

**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, SEPTEMBER 14, 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 September 14, 2009, at 7:00 p.m. with Mayor Nancy D. Anderson presiding.

Present: Mayor Nancy D. Anderson, Councilmembers L.A. Smith, Tommy Price and Jerry McKee, Town Attorney Anthony Fox, Finance Officer Leslie Gaylord, Town Planner Jordan Cook and Town Administrator/Clerk Amy S. McCollum.

Absent: Mayor Pro Tem Robert Gilmartin

Visitors: Daniel Barry, Walter Staton, Walker Davidson, David Banick, Steve Carow, Matt M., Barbara and Pat Harrison and Katherine Armstrong.

Item No. 1. Open the Meeting – Invocation and Pledge of Allegiance. Mayor Nancy D. Anderson called the September 14, 2009 Regular Town Council Meeting to order at 7:00 p.m. Mayor Anderson led in a moment of silence remembering 9/11. Mayor Anderson offered the Invocation and led in the Pledge of Allegiance.

Item No. 2. Determination of Quorum/Additions or Deletions to the Agenda. There was a quorum. Councilmember L.A. Smith moved to approve the agenda with the following addition:

- Closed Session pursuant to NCGS 143-318.11 (a) (3) – To consult with the attorney on matters pertaining to Attorney-Client Privilege.

All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Price, McKee and Mayor Anderson
NAYS: None

Item No. 3. Public Hearing.

A. Public Hearing on the Local Area Regional Transportation Plan (LARTP). Mayor Anderson opened the public hearing regarding the Local Area Regional Transportation Plan (LARTP). The Town Council received the Executive Summary, Highway Map and Weddington Focus Map relating to the Local Area Regional Transportation Plan (LARTP).

Town Planner Jordan Cook introduced this item to the Town Council:

- The LARTP (Local Area Regional Transportation Plan) is a joint effort by the Village of Marvin, Village of Wesley Chapel, Town of Waxhaw and Town of Weddington that began in August 2008.
- The four municipalities were awarded a UPWP (Unified Planning Work Program) grant by MUMPO (Mecklenburg-Union Metropolitan Planning Organization) to hire a consultant for a regional transportation plan.
- The LARTP is a multi-modal plan that balances vehicles, bicycles, pedestrians and transit. The plan was divided into a thoroughfare plan and an intersection plan. Roadways and intersections throughout Western Union County were evaluated based on their current and future conditions

and traffic volumes. Improvements to these roadways and intersections were then determined. Lastly, those improvements were prioritized on a High, Medium or Low scale based on their regional benefits and possible funding sources.

- The consultant also recommended about 10-18 ordinance changes that are currently under review by each municipalities Planning staff. Each municipality will be able to pick and choose which amendment(s) they want to implement into their Code of Ordinances.
- The LARTP will give the four municipalities and Western Union County a unified “voice” within MUMPO. After its adoption by the four municipalities, the plan will be presented to MUMPO and tied into the Comprehensive Transportation Plan and Long Range Transportation Plan. This will enable the proposed road and intersection improvements to be eligible for various funding sources (Region/MPO, Local funds, Development Community).
- The public has also been very instrumental in the LARTP. There have been several public workshops as well as booths at community events and an updated project website.
- The consultant held a joint meeting on July 13th with the Planning Board and Town Council to present the final draft of the LARTP. At the request of the Town Council, the Town held a two hour Public Involvement Meeting on July 30th. Approximately 18-22 residents attended the PIM and overall feedback and comments were positive. The Planning Board reviewed the LARTP at their August 24th meeting and did not make any changes or forward any comments to the Town Council.

Councilmember Price – What new roads are recommended?

Town Planner Cook – Amanda Drive Extension, Rea Road Extension and the Northern Connector Road.

Councilmember Price – The bulk of the items are intersection improvements?

Town Planner Cook – Yes and adding shoulders to roads, widening, curbs, etc.

Mayor Anderson – I understand that we are adopting these cross sections. If it is not on there, can it be built by a private developer? If it is not on here, does that mean that we will not allow it?

Town Planner Cook – I would imagine that they would be able to propose a cross section that they wanted. Each improvement that the consultant recommended is tied to one of these cross sections.

Mr. Werner Thomisser – Can you tell me what the different color of roads mean?

Councilmember Price - Red dashed roads are recommended boulevards and green dotted roads are recommended minor thoroughfares.

Mr. Thomisser - What roads are on the MUMPO schedule right now?

Mayor Anderson – Rea Road Extension is the only one. The TIP got amended so that it goes all the way to Airport Road.

Ms. Janice Propst – Where does the road go that crosses at the Highway 84 and 16 intersection?

Mayor Anderson – That is showing the existing road. There are still discussions with the church, as part of the current widening project. They may relocate the road further south.

Ms. Propst – In my opinion instead of putting Highway 84 right here in the middle of this area, take 84 around the other side of the cemetery and adjoin it to Weddington Church Road and then make your light there and make your light at whatever intersection you are going to have further down Highway 16. Then you have a consistent area that is not cut up by 84 freeway through the middle of the downtown and it preserves the integrity of the property for the Church across the street.

Ms. Dorine Sharp – There is a list of recommended ordinances to go along with the LARTP and if the Council adopts this, then we will go through the list. Some of the items we already have addressed in our ordinances and we would decide what other items we would need to include.

Town Planner Cook – The consultant recommended about 10 – 18 ordinances that we could put in our code and they gave each municipality the option of picking and choosing which ones they wanted to consider. Some of the recommendations were roadway definitions, right-of-way dedication provisions, traffic impact analysis thresholds, street cross sections, access management, connectivity, bicycle facilities, etc.

Mayor Anderson – Right-of-way preservation was our whole objective for even going through this exercise in the first place.

Councilmember Price – How do you take the right-of-way when you really do not know where it is going?

Town Planner Cook – That has been a common question. It is a general area. For this plan, it is not that exact.

Councilmember Price – When would that come about?

Mayor Anderson – When you come across those questions, this is where we want it to begin and this is where we want it to end?

Councilmember Price – Is that up to the Town?

Mayor Anderson – No whoever develops it.

Councilmember Price – Who is going to do the engineering to see where it works?

Town Planner Cook – If it is a developer driven road then the developer would do it but if it is done by MUMPO or local funding then we do the engineering to build that road. Generally we are going to recommend where we want that road. It may be built in sections over 20 to 30 years depending on how these parcels get developed.

Councilmember Price – Who is determining where this goes?

Attorney Anthony Fox – Generally your thoroughfare plans are just guides. They take development patterns along the thoroughfare plan. You can make developers recognize the showing of the thoroughfare lines as they pursue the development. You may not want it to be exact because you allow the developer some flexibility to move the road or thoroughfare along his or her property in a manner that allows them the maximum ability to develop the property. I believe if this board adopts this thoroughfare plan, these lines would be the starting point for negotiations as development occurs in those areas.

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

Item No. 4. Public Comment - Speakers are limited to two (2) minutes or less and Large Groups are Encouraged to Designate a Spokesperson.

Mr. Werner Thomisser – As November 3, 2009 approaches, I wanted to personally thank Councilmember Price for his 10 years of service to the Town of Weddington. Mayor Anderson I want to thank you for the recent transportation meeting and Mr. Moose coming down and the high ranking DOT officials from Raleigh. I think we made some progress and hopefully the shopping center will have some additional access. With that being said, last night three businesses in the Weddington shopping center were broken into. I would ask this Town Council to consider putting a Sheriff's cruiser there instead of leaving it at the Town Hall. It may be a better position to leave at the shopping center. Also, I believe it was a year or two ago that I suggested the Sheriff's Deputies patrol that shopping center in the front and in the rear using their spot lights after dark to make sure that nothing has been broken into. Three break-ins in one night is not acceptable.

Mr. Walter Staton – This is the first time I have worn a cap inside the Town Hall. This is a special little red cap. In addition to improving the police protection let us not forget the Providence VFD. They currently need \$42,000 to upgrade their crash truck to meet the State specifications. Also, they still have not paid off the entire note of \$400,000 on the new fire truck that they purchased in 2006. These are examples of current Weddington tax dollar expenditures and I hope that this Council will consider voting yes. Tommy thank you for a job well done and we hate to see you leave.

Item No. 5. Approval of Minutes.

A. June 8, 2009 Regular Town Council Meeting. Councilmember Smith moved to approve the June 8, 2009 Regular Town Council Meeting. All were in favor, with votes recorded as follows:

AYES: Councilmember Smith, Price and McKee
NAYS: None

B. July 13, 2009 Regular Town Council Meeting. Councilmember Smith moved to approve the July 13, 2009 Regular Town Council Meeting. All were in favor, with votes recorded as follows:

AYES: Councilmember Smith, Price and McKee
NAYS: None

C. August 3, 2009 Special Town Council Meeting. Councilmember Smith moved to approve the August 3, 2009 Special Town Council Meeting. All were in favor, with votes recorded as follows:

AYES: Councilmember Smith, Price and McKee
NAYS: None

D. August 3, 2009 Regular Town Council Meeting. Councilmember Smith moved to approve the August 3, 2009 Regular Town Council Meeting. All were in favor, with votes recorded as follows:

AYES: Councilmember Smith, Price and McKee
NAYS: None

Finance Officer Leslie Gaylord asked that Item 6B under the Consent Agenda be moved to New Business.

Item No. 6. Consent Agenda.

A. Consideration of Approval of 2010 Census Partner Proclamation. Councilmember Smith moved to approve Proclamation P-2009-05.

**TOWN OF WEDDINGTON
PROCLAMATION - 2010 CENSUS PARTNER
P-2009-05**

WHEREEAS, an accurate census count is vital to our community and residents' well-being by helping planners determine where to locate schools, day-care centers, roads and public transportation, hospitals and other facilities, and is used to make decisions concerning business growth and housing needs;

WHEREAS, more than \$300 billion per year in federal and state funding is allocated to states and communities based on census data;

WHEREAS, census data ensure fair Congressional representation by determining how many seats each state will have in the U.S. House of Representatives as well as the redistricting of state legislatures, county and city councils, and voting districts;

WHEREAS, the 2010 Census creates jobs that stimulate economic growth and increase employment opportunities in our community;

WHEREAS, the information collected by the census is protected by law and remains confidential for 72 years;

NOW, THEREFORE, WE PROCLAIM that the Town of Weddington is committed to partnering with the U.S. Census Bureau to help ensure a full and accurate count in 2010.

As a 2010 Census partner, we will:

1. Support the goals and ideals for the 2010 Census and will disseminate 2010 Census information to encourage those in our community to participate.
2. Encourage people in Weddington to place an emphasis on the 2010 Census and participate in events and initiatives that will raise overall awareness of the 2010 Census and ensure a full accurate census.
3. Support census takers as they help our community complete an accurate count.
4. Create or seek opportunities to collaborate with other like-minded groups in our community, such as Complete Count Committees, to utilize high-profile, trusted voices to advocate on behalf of the 2010 Census.

Signed this 14th day of September, in the year 2009.

All were in favor, with votes recorded as follows:

AYES:	Councilmember Smith, Price and McKee
NAYS:	None

Item No. 7. Consideration of Public Hearing.

A. Consideration of Adoption of the Local Area Regional Transportation Plan (LARTP).
Councilmember Smith moved to adopt the LARTP as presented.

Councilmember Price – I am still not happy with the Northern Connector Road showing up on this plan. I do not think that was a committee decision to put that there but because of the good items that are on the

plan; I want everyone to know that I am supporting this under duress. I do not like that it was put on there.

All were in favor, with votes recorded as follows:

AYES: Councilmember Smith, Price and McKee

NAYS: None

Item No. 8. Old Business.

A. Appointment to Carolina Thread Trail Steering Committee. Councilmember Smith moved to appoint the Town Planner to the Carolina Thread Trail Steering Committee. The motion is as follows:

AYES: Councilmember Smith and McKee

NAYS: Councilmember Price

Councilmember Price advised that he was voting against this because he was opposed to the Carolina Thread Trail and not in opposition of the Town Planner being appointed to the position.

Item No. 9. New Business.

A. Discussion of Fundraising Opportunities for Weddington Schools. Mayor Anderson stated, "There was a question of whether or not we could use some of the high school students to pick up the litter on the side of the road. The price we received from an outside source was \$10,000 for picking up twice a year for a majority of the Town roads. This would allow the high school students that want to earn money for their service clubs to participate. When I talked with Principal Breedlove, he said that it was doable."

Councilmember Smith - We have already reached out to the schools about the next Litter Sweep coming up in the next weeks. The response has been a lot better. I am hoping that we are going to have a much better turnout. There are a lot of clubs that are saying they are going to help because they need the service hours.

A discussion occurred regarding liability issues and if the Town needed to get some type of liability policy to have in affect for these types of events.

Attorney Fox – I think the liability question is a valid question and it is a question that is already there. There is no way you can insulate yourselves from liability. It will be a risk at some point. If it is something that the Council wants to do, there is probably a way to get it done. It may require some rider or indemnity policy to cover it.

Town Administrator/Clerk Amy McCollum advised that the Town's insurance company requests that anyone participating sign a waiver form.

The Council wanted to more see this as a service hours' project rather than pay at this time and to continue to investigate the issue of liability further.

B. Consideration of Request to Pay Taxes for Parcel #06-072-003 for the Wardell Property Donated to the Town of Weddington. The Town Council received the following memo from Tax Collector Kim Woods:

I am requesting authorization to write-off the 2009 property tax on parcel 06-072-003 billed in the name of Roberta W. Wardell Heirs in the amount of \$59.69. This property was donated to the Town of

Weddington. The deed was signed on December 31, 2008; however, the deed was not recorded until January 16, 2009. Taxes are levied to the owner of record as of January 1. We are therefore not exempt from the property tax for Tax Year 2009. We will be exempt beginning in Tax Year 2010.

A copy of the tax bill was included for the Town Council's information.

Finance Officer Gaylord advised that the Town would have to write a check to the Town versus writing off the amount of the tax bill.

Councilmember Price moved to pay the Town and Union County taxes for Parcel #06-072-003 for the Wardell Property that was donated to the Town of Weddington.

AYES: Councilmembers Smith, Price and McKee
NAYS: None

Item No. 10. Update from Town Planner. The Town Council received the following update from Town Planner Jordan Cook:

- The Helms Property Conditional Zoning/Rezoning proposal is currently proceeding with their CZ Rezoning to an MX district. The Town of Weddington Code of Ordinances only allows a rezoning to MX if the Land Use Plan is designated for future retail/office development. The current Land Use Plan designates this property as Traditional Residential. Therefore, a Land Use Plan change would have to take place after this project is approved. This Land Use Plan change would be a condition of approval on the CZ Rezoning. The applicant is currently scheduling their Public Involvement Meetings. This project was submitted prior to the adoption of the moratorium and is exempt from its provisions.
- Martin/Alexiou/Bryson held a Joint Meeting on July 13th with the Planning Board and Town Council to present the final draft of the LARTP. At the request of the Town Council, the Town held a Public Involvement Meeting on Thursday, July 30th from 6:00-8:00pm. There were about 18-22 residents in attendance at the PIM. Overall feedback and comments were positive. Many residents were excited about the new plan and happy that the Town has taken a pro-active approach to transportation planning. The Planning Board reviewed the LARTP at their August 24th meeting and did not make any changes or forward any comments to the Town Council. Don't forget to go to look at the project's website for all the latest information and let us know if you have any questions or would like to provide input on the study. The website is www.lartp.org.
- A kick-off meeting with the Downtown Development Committee was held on Wednesday, September 2nd at 6:00pm. The purpose of this kick-off meeting was to establish a schedule including the public meetings and charrette and develop the project goals and objectives. The next meeting will be the first Public Involvement Meeting and will be held on September 29th. The exact location and time has not yet been determined.
- Staff has received a Temporary Use Permit Application for the "2nd Annual AdamFest Family Fun Day" to be held on October 3, 2009 at Hunter Farm. This TUP will be on the Planning Board agenda on September 28, 2009.
- The Town of Weddington and USI have approved the Ashrafi Floodplain Development Permit.

- The Town of Weddington and USI have approved the Weddington Elementary School Floodplain Development Permit.
- Staff has received a Conditional Use Permit Application from Weddington Corners Shopping Center for a temporary access road/driveway across Town owned property to provide access to Weddington-Matthews Road and to construct a new permanent sign along Providence Road (NC 16). Town Staff, NCDOT and Weddington Corners business owners met on Thursday, August 20 to discuss possible ideas and solutions to improve access into and out of Weddington Corners Shopping Center after NC 16 and NC 84 construction is complete. Barry Moose with NCDOT is currently evaluating the feasibility of this access road/driveway. This CUP is currently scheduled to be on the Planning Board agenda on September 28, 2009.
- Senate Bill 831 was signed into law on August 5, 2009. This Bill allows any sketch plan, preliminary plat, subdivision plat, site plan, development agreement, building permit or certificate of appropriateness issued by a local municipality to extend its expiration date until December 31, 2010. On August 28, 2009 an amendment to this Bill was passed to also include Conditional Use and Special Use Permits.

Item No. 11. Update from Town Administrator/Clerk. Town Administrator/Clerk McCollum advised that Union County will be meeting on Thursday, September 17, 2009 regarding the Water Allocation Policy. Also that the next Board of Adjustment Meeting will be held on September 28, 2009 regarding the Minimum Housing Issue on Beulah Church Road.

Item No. 12. Public Safety Report.

Deputies – 339 calls

Wesley Chapel – July (109 calls) and August (94 calls)

Providence VFD

Union County	Fire: 17	EMS: 2	Total: 19
Mecklenburg County	Fire: 6	EMS: 1	Total: 7
Monthly Total:	26		

Monthly Training Hours-

Fire - 506 Hrs.

EMS - 27 Hrs.

Run Times:

6A-12N: 23% 12N-6P: 42% 6P-12M: 31% 12M-6A: 4%

Run Data:

Avg. Turnout: 1.3 minutes

Avg. Response Time: 4.8 minutes

Avg. On Scene Time: 21 minutes

Avg. Members On Scene: 5.3 members

Providence F.D. responded to the following significant events.

- 8/12/09 Kitchen Fire, 6132 Potters Rd., assisted Stallings FD.
- 8/20/09 Working Structure Fire, 4715 Pimlico Ln., assisted Mineral Springs FD with Tanker 324 and Engine 322.

The Town Council received the Financial Statements for the Providence VFD.

Item No. 13. Transportation Report. Mayor Anderson advised that there will be a Special MUMPO Meeting on Wednesday, September 16, 2009.

Item No. 14. Update from Finance Officer and Tax Collector.

A. Finance Officer's Report. The Town Council received the Revenue and Expenditure Statement and Balance Sheet for 8/1/09 to 8/31/09. Finance Officer Gaylord advised that the Beer and Wine Tax that the Town receives will be reduced by two-thirds.

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

2009 Tax Charge	\$625,177.87
2009 Tax Deferments	\$(30,492.14)
2009 Tax Exemptions	\$(33,718.52)
2009 Late List Penalties	\$152.09
2009 Under \$5.00 Write-offs	\$(728.42)
Adjust Under \$5.00	\$(4.09)
Interest Charges	\$131.05
Pay Interest and Penalties	\$(103.01)
Refunds	\$78.60
Balance Adjustments	\$(22.34)
Discoveries	\$720.25
Overpayments	\$(208.68)
Taxes Collected:	
2008	\$(1,964.34)
As of September 1, 2009; the following taxes remain Outstanding:	
2001	\$9.18
2002	\$89.53
2003	\$210.27
2004	\$590.39
2005	\$564.82
2006	\$513.19
2007	\$1,819.21
2008	\$13,734.26
2009	\$560,153.27
Total Outstanding:	\$577,684.12

The Town Council also received the Unpaid Balance Report.

Item No. 15. Council Comments. Councilmember Smith advised that the Ice Cream Social was a success with approximately 125- 150 people attending. She stated, "There was a lot of hard work from a lot of volunteers."

Mayor Anderson thanked Nancy Pulcini, Stephanie Belcher and Debra Korb from the Parks and Recreation Advisory Committee for their work on this event and for Papa's Pizza and the Harris Teeter for their assistance.

Item No. 16. Closed Session. Councilmember Price moved to go into Closed Session pursuant to NCGS 143-318.11 (a)(3) – To consult with the attorney on matters pertaining to Attorney-Client Privilege. All were in favor, with votes recorded as follows:

AYES: Councilmember Smith, Price and McKee
NAYS: None

Item No. 17. WCWAA. Mayor Anderson advised that the Town was receiving complaints regarding lighting, noise, vandalism and trespassing occurring at the ballpark. Town Planner Cook advised the Council that he is working with the park on their temporary lights and will be diligent to make sure that they follow the Town's ordinances and will forward any issues to Tracey Clinton.

Item No. 18. Adjournment. Councilmember Smith moved to adjourn the September 14, 2009 Regular Town Council Meeting. All were in favor, with votes recorded as follows:

AYES: Councilmember Smith, Price and McKee
NAYS: None

The meeting adjourned at 8:47 p.m.

Nancy D. Anderson, Mayor

Amy S. McCollum, Town Clerk