opportunity to engage the public and make them feel a part of the process.

Mayor Deter – You are saying for each agenda item.

Councilwoman Hadley - I have always had an issue with public comments. You can't interact. If someone has mistaken information your hands are tied to communicate back with them so sometimes you would like to contact them the next day to ask if you can discuss with them. If they do not sign in, it is a matter of we will write down first name and last initial. You can't spell their last name it goes too quick. It takes time to go back and listen to the audio to determine who it was and to try to find their address and phone number. I am asking that you go through the process a few times before you make that decision. Just like the 70% around us that use that sign up that you might find it not offensive and you may find that it is a more professional way to conduct a meeting and you might find that it is beneficial.

Mayor Deter - You made very good points. Part of old Rule 8 used to be if someone was out of order you are counting on the Mayor to get those people under control and in the new one it does not seem you trust the Mayor to do that. A majority vote of the Council may overrule the Mayor's ruling on standards of courtesy. It says the Mayor may determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and shall rule on those. If he doesn't then the way I interpret this is the Council can say that the Mayor is not doing his job and is not keeping it under control. I can see that maybe it has not worked well in the past. I am trying to simplify it

Councilwoman Hadley - I was here that night and there was a very personal attack on a Councilperson. It was not even on the previous Council it was the Council prior to that. There was a volatile and personal attack on one of the Councilmembers and the Mayor did nothing about it. What this does is if the Mayor decides that it is not offensive it gives the Council the same consideration as it does to the Mayor. Both have the same powers. I am a big supporter of reasonable amounts of courtesy and having a professionally run meeting. I think that a sign in helps with that. Seventy percent of the surrounding towns use that. What might also be considered is having a second public comment opportunity for the citizens at the end of the meeting or at the end of each agenda item to give the people that were concerned about something an opportunity to speak as well. I think the public comments section could be wordsmithed to accommodate better interaction and at the same time provide professionalism and courtesy. After your experience of more than one meeting we could probably come together with something that was agreeable to all of us and we could go forward with. I am asking for consideration to defer this until we can put together language that we all can agree on.

Attorney Fox - She did a procedural motion to defer it so you need to vote that up and down and then you have a motion from Mayor Pro Tem Titherington with a minor amendment from Councilmember Smith.

Councilwoman Hadley moved to defer this item regarding amendments to Rule #8 to a future date.

Mayor Deter - Since it is not to a time certain then would we have to have a motion to bring that back? Could anyone do that motion to bring it back to the floor?

Attorney Fox reviewed the Rules of Procedure and advised that it could be revived within 90 days.

The vote on Councilwoman Hadley's motion is as follows:

AYES:	Councilmembers Hadley and Harrison
NAYS:	Councilmember Smith and Mayor Pro Tem Titherington

Mayor Deter voted against the motion; therefore, the motion failed.

The vote on Mayor Pro Tem Titherington's motion with the amendment from Councilmember Smith is as follows:

AYES: Councilmember Smith and Mayor Pro Tem Titherington
NAYS: Councilmembers Hadley and Harrison

Mayor Deter voted for the motion; therefore, the motion passed.

Mayor Pro Tem Titherington - The comment that Councilwoman Hadley made about an additional public comment period, we could add that to a future agenda item.

D. Discussion and Consideration of Planning Board Appointment. The Town Council received the Appointment Policy, the following memo from Town Administrator Amy McCollum, and a copy of the applications:

The Planning Board term for Janice Propst expires in December. Terms for the Planning Board are for four years. Members also serve on the Board of Adjustment and Historic Preservation Commission. Applications from individuals wishing to serve on this Board are included in your packet.

Mayor Pro Tem Titherington moved to appoint Bruce Klink to the Planning Board.

Councilwoman Harrison moved to reappoint Ms. Janice Propst.

Councilwoman Hadley moved to close the nominations, with votes recorded as follows:

AYES: Councilmembers Smith, Hadley, Harrison and Mayor Pro Tem Titherington
NAYS: None

Councilwoman Harrison - Janice has been on the Planning Board for four years. She is also the Historic Preservation Commission Chair. She has worked very diligently over the last four years gathering the history of the Town of Weddington. Anyone that was here for the festival could see how many days and hours she worked going to many different resources to get that history for us. She is a fifth generation resident of this Town. I look for diversity and I would hate to see another woman not be on the Planning Board. We have only one sitting on the Planning Board and then our chair person. Janice researches everything that she does. Her family sold the property for all three schools that are sitting in the Town. She represents the property owners in this Town. I also feel that she is in a different area of Weddington. I am concerned about having four people who all live on Hemby Road on the Council and I am over on the southern portion of the Town. Our districting is not playing out well and I have to look at the Planning Board and are we doing the same thing. Are we clustering everything to one area versus looking at the whole area and making sure that we have representation? The Planning Board makes recommendations based on the ordinances. I nominated two people that are on the Planning Board right now. The people that I nominated probably do not vote the way I would like them to vote. That is the process. I feel if we go in a different direction then maybe we should not have a Planning Board.

Councilwoman Hadley - I am going to have to agree with everything that Barbara said. One of the first meetings I had when elected was with Planning Board Chairman Dorine Sharp. She was very proud of the fact that the board was diverse – male and female, large tract owners and members that lived in a subdivision. They had an attorney that brought a lot to the table at the time. They brought different views from different areas and strengths to the table. I am disappointed that a female that owns a large tract of land and who is a fifth generation Weddington resident who has the experience and training is being replaced. I have heard very nice things about your nominee. I spoke to him on the phone. He was very pleasant, forthcoming and appeared to be honest. My concern is your appointee will make the third person on the Planning Board that lives in Providence Woods South and that is contrary to having any diversity on the Board. I know another applicant that has a record of attending Council and Planning Board meetings and is familiar with our ordinances, another has actually served on the Board in the past and another lives on Antioch Church Road and would finally give the northeast section of the Town a voice, is a retired attorney and has three years experience on a historical preservation board which is part of the Planning Board's responsibilities as well. Another who is experienced

with planning and development and very familiar with our zoning and could hit the floor running. Were any of these applicants considered or even interviewed?

The vote on Councilwoman Harrison's nominee is as follow:

AYES: Councilmembers Hadley and Harrison
NAYS: Councilmember Smith and Mayor Pro Tem Titherington

Mayor Deter voted against the motion; therefore the motion failed.

Councilwoman Harrison - Let me go on the record to say I really am disappointed that a woman over 50 is being replaced. I really feel that we have some discrimination going on here. I want to reiterate that we do not have diversity. I did not bother to interview like I have in the past because I knew what the outcome was going to be. Why should I spend my time interviewing when a decision has already been made?

The motion on Mayor Pro Tem Titherington's nominee is as follows:

AYES: Councilmember Smith and Mayor Pro Tem Titherington
NAYS: Councilmembers Hadley and Harrison

Mayor Deter voted for the motion; therefore the motion passed.

Mr. Klink will serve on the Planning Board, Historic Preservation Commission and as an alternate to the Board of Adjustment.

E. Discussion and Consideration of Revising the Public Safety Committee Rules of Procedure to Restructure the Public Safety Committee. The Town Council received a copy of the current Public Safety Committee Rules of Procedure.

Councilwoman Harrison - Was this in our packet?

Town Administrator McCollum – The current Rules of Procedure are in your packet.

Mayor Deter - Our Public Safety Committee consists of seven people, five at large and two non-voting members who are Councilmembers. The intent of this discussion was to go to a five member at large Public Safety Committee and not have Councilmembers on the Safety Committee.

Councilwoman Hadley - What you want amended is not being presented in the packet and what are the reasons behind taking Council off of the Committee?

Mayor Deter - If it is not in the packet that is my fault, being the new guy. I am coming from a business standpoint and if I was setting up a team or a committee at work the last thing I am going to do is show up for those meetings. I do not think it is needed and I want the Safety Committee to be able to freely do their work. It may appear that the boss is looking over their shoulder. That was my thinking in terms of restructuring the committee. Get the group in place and my vision is for them to get assignments from the Council to carry out and there may be situations where they can proactively come and present things to the Council.

Councilwoman Hadley - The only change in the Rules of Procedure would be to go from seven members to five members with no members of Town Council.

Mayor Deter - Correct.

Councilmember Smith - There was a looming thing that the boss is in the room and that I feel that it would free us up to do what we need to do.

Councilwoman Hadley – We?

Councilmember Smith - The Council and it would give them more control over how they want to run things and the action they want to take. It gives them a little more freedom. Overall I believe it would run smoother without the Councilmembers on there and allow the citizens to come in and participate in the Town.

Councilwoman Harrison - Are you saying even as a citizen even though I am a councilperson I would not be able to attend a Public Safety Meeting? As you know I have some things I want done.

Councilmember Smith - You had some great input. If you want to attend as a citizen give comments that would be welcome. I was glad you came to the meeting and gave good input. They are an investigative committee. Let them investigate and that is what they are there for.

Town Administrator McCollum asked that the Council allow her to call the first meeting of the Public Safety Committee.

Councilmember Smith moved to amend the Public Safety Rules of Procedure by removing Councilmembers from serving and making it a total of five at large members and for Town Administrator McCollum to call the first meeting of the Committee. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Hadley, Harrison and Mayor Pro Tem Titherington
NAYS: None

F. Discussion and Consideration of Public Safety Appointments. The Town Council received the following memo from Town Administrator McCollum and a copy of the applications:

There are currently four citizen seat vacancies on the Public Safety Advisory Board. Three of those vacancies will be for a four year term and one of the vacancies is due to a resignation of a member whose term expires in 2014. Also the Council seat for Councilmember Werner Thomisser will also need to be filled. Applications from individuals wishing to serve on this Board are included in your packet.

Councilmember Smith nominated Kimberly Crooks to serve a one year term, Mike Maxson, Timothy Wescott for four year terms and to reappoint Douglas Sabo for a four year term. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Hadley, Harrison and Mayor Pro Tem Titherington
NAYS: None

G. Designation of Check Signee and Reviewer of Bank Statements. The Town Council received the following memo from Town Administrator McCollum:

Currently Councilman Daniel Barry, Councilwoman Pamela Hadley, Finance Officer Leslie Gaylord and Town Administrator Amy McCollum are authorized to sign checks on behalf of the Town. Also, Mayor Walker Davidson and Councilwoman Barbara Harrison review bank statements. We need a Councilmember to be assigned to sign checks and one to review bank statements due to the change in Council from the election.

Mayor Pro Tem Titherington moved to designate Mayor Deter as a check signee for the Town and Councilmember Smith to review bank statements. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Hadley, Harrison and Mayor Pro Tem Titherington

NAYS: None

H. Discussion and Consideration of Resolution to Address Recent NCDOT Policy Change. Mayor Deter – NCDOT is no longer going to accept roads for maintenance in subdivisions.

Attorney Fox – The past Mayor asked me to look at this issue and we talked about it and looked at developing a Resolution along the lines of what was discussed.

Attorney Fox read the following Resolution to the Council:

**RESOLUTION OF THE TOWN OF WEDDINGTON NOTIFYING DEVELOPERS OF ITS INTENT NOT TO
ACCEPT STREETS OFFERED FOR
DEDICATION TO THE PUBLIC
R-2013-08**

WHEREAS, the North Carolina Department of Transportation has formally notified the Town of Weddington that it will cease the practice of accepting roads or streets within the incorporated limits of the Town of Weddington that are part of subdivisions and that have the characteristics of serving only adjacent properties; and

WHEREAS, prior to this policy change, it was the practice of the North Carolina Department of Transportation to accept roads or streets within the municipal limits of the Town of Weddington that were privately built as part of a subdivision and subsequently offered for dedication to the public; and

WHEREAS, the Town of Weddington is authorized to maintain, construct, reconstruct, and acquire rights-of-way for all streets and highways in the Town, but has never exercised such authority; and

WHEREAS, the Town of Weddington's Subdivision Ordinance requires land developers to show streets and roads on subdivision plats and requires such streets and roads to be built to North Carolina Department of Transportation standards; and

WHEREAS, the Town of Weddington's Subdivision Ordinance also allows for developers to offer and dedicate subdivision streets to the public; and

WHEREAS, approval of a subdivision plat by the Town of Weddington is not deemed to constitute acceptance of the dedication of any street or other ground shown on the plat under state law and the Town's Subdivision Ordinance; and

WHEREAS, with the change of the North Carolina Department of Transportation's street acceptance policy, the Town of Weddington does not have the financial resources to accept and maintain privately developed streets or roads that are not accepted by the North Carolina Department of Transportation; and

WHEREAS, accepting such subdivision streets or roads would place an immense financial burden on the Town of Weddington and would mandate an increase in taxes for the residents of the Town of Weddington; and

WHEREAS, based on a survey conducted by the Town of Weddington, a majority of residents of the Town of Weddington do not favor raising taxes.

NOW, THEREFORE, BE IT RESOLVED that it is the intention of the Town of Weddington not to accept any subdivision roads or streets within the incorporated limits of the Town of Weddington even though such streets or roads may have been offered for dedication to the public.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Town Planner, Jordan Cook, and the Town Attorney, Anthony Fox, are directed to review the Town of Weddington's Subdivision Ordinance and develop amendments or additions to the Town of Weddington's Subdivision Ordinance that may be necessary to effectuate the intent of this resolution and the Town of Weddington's street non-acceptance policy outlined herein.

This Resolution is adopted this 9th day of December, 2013.

Councilwoman Hadley - So we are supposed to vote on that tonight?

Mayor Deter - I was thinking yes.

Councilwoman Harrison - I love to read something. I am trying to grasp what this exactly means other than we say to a developer you are it. It has no teeth that we say to the developer you have to do something. They can abandon the road at some point when they move out.

Attorney Fox - I do not deal with policy issues but let me tell you what I believe this does as a manner of policy. This is merely a vehicle that puts developers that come before this governing body on notice that if you develop a subdivision in the Town of Weddington the Town will not and does not intend to accept the streets for maintenance. Those will be the obligations that you will have or the purchasers within your subdivision will have unless the State decides to accept them.

Councilwoman Harrison - We do not have any ordinances that back that up right now.

Attorney Fox - This would direct Jordan and me to work together. The one thing you had before you tonight was a question with regards to the maintenance and the performance bonds. Your Subdivision Ordinance currently provides that the developer has to agree to present a bond, letter or credit or some financial instrument that will ensure perpetual maintenance and upkeep of roads and improvements as a consequence of the subdivision process. That in light of the policy of the State that just was recently cast upon you guys less than a month and a half ago that is a little bit inconsistent and needs clarification to determine at what point will that maintenance obligation move from the bond instrument to whomever or whatever association or entity is in place to make that commitment in a way that secures the public and gains the public trust.

Councilwoman Harrison - My subdivision because it was private when it went from a developer to an HOA our HOA got zero to maintain our roads and 3 ½ miles in my neighborhood was going to cost me \$1 million dollars. I have worked very hard to get it down to \$100,000 a mile but guess who gets the burden of that \$100,000 a mile. To me I want something that says the developer pays some type of bond that they do not get back like they do now to be turned over to these developments.

Attorney Fox - That can be something that Jordan and I look at as a part of the undertaking and review of your regulatory instruments that deal with this issue. Whatever Jordan and I can come up with as a way to address and marry these to the NCDOT's edict will ultimately be in some form of recommendation and amendments that will ultimately go through the Planning Board and back to Council for review and approval.

Councilwoman Hadley - We would approve or disallow the Resolution tonight. This Resolution would make it policy tonight without any type of public hearing.

Attorney Fox - What the Resolution does is two things. It serves to put a notice to developers looking to develop within the Town as to how the Town is going to look at subdivision streets and whether or not the Town will ever accept those subdivision streets for maintenance. The second part is it imposes an obligation on Jordan your Town Planner and myself as your Town Attorney to look through the current regulations and identify and make recommendations where appropriate amendments would be helpful and necessary to support the Resolution and also to support and make appropriate changes as a result of the State's change of their policy of not maintaining those streets that were ultimately approved under your subdivision process. Your current process requires those streets when you approve that subdivision and you are shown that subdivision plat that they have been offered for dedication and assumes they are built to State standards. I will envision that will still be required that they still be done to State standards but the other part of that is now a nullity because it will never according to the State's policy be accepted. Our policy which makes a condition of maintaining them until such time as they are accepted will never happen if they never intend to accept them. We have to address that somehow regardless of this Resolution.

Councilwoman Hadley - I am not sure where to start because there are so many factors and considerations that need to be taken into account. Previous Council upon meeting with NCDOT a month ago and learning that they would no longer be maintaining the roads directed staff to work with them to obtain the amount of roads that would be involved and to get an estimate based on those roads miles what the dollar amount we could expect to receive from Powell Bill funding along with any state or federal money. That would be the first step in having any type of intelligent conversation about what direction the Town should take. To not have that conversation and not realize the consequences of any decision that would be made and just to say “no” in my opinion is irresponsible. We were elected to understand all aspects of an issue brought before the Town, take the results of that understanding to the citizens and in the end make a decision. We can't do that if we don't do the research and have the conversation. I don't know what the right decision is. It could very well be not to take over the roads but what if we found out with Powell Bill money that it would be a wash – unlikely but what if. What if it puts a hardship on the majority of residents not to take them over? We do not know until we have the conversation. What if there are legal ramifications? Right now we do not know. What are other municipalities doing and what has worked for them? What would they tell us not to do? We do not know. What are the public safety issues? Will Union County Public Works be able or even willing to service the storm drains? Will they have any obligation to? What about the pipes for the storm drainage? Will that go to the HOAs too? We do not know. You say let the developers work it out but we all know the developers will not be around in 15 to 20 years so it is ultimately going to land in the lap of the HOAs. You say that NCDOT will continue what is currently under their jurisdiction and I maintain that if the Town is not going to take over NCDOT will not give us that courtesy period while we get on our feet. They do not have the money. It is not their policy to maintain subdivision roads anywhere in the State and that decision would give them every reason to pull out now rather than later. Some communities will be affected sooner than others - Bromley, Lake Forest and Williamsburg at the top of the list. I can assure you that my neighbors are not going to like their dues going from \$500 to \$1,500 to \$2,000. In Willow Oaks, Providence Acres, Highgate, Steeplechase, Providence Woods, Providence Woods South - all the ones that feel safe because you are currently under NCDOT jurisdiction, I encourage you to pay attention and become engaged in this because it will affect you sooner than you think. You have been in office less than six hours. Please do not predetermine the decision on this very impactful issue. Let's do the hard work. Let's roll up our sleeves. Let's gather the research. Let's evaluate the consequences together and make the best decision that is right for the Town. Right now none of us know the right answer so let's commit ourselves to find out. That is the reason I will not vote for this Resolution tonight.

Mayor Pro Tem Titherington – Thank you Anthony. This is the first that I have seen the Resolution. I think we are in that gray area which is scary. My understanding with the Resolution is we are really saying is what our intent is and we are asking staff to go back and review. This is an opportunity to say what is our intent. We have been given a bad bag of rocks from NCDOT. They are pulling out and this is consistent with what the Town of Weddington has already done. We have never taken over roads. It does not dictate what we are going to have to ultimately vote on based on what Jordan and Anthony come back with. It does send a message to these developers right now that this is where we are heading based on what we are seeing and don't go into these developments thinking that there is going to be someone to take these roads over. Our subdivision does have private roads and we have to set aside funds. That is something our HOA does. I would rather have a developer know that up front before someone buys those lots. Hopefully that is what the intent of the Resolution is to put a warning sign to developers and give the staff a little more firm action as these people are asking questions.

Councilwoman Hadley - That is not what I heard.

Councilwoman Harrison - We have approved Vintage Creek. At the point we approved Vintage Creek NCDOT said they were going to take them over. They have not even started. How does this Resolution affect them? There was an understanding that NCDOT was going to take over these roads. What happens with this Resolution with something that has been approved either several years ago, a year ago or 6 months ago?

Town Planner Cook - The approval date has nothing to do with NCDOT's decision. It is all about the punch list phase. That is what NCDOT stated in their letter and what Division Engineer Louis Mitchell told me. The

intent was that DOT would take over the roads. NCDOT never took the roads over. My understanding is that there is a two step process. When a road starts to be built, DOT comes out and says yes you are building this to NCDOT standards. When this road or this phase of the subdivision is 80% complete, we will come back out, we will do that punch list, and you will add that final layer of asphalt and complete what is on the punch list. After that is done we will take over the roads. Vintage Creek, Arbor Oaks, Devonridge that are still under construction – that punch list has not been done by NCDOT so they are not taking over those roads.

Councilwoman Harrison - My biggest concern is we are not allowing the public to have input into this.

Councilwoman Hadley – (in response to Mayor Pro Tem Titherington) I am hearing something different from you.

Attorney Fox - The Resolution expresses the Town's intent not to accept streets that are offered as part of the subdivision plat process to the public which the Town has never done. The Town has never accepted these streets and has never taken over maintenance of streets. It does not do anything more than what has been the practice in the past of the Town of not accepting streets for maintenance. We have relied on NCDOT to do that. NCDOT now says they are not going to do that. This does not prohibit NCDOT from doing it if they want to. It does two things – it expresses an intent and provides notice to the development community that the Town is not going to accept these streets in light of the new NCDOT policy. It also directs your staff in correcting some of your regulatory instruments consistent with that NCDOT policy.

Councilwoman Hadley - How can we say that we are not going to do it when we do not have all the answers to the questions? How responsible is that?

Mayor Pro Tem Titherington - Our current policy is not to do it. All we are doing is reaffirming our current policy and stating to developers as they go forth that they think about that in their business plan.

Councilwoman Hadley - I agree that it has not been our policy and it has not been our policy because NCDOT has been there. Now NCDOT says that we are out and out for good in a short period of time. They are not going to keep it under their jurisdiction forever. I am curious why we have to have this vote on a Resolution when I feel like we should be scheduling workshops dedicated to finding out how many road miles we are talking about. What Powell Bill Funding is available to us? What are the consequences to us? Can we make requirements from the developers? Can we keep a certain percentage of the bond money? There are all kinds of alternatives out there but I have a hard time with just out of the gate without any discussion or workshops or due diligence saying that the Town is not going to go there and we are not getting into the road business.

Attorney Fox - I said that this Town has never accepted streets for maintenance. Up until last year the Town's tax rate was not sufficient enough to make it eligible for Powell Bill funds.

Councilmember Smith – Is Powell Bill money guaranteed?

Attorney Fox - There is a formula for it. It has been pretty static in terms of giving.

Town Planner Cook – It is based on 70% for population and 25% for road miles. They are looking at revising that as well.

Councilmember Smith – In the future they could say that Powell Bill is not available any longer?

Attorney Fox - If you were to agree to accept streets for maintenance based on the assumption that Powell Bill funds were there and if the Powell Bill Funds were to go away that decision to accept the streets is irreversible. There is no guarantee.

Town Planner Cook - I have had several conversations with NCDOT over the last month on this. I have been told by several people at NCDOT that Powell Bill Funds may not be around that much longer and even after that NCDOT does not want the existing subdivision roads that they have. I think this is their first step.

Councilwoman Harrison – Senator Tommy Tucker was the one that did a lot with Powell Bill. Hopefully in January when he and Representative Craig Horn present to Council that is something that we can talk with them about.

Councilwoman Hadley - We will not get to have that conversation if we vote tonight to not take them over?

Mayor Pro Tem Titherington - I think tonight is really a stop sign to say this is our intent, it is not cast in stone and does not preclude any of the work that is going on but basically puts an intent out there for the developers to say as you think about coming and platting a subdivision this is something for you to think about. All of the work you are talking about can still go on.

Councilwoman Hadley - So the intent is to not take over the roads.

Mayor Pro Tem Titherington – This gives Jordan the ability if someone calls in tomorrow and says what is Weddington’s intent around roads you can say this is the intent and here is the Resolution. It takes the gray out for staff.

Town Planner Cook - It does. Right now I do not know.

Mayor Deter – NCDOT has changed their policy. That Resolution says we do not take over roads now and therefore that is the direction we are taking. Jordan can advise that the Town Council passed a Resolution saying the policy that they are looking at is to not take over the roads. There will be changes to text amendments required that have to go through the Planning Board and there has to be public hearings.

Councilwoman Hadley - Based on the Town not taking over the roads.

Mayor Deter – Yes.

Councilwoman Hadley - But if we choose not to go there after we do our due diligence after we find out all of our information then all of a sudden the text amendments that he has put in place are null and void. What am I missing here? If he does all this work with the text amendments and we end up taking the roads and he has already done the text amendment based on the fact that we are not going to take the roads his time has been wasted.

Mayor Deter – It is my opinion that we do not want to get into the road business. The formula right now based on population and miles work against us. I believe that Powell Funds are not going to be there. Just those assumptions right there tell me we do not want to get in the road business. This was dropped on the Town a month ago. Let’s get out front and say we pass a Resolution saying we are not going to get in the road business. That gives Jordan and developers the direction that the Town is going. Then we go through the process of text amendments and changes. We have a public hearing in February.

Councilmember Smith - Do you think this course of action will make it easier on you?

Town Planner Cook - I do. I tell the developer now that I do not know what is going to happen. This is something. It is a decision by a majority of Council. This Resolution makes my job easier.

Mayor Pro Tem Titherington – This is giving you an intent that is consistent with where we are.

Mayor Pro Tem Titherington moved to approve Resolution R-2013-08. The vote on the motion is as follows:

AYES: Councilmember Smith and Mayor Pro Tem Titherington
NAYS: Councilmembers Hadley and Harrison

Mayor Deter voted in the affirmative; therefore, the motion passed.

I. Discussion and Consideration of Memorandum of Understanding with the Providence Volunteer Fire Department. Mayor Deter - I have had a conversation with Providence VFD President Jack Parks about the fact that we are joined at the hip with Providence VFD. We are probably 80% of their revenue and they are 75% of fire service. We have a very close relationship and we are very important to each other. The intent of the Memorandum of Understanding is since we are going to have a close working relationship we can come to some agreement about the processes we are going to use in terms of clarity of going forward together.

Attorney Fox read the Memorandum of Understanding.

Councilwoman Harrison - This was not in my packet, not given to me in a separate email and not given to me until now which is almost 11:00. There is a lot of stuff in there. I would have to assume that you did not even give to Providence VFD to have them look at it. How do we make a decision? I feel like an open and transparent meeting is not happening. If you were asked to do this why are we not getting this information earlier and how do you go forward and have us vote on something when you have not extended the courtesy to Providence VFD? I am floored with this whole thing and process.

Mayor Deter – Would you like to put forward a motion to delay consideration until the January Meeting?

Councilwoman Hadley – I would like to defer. It is hard to comprehend everything.

Councilwoman Hadley moved to defer consideration of this item until the Regular January Town Council Meeting.

Councilwoman Harrison asked that Providence VFD be given the information and included in the discussion.

Councilwoman Hadley accepted Ms. Harrison’s amendment. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Hadley, Harrison and Mayor Pro Tem Titherington
NAYS: None

J. Discussion and Consideration of Letter to Union County Seeking Joint Discussions and Resolution to Water Pressure Issue. Mayor Deter - My intent was to draft a letter to Union County. We realize that the water tower is a done deal. What I would like to do is get a letter to Union County to discuss a number of issues around water pressure implications as our Town is growing. Are there other ways Union County would be willing to approach this other than a water tower? I know they have already spoken against water tanks but I would like to take one more pass at it. I would like to put forth the effort to talk with them and that is the intent of Anthony writing a letter.

Attorney Fox - The way the letter is structured was to create some question about their right to proceed or to posture it in a way of having further discussions with the County leadership to see if there are any improvements that could be made or any modifications that could be made to the current approval that they have. This letter would be addressed to the Chairman of the Board.

Attorney Fox read the following letter:

Re: Union County Elevated Water Storage Tank Conditional Zoning Approval

Dear Chairman and Members of the Union County Board of County Commissioners:

The purpose of this letter is to notify you that the Town Council of the Town of Weddington (“Council”) will reconsider the recent zoning for the proposed elevated water storage tank at its next Council meeting. That meeting will be held on Monday, January 13, 2014.

A determination was made by the previous Council on October 14, 2013 to approve the Conditional Zoning (“R40-CZ and R-CD-CZ”) District Application submitted by Union County for a 179 foot elevated water storage tank to be located along Hemby Road at parcels 06-120-004 and 06-120-004B (“Water Tower Project”). Since that determination was made, the Town has held municipal elections and the current composition of the Council has changed. As a result, the current Council intends to evaluate the R40-CZ and R-CD-CZ zoning of the Water Tower Project and please be advised that the zoning may be changed back to the site’s original zoning.

At this point, the Town believes that Union County has not established common law or statutory vested rights. Furthermore, the Town is not aware that a building permit has been issued to Union County for the Water Tower Project. Therefore, any further expenditures related to the Water Tower Project should be done without the expectation of vested rights in the R40-CZ and R-CD-CZ zoning approval.

Notwithstanding the above, the Council welcomes the opportunity to discuss this matter in greater detail prior to its next January 13, 2014 Council meeting. Should you have any questions, please feel free to contact me.

Attorney Fox - It was necessary for me to draft it in the way that creates enough potential controversy to invite an opportunity to have a negotiation.

Councilwoman Hadley - Once again we have a document that was not in the packet for prior review and I am curious what you think the answer will be from Union County.

Mayor Deter – We will not know until we talk with them. The answer could be that I got your letter, thanks or it could be Bill let’s discuss. I do not know. What do we lose by sending that letter?

Councilwoman Hadley - I do not know. We seem to be spending a lot of tax payer dollars on attorney’s fees for this meeting. I have to echo Barbara here. I am a research gal. I spend a lot of time getting ready for a meeting. A lot of time researching and reading and if I do not understand I go to staff, to Council to the Mayor, and to the Attorney to understand what is in the packet so that I can make intelligent choices, ask intelligent questions, and to not have these documents for prior review should be a lesson learned. I think we were told at our ethics training if we did not receive enough information prior to taking a vote that we should not have to vote. I think you are going to your ethics training and they probably will tell you the same thing. I feel that I do not have enough information on the letter.

Mayor Pro Tem Titherington – I look at this one and the one around NCDOT as something that we are somewhat in a time crunch. When I look at the one for NCDOT it restates our intent and does not lock us into anything and what Bill is asking for here is really the ability to have a conversation with the County. I think it is important because based off of reading that it is time bound. It is not ideal. I would have loved to have it myself.

Councilwoman Hadley - I have a lot of the same concerns with the development that continues to come at us and how soon will they be on line as opposed to when the water tower is going to be online. What I heard that there was some controversy that is written into it to entice a meeting. If we wanted to sit down and have a

discussion about development and going forward I would be happy with that because I have those concerns but to talk about rezoning and don't spend any more money, I do not want to say threatening but it is certainly controversial.

Mayor Pro Tem Titherington moved to authorize Mayor Deter to submit the letter as written and read into the record by Attorney Fox. The vote on the motion is as follows:

AYES: Councilmember Smith and Mayor Pro Tem Titherington
NAYS: Councilmembers Hadley and Harrison

Mayor Deter voted in the affirmative; therefore, the motion passed.

K. Discussion and Consideration of Letter to the Local Government Commission (LGC) to Withdraw Application for Approval of Bank Loan. Mayor Deter - I have had several meetings with Leslie to follow on some discussions that the Council has previously had in terms of financing. I asked Leslie to put some numbers together and get an updated look and give me her thoughts. The proposal is to go ahead and not do the financing but to pay for it from current funds. It would save the Town \$100,000 in interest over 10 years. That is the intent of this discussion.

Councilwoman Harrison – What is left of our fund balance if we do this?

Finance Officer Gaylord - Ultimately between financing it or having a loan, the fund balance is only affected \$100,000 in interest. It is a matter of the timing of how it is affected. You will draw it down this year versus over a 10-year period but at the end of the day it is a \$100,000 difference. The rate environment is so low right now that if you think you are going to borrow later now might be the better time to borrow but if you do not think you are going to need to do that then it does make sense to pay it out of cash.

Councilwoman Harrison – We are going to bind future Councils that we do not have the money in the fund balance to do anything that could potentially come up.

Finance Officer Gaylord - I do not think that is exactly the case if you are only talking about \$100,000 difference.

Councilwoman Harrison – We are going to pay it off immediately?

Finance Officer Gaylord - Yes but you could get a loan for the same amount of money later also. If you borrowed \$1 million today or \$1 million in five years it is not saying that you cannot borrow ever.

Councilwoman Harrison – I understand that. I am concerned about going down on our Fund Balance.

Mayor Deter - I believe we are taking the fund balance down every year anyway. It is a timing issue.

Councilwoman Harrison – We do not take it down to that amount.

Finance Officer Gaylord – I went through and did a 10 year projection with a loan and without a loan. At the end of the 10 years there is only a \$100,000 difference. You are actually \$100,000 lower with a loan. It is the timing of it. Either scenario based on our policy we run into trouble in 2021. Granted you do not have as much unassigned fund balance up front if you do it this way. If something came up in three years then you would be forced to borrow in three years if there was another opportunity.

Mayor Deter – Are you comfortable with doing cash up front?

Finance Officer Gaylord – I actually am.

Mayor Pro Tem Titherington – Is that in your professional opinion the right decision?

Finance Officer Gaylord - I do not think either decision is right or wrong.

Mayor Pro Tem Titherington – We take the \$750,000 today versus whittle that down over time. The issue is what else could be coming down the pike that we would have such a large capital expense.

Finance Officer Gaylord - The unknown things that are out there is if the State withholds money or if we do decide to take roads. Those kinds of things you are limiting yourself in the short term a little bit more by paying down now than if you stretched it over the 10 years.

Councilwoman Harrison – If you remember last year the Senate/House talked about taking away our utility franchise money which was \$400,000. What if this year we get into the same type of thing? That is my issue. At some point we are going to have to borrow or raise taxes. We have some unknowns. I like contingency.

Mayor Deter - I think it is a matter of size of contingency. Two years from now what would our fund balance be assuming that we went with cash?

Finance Officer Gaylord - At the end of 2016 I think you are more concerned with your unassigned fund balance which is not committed would be \$986,000.

Mayor Deter – That does not include the library or Rea Road.

Finance Officer Gaylord – You could add another \$450,000 for those items. With a loan you would be at \$1,500,000. That is about 55% which is a little bit less than six months of anticipated expenditures at that point in time.

Councilwoman Harrison – I am still not comfortable taking the whole enchilada. I hear what she is saying. It is the unknown that bothers me.

Mayor Pro Tem Titherington – What is your worst case scenario in your experience that you have seen?

Councilwoman Harrison – The \$400,000 has been the biggest one. We took the fire fee from Union County and we moved it over. We do not touch that because that what every citizen was paying to Union County for fire. Then if you look at our budget and if we have to come up with \$400,000 that is a big chunk of money. I know it would be something that would go down. That is what I am worried about. They have already brought it up twice now. Is the third year the magic number?

Mayor Deter – Where is your comfort level?

Finance Officer Gaylord – Historically they have never taken a whole year's worth.

Councilwoman Hadley - I really do not care how we pay for it. I don't want to leave the Town vulnerable. If we withdraw our application does it take away our flexibility? Could we determine to borrow \$250,000 or \$500,000 instead of the \$750,000. Are we obligated to do the \$750,000 for 10 years or could we do a lesser amount for a shorter period of time or lesser amount for a longer period of time with the option to pay off earlier?

Finance Officer Gaylord – The LGC requires their approval if we do longer than 59 months or greater than \$500,000.

Councilwoman Hadley – So we still have flexibility by withdrawing the application.

Finance Officer Gaylord – Your term limit is definitely limited at that point.

Councilwoman Harrison moved to withdraw the Town’s application for a bank loan to the Local Government Commission. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Harrison, Hadley and Mayor Pro Tem Titherington

NAYS: None

L. Review and Consideration of a Resolution Approving Financing Terms for the Purchase of the Providence Volunteer Fire Department Fire Station and Real Property Through Branch Banking and Trust Company (BB&T). The Town Council received a copy of the proposed Resolution. The Council advised that this item was not needed due to action taken on the prior item.

Item No. 16. Update from Town Planner. The Town Council received the following update memo from Town Planner Cook:

- Staff has received a Sketch Plan application from Pulte Homes for a 48 lot conservation subdivision located on Lochaven Road. Public involvement meetings were 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. This plan will be on the January 27th Planning Board agenda.
- Staff has received a Sketch Plan application for the 15 lot Bard Property subdivision located on Hemby Road. This plan will be on the January 27th Planning Board agenda.
- The following items were on the November 25th Planning Board agenda:
 - Atherton Estates Preliminary Plat
 - Lake Forest Preserve Map 2 Phase 3B Final Plat
 - Perry South Freestanding Ground Sign Discussion
 - Fire Hydrant Easement Text Amendment
 - Floodplain Ordinance Text Amendment
- The following items will be on the December 16th Planning Board agenda:
 - Lochaven Conservation Subdivision Preliminary Plat

Item No. 17. Update from Town Administrator/Clerk. The Town Council received the following update memo from Town Administrator McCollum:

- Proposed dates for the Town retreat are February 7 and 8 at the Firethorne Country Club.
- Planning Board meeting will be held on December 16 at 5:30 p.m.
- Staff is working on the next newsletter.
- Tree Lighting on Friday night was a huge success.

Item No. 18. Public Safety Report.

Providence VFD

Training Hours 257.00

Union Fire Calls 26

Union EMS Calls 07

Mecklenburg Fire Calls 04

Mecklenburg EMS Calls 01
 Total Calls 38

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

Weddington Deputies – 875 Calls

Wesley Chapel VFD – 9 Calls (Wesley Chapel VFD responded to 11 total incidents in the Town of Weddington in November. There was 1 outside fire non-brush and one seizure response for mutual aid.

Item No. 19. Update from Finance Officer and Tax Collector.

A. Finance Officer’s Report. The Town Council received the Revenue and Expenditure Statement by Department and the Balance Sheet for 11/1/2013 to 11/30/2013.

Finance Officer Gaylord – The auditors will be on the agenda for January.

Councilwoman Hadley questioned how we are doing on budget to date?

Finance Officer Gaylord - We are doing well. We are doing much better than we budgeted. It is because of subdivisions and because of the sale tax revenue that came in higher than we budgeted. We are making up a lot of that deficit. When I did the revised projections I am hoping that we can break even.

Councilwoman Hadley – The previous Council was not the first Council to ever vote on a budget with a deficit?

Finance Officer Gaylord – No, we have had initial budgets from prior Councils with a deficit.

B. Tax Collector’s Report. Monthly Report – December 2013

Transactions:	
Adjustments <\$5.00	\$8.04
Penalty and Interest Payments	\$(34.74)
Refunds	\$2,691.28
Overpayments	\$(884.55)
Taxes Collected:	
2011	50.00
2012	\$(358.50)
2013	\$(290,774.78)
As of November 30, 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	\$10,371.93
2013	\$412,552.02
Total Outstanding:	\$433,018.03

Item No. 20. Transportation Report. Councilwoman Harrison - Now that MUMPO has changed its name to CRPTO we changed our name to MPO because it apparently is recognized by the FEDs. The Memorandum of Understanding is not completed. In the past Charlotte got 20 votes and if Charlotte did not show up for a meeting we did not have a quorum. We changed it so that everyone gets one vote so Charlotte now realizes that Union County has 11 municipalities that participate and if we decide to boycott we do not have a quorum. Now there is some competition that we may get something done.

Item No. 21. Council Comments. Councilwoman Harrison – I would like to thank everyone that showed up for the Tree Lighting. We probably had 800 people in attendance. I want to thank the staff for everything they did. The choirs were phenomenal. Next Year I am hoping that we can record. I also want to thank all the volunteers, Janice Propst, Jennifer Romaine (who is the queen of crafts) and to Dorine Sharp for taking pictures. I also want to thank Providence for the trees and fire wood. I want to thank Chesterbrook Academy. They collected most of those toys and donated those. I also want to thank my husband for taking the day off and thank Santa for coming. Merry Christmas and Happy New Year!

Councilwoman Hadley - I would like to thank Barbara too. The events keep getting bigger and more successful and I think it is obvious from the people coming out that they are having a lot of fun. Providence is to be thanked for all the work that they put in for the tables, fire, chairs and the trees. Thank you to the volunteers and staff. You did an incredible job. I would like to welcome new Council members and I hope some lessons were learned tonight with some things dealing with the packet and that sort of thing. It will get smoother. You have to learn to walk before you run. Welcome and I look forward to working together with everyone. I wish everyone a Merry Christmas and a Happy New Year.

Councilman Smith – Barbara, you did a fantastic job. I really enjoyed the event. You did a phenomenal year. Merry Christmas and see you next year.

Mayor Pro Tem Titherington - That was outstanding and a lot of fun. The birdhouses were great. Thank you for your patience tonight and I am looking forward to making this a great couple of years with everybody.

Mayor Deter - Merry Christmas!

Item No. 22. Adjournment. Councilman Smith moved to adjourn the December 9, 2013 Regular Town Council Meeting. All were in favor of the motion, with votes recorded as follows:

AYES: Councilmembers Smith, Harrison, Hadley and Mayor Pro Tem Titherington
 NAYS: None

The meeting adjourned at 11:28 p.m.

 Bill Deter, Mayor

 Amy S. McCollum, Town Clerk