

**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, FEBRUARY 9, 2009 - 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 February 9, 2009, at 7:00 p.m. with Mayor Nancy D. Anderson presiding.

Present: Mayor Nancy D. Anderson, Mayor Pro Tem Robert Gilmartin, Councilmembers L.A. Smith and Jerry McKee, Town Attorney Bobby Sullivan and Town Administrator/Clerk Amy S. McCollum.

Absent: Councilmember Tommy Price

Visitors: Jay Patel, David Brooks, Bill Price, Navin Amin, Rocco Caponigro, Caroline Coleman, Carolyn Pace, Steve McAreavy, Barbara and Pat Harrison.

Item No. 1. Open the Meeting – Invocation and Pledge of Allegiance. Mayor Nancy D. Anderson called the February 9, 2009 Regular Town Council Meeting to order at 7:02 p.m. Mayor Anderson offered the Invocation and led in the Pledge of Allegiance.

Item No. 2. Determination of Quorum/Additions and Deletions to the Agenda. There was a quorum.

Councilmember L.A. Smith moved to amend the agenda as follows:

Add under New Business: Consideration of Resolution Calling for a Public Hearing to Consider a Petition to Permanently Close Part of Lochaven Road in the Lochaven Subdivision. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, McKee, Mayor Pro Tem Gilmartin and Mayor Anderson
NAYS: None

Item No. 3. Presentation by the Union County Literacy Council. Mr. Rocky Caponigro thanked the Town Council for allowing him to speak on behalf of the Union County Literacy Council. He stated, "According to Census Data over 20,000 Union County English-speaking and non-English speaking adults are in need of basic literacy. Twenty percent of the adults in Union County function at the lowest level of literacy. There are 20,000 adults, male and female, who are absolutely illiterate. They do not read or write English and some do not speak English. In Union County 43 languages are spoken. The Literacy Council is in its 10th year and we help people learn to read and speak English. Our goal this year is to teach 320 students. They will be functionally literate at the end of their training. All of the tutors that teach are all volunteers. We want to increase the awareness of our organization and to increase the funding from sources other than grants. If you could help that would be great. Our website is www.literacyunion.org. We know how to read, we know how to vote, we know how to read a bus sign. These people do not. I would like to challenge the Town of Weddington to sponsor three people from your organization to participate in our Annual Spelling Bee."

Item No. 4. Public Comment.

Mr. Jay Patel – I am the owner of the UPS Store in the Weddington Corners Shopping Center. I come on behalf of all of the tenants in our shopping center next door. As you are aware we are experiencing an

economic downturn right now. We are here to help come up with some proactive solutions that are going to generate a little more traffic so that small businesses that generate jobs could survive. All of the tenants are deeply concerned about the highway construction which has affected traffic counts. We are concerned about long term accessibility to the shopping center. We would like to have some discussions with the landlord, Town and tenants to come up with some sort of options to make it accessible to the shopping center. We want to be proactive. We need to generate traffic. Community activities could be coordinated with the shopping center. It is a serious concern. Accessibility is something that the tenants have no control over and that is why we are here today to voice our concerns. I have a letter signed by all tenants that verifies this information.

Carolyn Pace - I wanted to speak tonight about the worsening of the litter situation in our Town. To me it is obvious that DOT cannot handle the problem with litter in our Town. When you call DOT for the inmates to come out it takes two to three months for them to come and pick up litter. They only do a three mile stretch at a time. Once the situation is bad enough that you call them, then you have to wait 8 to 12 weeks before that trash is picked up. I called the Town of Davidson to see what they are doing and how they keep their town so clean. I realize that Davidson is much larger and they have their own street department that maintains the roads. I-485 was so littered and so many people complained that the State finally said that they cannot handle it and they contracted with a private firm to pick up the trash. The situation is better on 485. I think that the answer is to turn to a private company. We pay someone in this Town to go around and remove signs because we think that is part of the litter problem.

Item No. 5. Approval of Minutes.

A. December 8, 2008 Regular Town Council Meeting. Mayor Pro Tem Robert Gilmartin moved to approve the December 8, 2009 Regular Town Council Meeting minutes. All were in favor, with votes recorded as follows:

AYES:	Councilmembers Smith, McKee and Mayor Pro Tem Gilmartin
NAYS:	None

Item No. 6. Old Business.

A. Consideration of Parks and Recreation Advisory Board Appointments. Due to his absence at the meeting, the Board by consensus agreed to allow Councilmember Price to make his appointment to the Parks and Recreation Advisory Board in March.

B. Consideration of Downtown Development Committee Appointments. Due to his absence at the meeting, the Board by consensus agreed to allow Councilmember Price to make his two appointments to the Downtown Development Committee in March.

Mayor Pro Tem Gilmartin moved to appoint Ms. Carolyn Pace to the Downtown Development Committee. All were in favor, with votes recorded as follows:

AYES:	Councilmembers Smith, McKee and Mayor Pro Tem Gilmartin
NAYS:	None

Item No. 7. New Business.

A. Consideration of Release of Union County Public Works Bond - Providence Forest Estates. The Town Council received the following letter from Town Administrator/Clerk Amy McCollum:

Per the attached letter from Mr. Mike Garbark, Assistant Director with Union County Public Works, please release the Water and Sewer Bond in the amount of \$42,077.75.

The Town Council received a copy of the following letter dated January 14, 2009 from Mr. Mike Garbark:

Union County Public Works Department has inspected the materials and workmanship of the water and sewer distribution systems which has been installed in the above mentioned subdivision. We find this project to be in substantial compliance and intent of the approved plans and specifications and hereby recommend releasing the current letter of credit for this project.

Mayor Pro Tem Gilmartin moved to release the Union County Public Works bond for Providence Forest Estates. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, McKee and Mayor Pro Tem Gilmartin
NAYS: None

B. Consideration of Reduction of Road Performance Letter of Credit – Devonridge Subdivision.

The Town Council received the following letter from Town Administrator/Clerk McCollum:

Per the attached letter from Ms. Bonnie Fisher, US Infrastructure, please consider reducing the road performance letter of credit for the Devonridge Subdivision to \$87,885.00.

The Town Council received a copy of the following letter dated January 12, 2009 from Ms. Bonnie A. Fisher, P.E. with US Infrastructure:

USI conducted a field review of the Falcon Place Subdivision on January 1, 2009. The inspection was to verify the satisfactory completion of all construction activities for the purpose of reducing the developer's performance bond. Our inspection found that nine erosion control sediment basins are still in place, and five storm drainage flared end sections with associated pipe will need to be installed after the basins are removed. Therefore, we recommend $\$58,590.00 \times 1.5 = \$87,885.00$ as the reduced amount for the performance bond.

Mayor Pro Tem Gilmartin moved to reduce the road performance letter of credit for the Devonridge Subdivision from \$1,218,574.50 to \$87,885.00. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, McKee and Mayor Pro Tem Gilmartin
NAYS: None

C. Consideration of Adoption of Ordinance to Amend Chapter 6, Section 6-6 of the Code of Ordinances of the Town of Weddington – Alarm Systems. The Town Council received the following memo from Deputy Sheriff Ronnie Honeycutt:

The Town of Weddington's Code of Ordinances states the *Permit Year* for tracking False Alarms is a 12-month period beginning on the date of the permit's issuance. I am requesting this 12-month tracking period be revised to one date for all registered permits during the calendar year.

The alarm program in the past year and a half has grown from almost 700 to 1000 registered permits as of this date. That means, every month I must check each permit's line item for the Alarm Applicant's registration date and then determine if the alarms fall within this 12-month period. The amount of time to complete this process has increased with the number of registered permits.

When we start our on-line Alarm Program, the 12-month tracking period will have to be the same date for all registered permits. While researching other Alarm Programs, we chose this design due to the cost and because it will improve the Weddington Alarm Program.

In conclusion, with the amount of time on task increasing with each permit and the program design warranting the change, I would recommend we not delay in making this revision retroactive to the beginning of this year, 2009.

Town Attorney Bobby Sullivan suggested that Subsection C and D of this provision be amended also to reflect the 12 month permit year.

Councilmember Smith moved to adopt Ordinance O-2009-01:

**AN ORDINANCE TO AMEND
CHAPTER 6, SECTION 6-6
OF THE CODE OF ORDINANCES
OF THE TOWN OF WEDDINGTON
O-2009-01**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT
CHAPTER 6, SECTION 6-6 OF THE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:**

CHAPTER 6 – ALARM SYSTEMS

**SECTION 6-6 - SERVICE CHARGE ASSESSMENT FOR FALSE ALARMS; REVOCATION
AND REINSTATEMENT OF ALARM USER PERMITS**

Amend the following:

(a) *Civil penalties for false alarms.* Each service charge incurred for false alarms at the premises described in the alarm user's permit shall be paid within 30 days from the date of receipt of the invoice for same. A charge will be billed, pursuant to the schedule given in subsections (c) and (d) of this section, for each occurrence and will be owed by the alarm user to the town and collected from the alarm user as a civil debt.

(b) *Excessive false alarms.* It is hereby found and determined that three or more false alarms initiating a response from the county sheriff's office, the responding volunteer fire department, or other emergency department within any permit year is excessive and constitutes a nuisance, the cost of which should not be borne by the public.

(c) *Service charge for false burglar or emergency service alarms, apart from false fire alarms.*

(1) The third through fifth false burglar or emergency service alarms within a 12-month permit year will be assessed a service charge of \$50.00 per occurrence.

(2) The sixth and seventh false burglar or emergency service alarms within a 12-month permit year will be assessed a service charge of \$100.00 per occurrence.

(3) The eighth and ninth false burglar or emergency service alarms within a 12-month permit year will be assessed a service charge of \$250.00 per occurrence.

(4) The tenth and subsequent false burglar or emergency service alarms within a 12-month permit year will be assessed a service charge of \$500.00 per occurrence.

(d) *Service charge for false fire alarms.*

(1) The third through fifth false fire alarms within a 12-month permit year will be assessed a \$200.00 service charge per occurrence.

(2) The sixth and seventh false fire alarms within a 12-month permit year will be assessed a \$300.00 service charge per occurrence.

(3) The eighth and subsequent false fire alarms within a 12-month permit year will be assessed a \$500.00 service charge per occurrence.

The service charge shall be considered a bill owed by the alarm user to the town and may be collected from the alarm user as a civil debt. Each service charge incurred for false fire alarms at the premises described in the alarm user's permit shall be paid within 30 days from the date of mailing of the invoice.

(e) *Permit year.* For the purposes of this section, a permit year runs from January 1 through December 31.

(f) *Prohibited acts.* It shall be unlawful for an alarm user to fail to reimburse the town in accordance with the provisions of this chapter for responses by the county sheriff's office, the Wesley Chapel Volunteer Fire Department, the Stallings Volunteer Fire Department, or the Providence Volunteer Fire Department to any excessive false alarms.

(Ord. No. O-2000-02, § 6, 5-8-2000)

Adopted this 9th day of February, 2009.

All were in favor, with votes recorded as follows:

AYES:	Councilmembers Smith, McKee and Mayor Pro Tem Gilmartin
NAYS:	None

D. Review of the Role and Responsibilities of the Parks and Recreation Advisory Board. The Town Council received a copy of the Roles and Responsibilities for the Parks and Recreation Advisory Board. Mayor Anderson stated, "This is a document that we have already adopted. I felt that since the Parks and Recreation Advisory Board's first meeting will be this month that we should make sure there is nothing that we need to add or subtract to this document. We have two rather large committees that we are forming and I want to make absolute certain that the Council gives clear direction to those committees so that they can work efficiently and effectively."

Councilmember Smith - I think the way it is presented is fine. I would want the newly appointed committee to go through it to see if they have any suggestions for broadening or narrowing their scope.

E. Review of the Role and Responsibilities of the Downtown Development Committee. Councilmember Jerry McKee – I think we can come up with a better sense of our Roles and Responsibilities after our first meeting. We have a group of people that neither Councilmember Smith nor I have met with as a group. I think we need to have that meeting and get a consensus as to the direction the committee wants to go. I feel that we need to define geographically the Downtown Center of Weddington. I feel that we want to define this area so that we do not have things happening in the future that will destroy the core center of the Town."

Councilmember Smith - We have some of the basic groundwork done through the previous Downtown Development Committee. We have charted our path. We have never quite defined exactly where we envisioned the downtown to be. That has to be our first order of business. There has got to be some coordination with the road plan that is being worked on too because that is going to effect what our downtown area will be as well.

F. Discussion of Providence Road Landscaping Design. Mayor Anderson stated, "We clearly are not going to have any say on the design of Providence Road because that has already been contracted. NCDOT does have the power to do some field modifications after the contract has been let. They do have funding for landscaping. Because we were not allowed to have any input on the design of this project, we

have a 4 foot planting strip instead of an 8 foot planting strip which would have allowed us to have a tree lined street. You will notice on the plans, we have straight sidewalks. Barry Moose said that since we only have 4 feet to work with and if it requires additional grading, dirt and right-of-way that they are not going to put any curves in those sidewalks at all. He will entertain if there are spots where they have plenty of right-of-way and do not need extra dirt they will flare out the sidewalk so that landscaping can be done around that. When Councilmember Price gets back in Town, I hope to have him look at the plans to show where we can do that so possibly we can have an interesting streetscape. I talked with him also about upgrades for sidewalks regarding whether we can stain and stamp them. Mr. Moose is going to come back to us to tell us how much it would add to the contract. I am hoping that this is something that the Parks and Recreation Board can help in pursuing.”

Councilmember Smith - I am at a loss as how to drive that because two or three years ago we had these very same discussions with NCDOT regarding burying the power lines, giving us a planting strip, wide grassy medians, curves in the sidewalks, decorative poles for the stoplights and street lights. We have had these conversations over and over and over and I cannot count the number of times that DOT said that we could do it and that they would work with us. As a member of the Parks and Recreation Board, I am glad to work on this but I feel like I am pushing a boulder up the mountain. I believe that we are covering the same territory that we have already covered and we are going to have the same result.

Mayor Anderson - We can upgrade the appearance and possibly the position of the sidewalks, we can have some plantings and we can upgrade the lights with poles that hold the lights. That will be a huge improvement over what we have. We can talk to the property owners and get them to plant or allow us to plant trees along that area for a streetscape. All is not lost. I have been encouraging people to do Powell Bill funding. We would have money at this time to do sidewalks.

G. MCIC (Mayors-Commissioners Issues Conference) Meeting Update – Mayor Anderson.

1. Union County Transportation Committee. Mayor Anderson reported, “The Union County Delegation to MUMPO does not speak with a unified voice. It was decided that we were going to have the MUMPO Representative for Union County, which is Tracy Kuehler, and RPO Representative Alan Baucom as the liaisons.”

2. Consideration of Resolution to Adopt Legislative Positions for the 2009-2010 Session of the North Carolina General Assembly. The Town Council received the following letter dated January 30, 2009 from Matthew Delk, Union County Assistant County Manager:

The Mayors-Commissioners Issues Conference, in conjunction with the Union County Board of Commissioners at their January 29th meeting, asked that I communicate the attached resolution to each of you.

The attached resolution is the result of a series of meetings and communications developed by the Clerks, Managers, and staff of the various local governments in Union County. After meeting with officials from the North Carolina League of Municipalities and the North Carolina Association of County Commissioners in the fall of 2008, this group negotiated a list of 8 legislative positions that are contained in the body of this attached model resolution.

This group attempted to compile a list that would reflect issues of importance that were mutually agreeable to all Union County local governments. The group recognized that this could be an effective tool for communicating our wishes to the Union County Legislative Delegation. Hopefully we can become more effective in protecting and benefitting the interests of all of Union County’s local governments, citizens, businesses, and the region generally. To be more effective, we need to

communicate our interests to the Delegation members in a formal manner, as well as in our informal interactions with each of them.

Councilmember Smith moved to approve Resolution R-2009-03:

**TOWN OF WEDDINGTON
RESOLUTION TO ADOPT LEGISLATIVE POSITIONS FOR THE 2009-2010 SESSION OF
THE NORTH CAROLINA GENERAL ASSEMBLY
R-2009-03**

THAT WHEREAS, the clerks, managers, and other staff of Union County, North Carolina and Union County Municipalities met, developed, and agreed upon a list of legislative priorities for Union County local governments for the 2009-2010 Session of the North Carolina General Assembly, and

WHEREAS, the Mayors-Commissioners Issues Conference, in conjunction with the Union County Board of Commissioners, received the list at their January 29, 2009 joint meeting, and recommended that the list be provided to each local government governing bodies for each board to deliberate the list, and to endorse or adopt the list if desired, and

WHEREAS, the list included the proposed legislative positions:

- Collective Bargaining – Oppose any efforts to allow collective bargaining for public sector employees, to include payment of union dues by payroll deduction.
- Transportation Infrastructure Funding – Protect all state collected locally shared revenues collected for transportation purposes. Oppose adding additional requirements or responsibilities to Municipalities and Counties for transportation funding and maintenance.
- Mental Health – Continue to strengthen State Resources for the provision of Mental Health, Developmental Disability, and Substance Abuse Services, particularly for local crisis services, that are available to all State citizens.
- State Budget – Recognize that Municipalities and Counties are under the same budget pressures that face the State Budget, and to oppose any actions to reduce state collected locally shared revenues for local governments.
- Diverse Funding for Local Governments – Authorize Local Governments to utilize various methods of funding in addition to the property tax.
- Monroe Bypass Funding – Protect funding sources and appropriations for the planned Monroe Bypass Project.
- Annexation – Support Municipal authority to annex, recognizing that some changes to municipal annexation authority are warranted.
- Moratoriums – Oppose legislation that would make it more difficult for local governments to enact moratoriums.

NOW, THEREFORE, BE IT RESOLVED that the Town of Weddington hereby adopts this list as our legislative positions for the 2009-2010 Session of the North Carolina Assembly.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the other municipal governments in Union County, to the Clerk to the Board of Union County, to Governor Beverly Perdue, and to the members of the Union County Legislative Delegation.

Adopted this 9th day of February, 2009.

All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, McKee and Mayor Pro Tem Gilmartin
NAYS: None

3. Military Family Support Program. Mayor Anderson stated, “This was an initiative put forward by myself because I have a special interest in it but also because we just deployed for the second time our local Guard’s unit from Monroe. As you know, we are not located near a military base. All these families that are left behind do not have the support that you would normally think of for military. The mayors are sponsoring a Military Family Support Program”

H. Summary of US Conference of Mayors Meeting – Mayor Anderson.

1. Stimulus Package. Mayor Anderson stated, “I attended the US Conference of Mayors in Washington, DC. Most of the discussion was about the Stimulus Package which was a moving target at that time. I doubt that we will be eligible for stimulus money because they are targeting distressed areas. We may have a chance for stimulus money for the library.”

Councilmember McKee and Mayor Pro Tem Gilmartin expressed that they were against applying for stimulus money.

Councilmember Smith - We just heard a distress story from the shopping center that needs better access.

Councilmember McKee – We are going to help the shopping center but we are going to do it ourselves.

Mayor Anderson - Last time we were here Councilmember Smith was talking that we should work hard and lobby to try to get our share but I have had other conversations with other councilmembers and they are fundamentally against this.

Councilmember Smith - It is our money. If you do not ask for it, you do not get it. I have never said that I am in favor of it but if it comes to this state and there is a pot sitting in Raleigh and if there is any way we can help the shopping center, get a library and if we can build a road to improve our traffic flow, I would rather do that than to see the 540 loop around Raleigh widened.

Mayor Anderson - It seemed to me that areas like Weddington that are not economically distressed were not going to be getting any money.

2. Possible Programs to Implement. This item will be discussed at the Retreat.

I. Set Agenda for the Joint Town Council and Board of Commissioners Meeting – March 9, 2009 – 6:00 p.m. A meeting will be held on March 9, 2009 at 6:00 p.m. with the Town Council and Union County Board of Commissioners. One of the Board of Commissioners’ (BOCC) goals is to increase

communication between the BOCC and the municipalities for the betterment of all. The Commission has suggested that the meeting last approximately 45 minutes and topics of discussion include:

- A brief presentation of your municipal goals and short-term plans
- How the county can better serve your municipality (top three items)
- Suggestions for county process improvements that will assist you
- Suggestions for enhancing economic development within your municipality

Council asked that the following items be discussed at the meeting:

- Library
- Water and Sewer
- Optimist Park

J. Consideration of Resolution Calling for a Public Hearing to Consider a Petition to Permanently Close Part of Lochaven Road in the Lochaven Subdivision. The Town Council received the following petition:

PETITION TO CLOSE ROAD

Town Council,

My name is Paul Johnson and I am the president of Airborne Development. Airborne Development currently owns property in Lochaven Estates. This subdivision is located on Lochaven Road which is ½ mile south of the Rea Road and NC Hwy. 16 intersection. Lochaven Road is a state maintained road with the exception of the portion of road in question.

This petition is being submitted to your council in an attempt to stop traffic from utilizing this portion of the road. This portion of the road houses an Earthen Dam that was constructed many years ago as a means to impound the lake water at Lochaven. The primary purpose of this lake was for some of the founders of Weddington to enjoy the natural beauty of the lake and land. It was a hunting club for some businessmen from Charlotte many years before my time. The Dam was not constructed for vehicular traffic.

I have read many articles about Earthen Dams built in that time. These articles suggest that typically, the core of these dams were constructed of materials that were gathered from the clearing area of the lake bed, i.e. woody vegetation, stumps, or any other debris that was needed to be disposed of. These type materials are not suitable to build an Earthen Dam as they will decay and de-compose, leaving a honeycomb effect within the dam. The Dam Safety Act of 1967 was established in 1967. Its purpose was to stop these common practices of dam construction. The potential energy that is contained in impounded water is quite impressive. If these dams go un-managed, there is a potential for loss of life and destruction of property in the event of a catastrophic failure.

It is my company's responsibility to protect the people that have been using this dam as a short cut. I have made numerous attempts to reach out to the people that live in this area. They do not believe the opinion of the NCDENR or the opinion of the NCDOT. This is evident by their continued travel over the dam. They continue to allow their children to ride their motorcycles over the dam despite the signage that I have placed there informing them of its condition. I am extremely concerned about the safety of this dam. I have met with several state representatives from the NCDOT to request relief. The NCDOT informed me that they would never take over this portion of the road. I was told that in order for them to take it over, they would have to completely remove the dam and rebuild it to insure that it meets the minimum requirements of safety. This would cost the state of North Carolina over \$1,000,000 and that it would not

make sense to spend that money because there is a perfectly good state maintained road that services every home in the neighborhood. Basically, the short cut is only a convenience. Furthermore, the Dam Safety Division of North Carolina has inspected this dam and has informed me that it has reached its life expectancy of 50 years. The inspector also noted that the dam is in need of significant repairs that would require the attention of an engineer. These needed repairs cannot be made as long as there is a road on top of it.

As you can see, the dam either needs to be rebuilt to support vehicular traffic which is going to cost over a million dollars or discontinue the vehicular traffic and conduct the much needed repairs to the dam to maintain the original purpose of impounding water for the natural beauty of this neighborhood and protect the property value of the people that own lake front property. If we continue down this same slippery path, the dam will surely breach destroying whatever is in its way and decimating the property value of the lake front property owners.

I have spoken with Mr. Todd Tuttle who is also a property owner along this same road. It is his wish to close his property to travel as well. If the dam is closed, he does not want people to turn around on his property. Please consider all non state maintained road from the end of pavement to the end of the dam for closure. In addition it is our wish that the record map of 1972 be revised to show re-dedication of this road as private and that the continuous loop of Lochaven Road be interrupted to exclude the dam.

Best regards,

Airborne Development, LLC
Paul Johnson

Councilmember Smith moved to approve Resolution R-2009-04 calling for a public hearing to consider a petition to permanently close part of Lochaven Road in the Lochaven Subdivision. The public hearing is to be held March 16, 2009 at 7:00 p.m. at the Weddington Town Hall.

**TOWN OF WEDDINGTON
RESOLUTION CALLING FOR PUBLIC HEARING
TO CONSIDER A PETITION
TO PERMANENTLY CLOSE PART OF LOCHAVEN ROAD
IN LOCHAVEN SUBDIVISION
R-2009-04**

WHEREAS, on February 9, 2009, the Town of Weddington received a petition to permanently close a portion of Lochaven Road in the Lochaven Subdivision, including where that road crosses an earthen dam. The Petition was submitted by Airborne Development, LLC, the owner of that portion of Lochaven Road proposed for permanent closure; and

WHEREAS, N.C. General Statute § 160A-299 allows the Town of Weddington to consider permanently closing a street or public alley.

NOW, THEREFORE, BE IT RESOLVED that the Weddington Town Council calls for a public hearing to be held on March 16, 2009, at 7:00 p.m. at Weddington Town Hall, located at 1924 Weddington Road, in Weddington, North Carolina, 28104, so that the Council can receive public input on the Petition. At that same meeting, the Council may vote on whether to permanently close a portion of Lochaven Road in the Lochaven Subdivision, where it crosses an earthen dam.

A copy of the Petition is available for inspection at Town Hall.

Adopted this 9th day of February, 2009.

All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, McKee and Mayor Pro Tem Gilmartin
NAYS: None

Item No. 8. Update from the Town Administrator/Clerk. The Town Council received the following update from the Town Administrator/Clerk:

- Interviews will hopefully begin next week for the Zoning Administrator/Planning Position. We will be interviewing four individuals that were selected by the phone interviews conducted by Nadine Bennett with COG.
- The next LARTP Meeting is scheduled for February 12, 2009 here at the Weddington Town Hall. MAB will be presenting the first draft of the Thoroughfare Plan with a comprehensive list of projects to the Steering Committee. MAB does not envision any problems with getting the LARTP completed by the end of June.
- The Town is working with the daycare on Highway 84 on issues surrounding screening, lighting and the ground sign. Staff is providing information to them on what was presented at the public hearing for the conditional use permit for this daycare.
- Mr. Hunt has complied with the first requirement of cutting the grass on his property on Beulah Church Road. The next milestone will be to obtain a building permit from Union County by March 1 to perform the necessary repairs to the house.
- A meeting is scheduled for Friday at 12:00 p.m. with Paul Johnson with Airborne Development regarding the closing of the dam and portion of Lochaven Road in the Lochaven Subdivision.
- We have provided the property owner on Stirrup Court with an application to complete relative to proposed work being done on their property. The pile of dirt that the property owner has brought onto their property is in the floodplain. Per our engineer, the work that the property owner is planning to do is within the acceptable limits of the Town's ordinance as long as she gets a permit from the Town.
- Wheeler Web Works has provided several proposals to be reviewed by the Town Staff and Council on the redesign of the website. You are welcome to review those designs and provide your feedback.
- It is time to start working on the budget. Hopefully we can work on a preliminary budget at the Retreat. Leslie asked that you start providing her feedback on the proposed tax rate and items that you would like to be considered for budget time so that she can begin to work on a preliminary budget.
- We have contacted Ms. Nifong with the Firethorne Country Club to discuss a possible date for a Town Retreat. Please let me know if you have other locations you can suggest.

Item No. 9. Public Safety Report.

Mayor Anderson – Many of you have heard that there will be some cuts from the Union County Sheriff's Office. We have had discussions on whether we need additional deputies or not. We talked about the newly annexed area and if we will need more coverage. We do not have 24 hour coverage. We have a larger area to cover now. The deputies do not think there is a problem at this time.

Officer Ron Honeycutt – Whether an officer is added to the Weddington area is really above my pay grade. Whether you do that or not would be between you and the Sheriff's Office. All I can tell you is by looking at the stats. We have added new procedures such as preventive patrols and business checks. We have also started a new safety program of doing security assessments for the residents. It all comes down as far as needing another deputy to what you would want that deputy to do. With the budget cuts, we have not lost anyone on the road. We have the same amount of officers as last year.

Providence VFD

Monthly Call Responses –

Mecklenburg County	Fire: 11	EMS: 9	Total: 20
Union County -	Fire: 17	EMS: 13	Total: 30
Monthly Total:	50		

Providence VFD Chief Eric Wheeler - No significant fire or EMS incidents occurred during January of 2009. I would like to thank Councilman Robert Gilmartin and his wife Barbara for attending our Awards Banquet on Saturday, January 31st at Firethorne CC. We regretted that Mayor Nancy Anderson could not make it but we understand the circumstances.

The Town Council also received the Financial Statements.

Weddington Deputies – 339 Incidents or Preventive Patrols

Item No. 10. Transportation Report. The Town Council received a copy of the latest draft of the functional classification map. It includes comments from the latest Steering and Technical Committee meetings, as well as further analysis on Martin/Alexiou/Bryson's (MAB) part. MAB is presenting the first draft of the Thoroughfare Plan with a comprehensive list of projects to the Steering Committee next week. This will be a big step toward moving this project toward completion. MAB does not envision any problems with getting the LARTP completed by the end of June.

Mayor Anderson - We do have a new Secretary of Transportation. We have just recently received the executive order from the new Governor that she wants to reform the Department of Transportation. The new Secretary has asked for our input. We are supposed to get our suggestions and input to the NCDOT by this Friday. You have also received the draft map of the LARTP. At our transportation meeting on Thursday, I am supposed to come prepared with a list of projects that we may want to add to this plan.

Mayor Anderson reviewed the following list of suggestions:

RECOMMENDATIONS FOR LARTP

Local Streets

- Connector from Providence Road to Weddington-Matthews Road
- Weddington-Matthews Road to Highway 84
- Spur from Rea to Cox
- Connect Old Mill to Rea
- Rea and Weddington Church
- Weddington-Matthews Road to Hemby – Bromley

Intersection Improvements

- Stacking Lanes on Deal Road – both ends
- Turning lanes on Cox and Weddington-Matthews Road
- Roundabout at Tilley Morris & Weddington-Matthews Road
- Weddington-Matthews at Hemby Road
- Optimist Park
- Forest Lawn and Antioch
- Turn lanes on Antioch at Highway 84

Shoulder Improvements

- Weddington-Matthews
- Beulah Church
- Antioch
- Forest Lawn

- Chestnut Lane Re-alignment

- Weddington Church Road Re-location

Item No. 11. Update from Finance Officer and Tax Collector.

A. Finance Officer's Report. The Town Council received the Revenue and Expenditure Statement and the Balance Sheet for January 1, 2009 through January 31, 2009.

B. Tax Collector's Report. Monthly Report – January 2009

Adjust Under \$2.00	\$(2.98)
Pay Interest and Penalties	\$(408.54)
Overpayments	\$(35.62)
Releases	\$(289.92)
Discoveries	\$79.89
Interest Charges Added	\$1,688.40
Refunds	\$551.19
Taxes Collected:	
2008	\$(77,212.33)
As of January 31, 2009; the following taxes remain Outstanding:	
2001	\$9.18
2002	\$89.53
2003	\$201.15
2004	\$282.05
2005	\$422.92
2006	\$900.12
2007	\$2,415.55
2008	\$64,731.57

Total Outstanding:	\$69,052.07
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The Town Council received the Unpaid Balance Report by Receipt Number.

Mayor Anderson advised that Ms. Woods has been doing an outstanding job in collecting taxes this year.

Item No. 12. Council Comments. There were no Council Comments.

Item No. 13. Adjournment. Councilmember Smith moved to adjourn the February 9, 2009 Regular Town Council Meeting. All were in favor, with votes recorded as follows:

AYES:	Councilmembers Smith, McKee and Mayor Pro Tem Gilmartin
NAYS:	None

The meeting adjourned at 9:03 p.m.

Nancy D. Anderson, Mayor

Attest:

Amy S. McCollum, Town Clerk