

**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, SEPTEMBER 14, 2009 - 7:00 P.M.
WEDDINGTON TOWN HALL
1924 WEDDINGTON ROAD
WEDDINGTON, NC 28104
AGENDA**

1. Open the Meeting – Invocation and Pledge of Allegiance
2. Determination of Quorum/Additions or Deletions to the Agenda
3. Public Hearing
 - A. Public Hearing on the Local Area Regional Transportation Plan (LARTP)
4. Public Comment - *Speakers are limited to two (2) minutes or less and Large Groups are Encouraged to Designate a Spokesperson*
5. Approval of Minutes
 - A. June 8, 2009 Regular Town Council Meeting
 - B. July 13, 2009 Regular Town Council Meeting
 - C. August 3, 2009 Special Town Council Meeting
 - D. August 3, 2009 Regular Town Council Meeting
6. Consent Agenda
 - A. Consideration of Approval of 2010 Census Partner Proclamation
 - B. Consideration of Request to Write-Off Taxes for Parcel #06-072-003 for the Wardell Property Donated to the Town of Weddington
7. Consideration of Public Hearing
 - A. Consideration of Adoption of the Local Area Regional Transportation Plan (LARTP)
8. Old Business
 - A. Appointment to Carolina Thread Trail Steering Committee
9. New Business
 - A. Discussion of Fundraising Opportunities for Weddington Schools
10. Update from Town Planner
11. Update from Town Administrator/Clerk
12. Public Safety Report
13. Transportation Report
14. Update from Finance Officer and Tax Collector
15. Council Comments
16. Adjournment

Western Union County Local Area Regional Transportation Plan: Executive Summary



Purpose of the Plan

The four member jurisdictions (Village of Marvin, Town of Waxhaw, Town of Weddington, and Village of Wesley Chapel) of the Western Union County Local Area Regional Transportation Plan (LARTP) group are collectively and individually feeling the strains of tremendous growth pressure from the greater Charlotte region. While growth and development bring many benefits to the community (such as new investment and jobs), they also threaten many of the values the communities want to preserve, particularly their small town character and rich rural heritage. Some of the most immediate and significant impacts felt by area residents are on the region's transportation system. The member jurisdictions of the LARTP, together with the Centralina Council of Governments and the Mecklenburg-Union Metropolitan Planning Organization, have collaborated to create a unified transportation plan to put themselves in a position of knowledge and strength when confronting growth, rather than a position of reaction and catching-up.

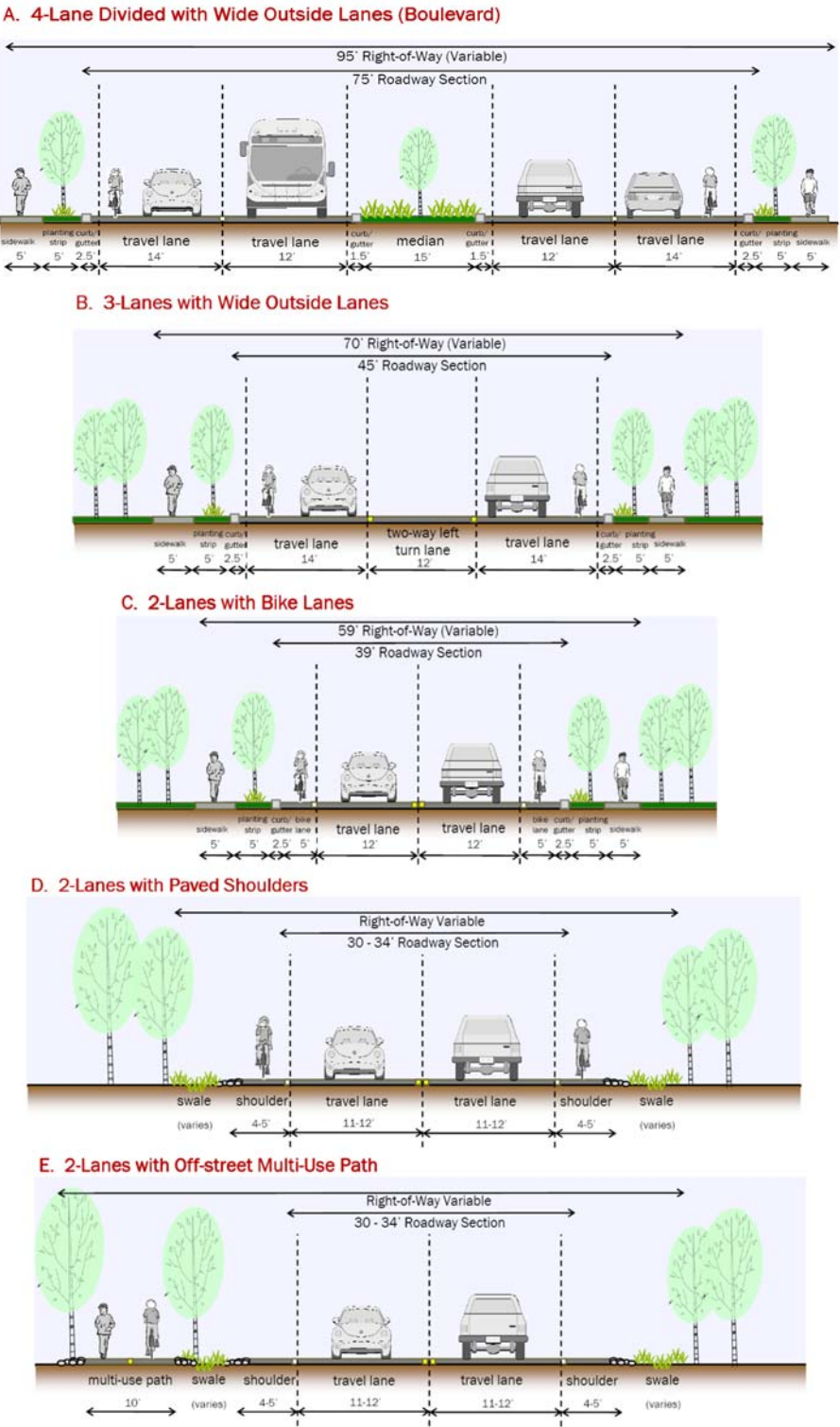
Summary of Key Elements

The LARTP is a multimodal plan – it attempts to balance the needs of various modes of transportation, including vehicles, bicycles, pedestrians, and transit. Since the area's roadways are currently experiencing congestion and safety issues, and because those issues are projected to get much worse in the future, the focus of the plan is on roadways and intersections. Creating viable options for using alternative modes may alleviate congestion as well as provide positive health and quality of life benefits for the community. The key elements of the LARTP are:

- Roadways** – Includes the Thoroughfare Plan (see reverse), which plans for the area's long-range roadway needs, and the Intersection Plan, which makes recommendations for capacity and safety improvements for targeted intersections.
- Bicycle and Pedestrians** – Opportunities for improving bicycle and pedestrian facilities and amenities are identified.
- Land Use Policies and Ordinances** – Recommendations are made for new and amended land use policies and ordinances to understand and mitigate impacts of development and promote more efficient land use patterns.

Recommended Typical Cross-Sections

While the location of future roadway improvements is obviously critical, just as important is defining the design, character, and other attributes of those roadways. The recommended cross-sections below are designed to be multi-modal, accommodating vehicles, bicycles, and pedestrians within the same right-of-way. They are intended to be customized to individual project locations and contexts.



Recommended for:

- Providence Road (to Waxhaw Parkway)
- NC 84 and Rea Rd Extension
- Waxhaw Parkway
- NC 75 (east and west of downtown Waxhaw)

Recommended for:

- Potter Road
- Forest Lawn Drive
- Waxhaw-Indian Trail Road
- Kensington Drive

Recommended for:

- All minor thoroughfares in Marvin
- New Town Road (west of Providence Road)

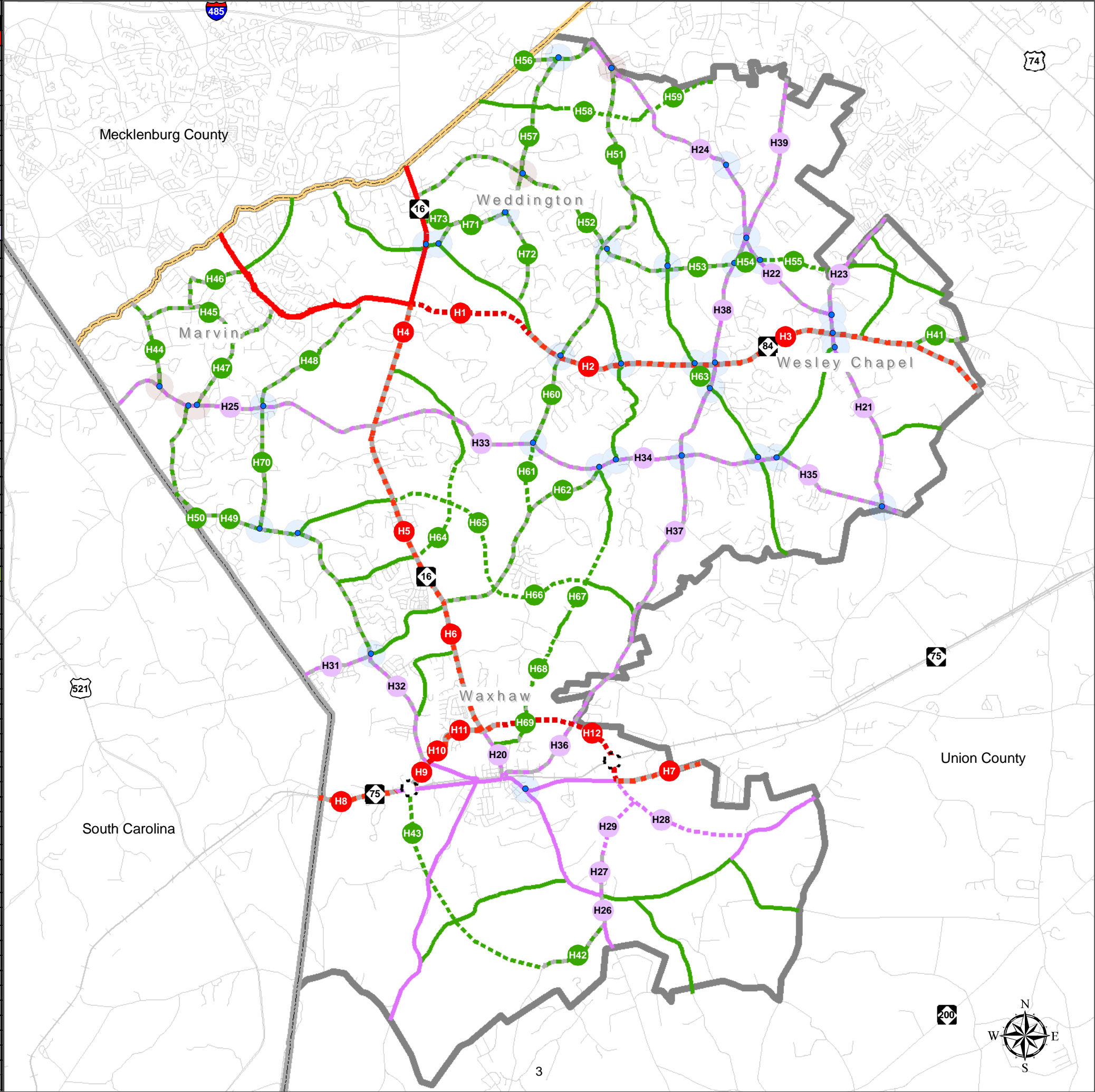
Recommended for:

- Widening most minor thoroughfares in study area
- New 2-lane roads in study area

Recommended for:

- New Town Road (east of Providence Road)
- Crane Road (between Waxhaw-Marvin Rd and New Town Rd)

Project Key	
ID	Description
Boulevards	
H1	Construct 4-lane boulevard
H2	Widen to 4-lane boulevard
H3	Widen to 4-lane boulevard
H4	Widen to 4-lane boulevard
H5	Widen to 4-lane boulevard
H6	Widen to 4-lane boulevard
H7	Widen to 4-lane boulevard
H8	Widen to 4-lane boulevard
H9	Widen to 4-lane boulevard
H10	Construct 4-lane boulevard
H11	Widen to 4-lane boulevard
H12	Construct 4-lane boulevard
Other Major Thoroughfares	
H20	Add turn lanes, widen shoulder and improve geometrics as appropriate; employ context-sensitive design
H21	Widen to 3 lanes, add shoulders, turn lanes and improve geometrics as appropriate
H22	Widen to 3 lanes, add shoulders, turn lanes and improve geometrics as appropriate
H23	Widen to 4 lanes w/median
H24	Widen to 3 lanes, add shoulders, turn lanes and improve geometrics as appropriate
H25	Widen to add shoulder and bike lanes; preserve ROW for future widening
H26	Preserve ROW for future Boulevard
H27	Preserve ROW for future Boulevard
H28	Construct new 2-lane connector to Waxhaw Parkway
H29	Construct new 2-lane facility
H31	Widen to 3 lanes, add shoulders, turn lanes and improve geometrics as appropriate
H32	Widen to 3 lanes, add shoulders, turn lanes and improve geometrics as appropriate; add bike lanes
H33	Widen shoulder and construct off-street multi-use path; preserve ROW for future widening
H34	Widen shoulder and construct off-street multi-use path; preserve ROW for future widening
H35	Widen shoulder and construct off-street multi-use path; preserve ROW for future widening
H36	Widen to 3 lanes, add shoulders, turn lanes and improve geometrics as appropriate
H37	Widen to 3 lanes, add shoulders, turn lanes and improve geometrics as appropriate
H38	Widen to 3 lanes, add shoulders, turn lanes and improve geometrics as appropriate
H39	Widen to 3 lanes, add shoulders, turn lanes and improve geometrics as appropriate
Minor Thoroughfares	
H41	Widen to 4 lanes w/ median, bike lane
H42	Add turn lanes, widen shoulder and improve geometrics as appropriate
H43	Construct 2-lane facility
H44	Add bike lanes, widen shoulders as appropriate
H45	Add bike lanes, widen shoulders as appropriate
H46	Add bike lanes, widen shoulders as appropriate
H47	Add bike lanes, widen shoulders as appropriate
H48	Add bike lanes, widen shoulders as appropriate
H49	Add bike lanes, widen shoulders as appropriate
H50	Add bike lanes, widen shoulders as appropriate
H51	Add turn lanes, widen shoulder and improve geometrics as appropriate
H52	Widen shoulder and improve geometrics as appropriate
H53	Widen shoulder and improve geometrics as appropriate
H54	Widen shoulder and improve geometrics as appropriate
H55	Construct 2-lane facility
H56	Widen to 2 lanes, w/ median, bike lane
H57	Widen to 3 lanes, add shoulders, turn lanes and improve geometrics as appropriate
H58	Construct 2-lane facility
H59	Construct 2-lane facility
H60	Add turn lanes, widen shoulder and improve geometrics as appropriate
H61	Construct 2-lane facility
H62	Add turn lanes, widen shoulder and improve geometrics as appropriate
H63	Construct 2-lane facility
H64	Construct 2-lane facility
H65	Construct 2-lane facility
H66	Construct 2-lane facility
H67	Construct 2-lane facility
H68	Construct 2-lane facility
H69	Widen shoulder and improve geometrics as appropriate
H70	Add off-street multi-use path
H71	Upgrade to standard 2-lanes w/ shoulders
H72	Upgrade to standard 2-lanes w/ shoulders
H73	Construct 2-lane facility



Highway Map

Western Union
County
Local Area
Regional
Transportation
Plan

FINAL DRAFT

Plan date: June 22, 2009

- Boulevards**
- Existing
 - Needs Improvement
 - Recommended *
- Other Major Thoroughfares**
- Existing
 - Needs Improvement
 - Recommended *
- Minor Thoroughfares**
- Existing
 - Needs Improvement
 - Recommended *

* Alignments shown for recommended new roads are conceptual. Further analysis will be required as projects develop.

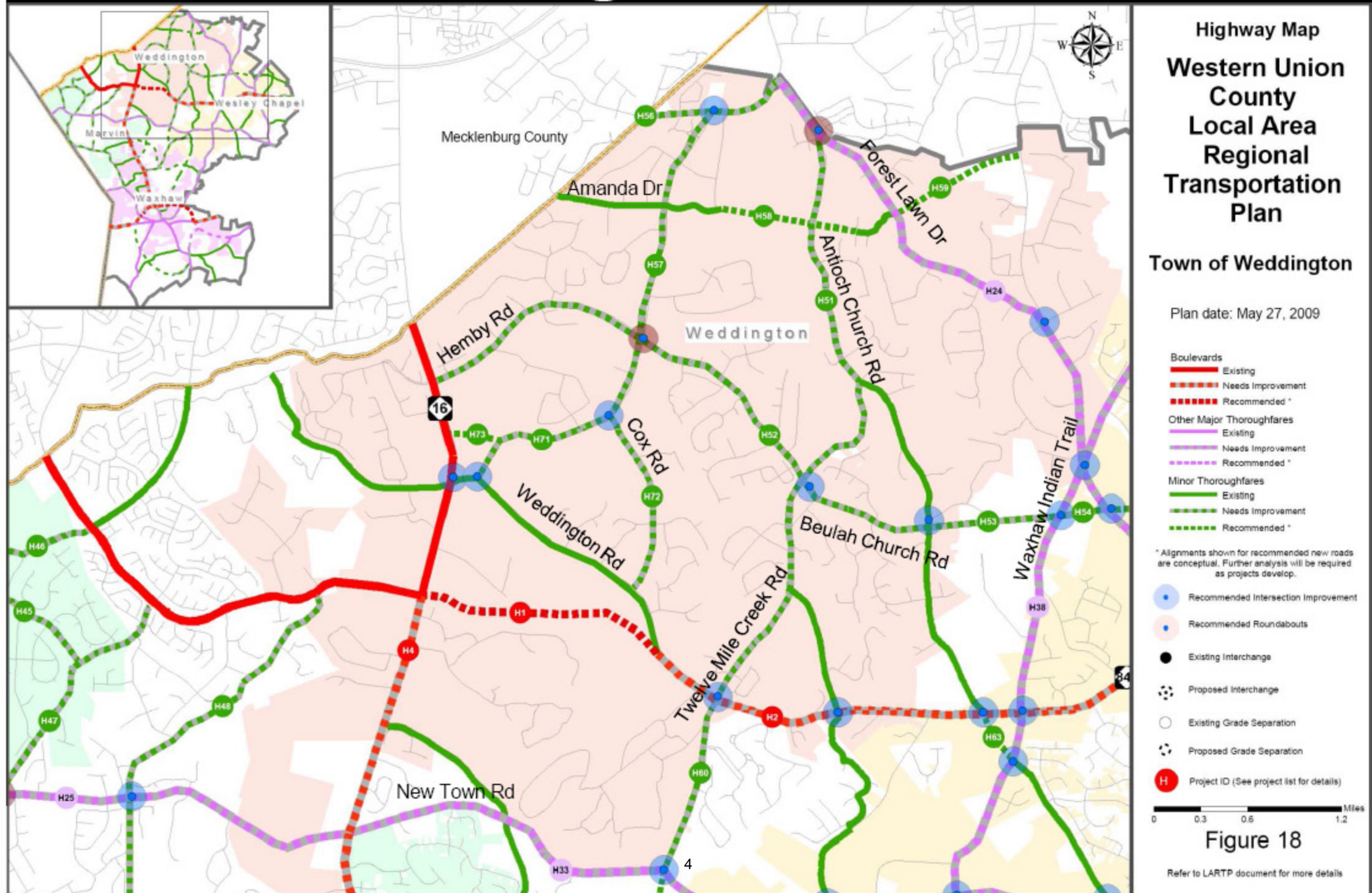
- Recommended Intersection Improvement
- Recommended Roundabouts
- Existing Interchange
- Proposed Interchange
- Existing Grade Separation
- Proposed Grade Separation

0 0.25 0.5 1 1.5 2 2.5 Miles

Figure 15

Refer to LARTP document for more details

Focus: Weddington



**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, JUNE 8, 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 June 8, 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, 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: None

Visitors: Andrew Pelick, Valerie Pelick, Bill Price, Bill Reynolds, Walter Staton, Barbara Harrison, Pat Harrison, Ken Evans, Jane Evans, Robert E. Henderson, Richard Propst, Elizabeth D. Propst, Werner Thomisser, Mike Hoult, Craig Horn, Barry Groome, Wes Bertram, Michael Johnson, Roger and Teri Strom, Joe and Susan Weil, R. Todd Tuttle, Debby Block, Bill Maynard, Neldina Maynard, Bob Davis, Clayton Loflin, Robyn McAreavy, Steve McAreavy, David Banick, Matt Berti, Tina Carney, Ken Dowd, Gene Harrington, Walker Davidson, Joyce Helms, Kristina Rogers, Paul Johnson, Melissa Emerine, Chad Emerine, Mary Waller, Mike Waller, Bob Jones, Joy Jones, Brian Carlton, Janice Propst, Mary Ann Schulte Maxson and Karen Jones.

Item No. 1. Open the Meeting – Invocation and Pledge of Allegiance. Mayor Nancy D. Anderson called the June 8, 2009 Regular Town Council Meeting to order at 7:06 p.m. Mayor Anderson led in the Pledge of Allegiance and offered the Invocation.

Item No. 2. Determination of Quorum/Additions and Deletions to the Agenda. There was a quorum. Councilmember L.A. Smith moved to change the agenda as follows:

- § Removal of Item 9C from the agenda
- § Rearrange order of public hearings so that the Public Hearing to Consider a Petition to Permanently Close Part of Lochaven Road in the Lochaven Subdivision was heard before the budget.

All were in favor, with votes recorded as follows:

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

Item No. 3. Public Hearings.

A. Public Hearing to Consider a Petition to Permanently Close Part of Lochaven Road in the Lochaven Subdivision (Continued from April 13, 2009). Mayor Anderson reopened the public hearing to consider the petition to permanently close part of Lochaven Road in the Lochaven Subdivision.

The Town Council received documents from the petitioner Paul Johnson and Bob Henderson, Attorney for the Lochaven residents. They are both attached to the minutes as exhibits.

The Town Council received the following:

- § Copy of Petition to Close Road from Airborne Development, LLC
- § Letter dated February 13, 2009 from R. Todd Tuttle Clarifying Information on the Petition
- § March 16, 2009 Special Town Council Meeting Minutes

Councilmember McKee - Due to getting this documentation late Friday and our legal department not getting it until today, I suggest we postpone discussion on this matter. I do not think it will do any justice to proceed with this tonight.

Mayor Anderson - We can continue with the hearing and have more information presented since we have everyone here. We can proceed with the presentation.

Attorney Bob Henderson – I am representing Mr. Mike DeFiore and the neighbors who have supported his efforts. I hope that the materials that I gave you speak for themselves. Mr. DeFiore came to my office several weeks ago and posed to me a problem they have before them. I told him that I had been involved in a number of situations similar to what he was faced with. Before we could give it the analysis that is really needed, we had to go to the Register of Deeds and find out exactly what is there. There is a long history for the neighborhood. We spent a lot of time assembling all the plats associated with the neighborhood, the various deeds from the original Lochaven Corporation, the deeds to the petitioner and some of the deeds that he has conveyed out. What we found was that this was a neighborhood that has evolved from the early plat back in 1957 and the later plat of 1972, which I included in all of your materials. You will find representative deeds that are Exhibits 3, 4, 6, 7 and 8. It gives you a cross-section over time of what those deeds look like. Let's look at the plat that is the most important that was recorded in 1972. This together with one other plat is Lochaven. The dominant features of this particular neighborhood are the lake and open space. They are actually shown on the plat as one continuous parcel. By today's standards, this would be a little unusual because the lots all run to the middle of the road. The road actually crosses over the lake and open space areas just as it crosses over other lots, which is to say there is an easement across it. That means everything in terms of the legal status of these features. It is because under North Carolina law - if I buy a lot over here and it is with reference to this plat I don't buy just my lot, I buy my lot and the common areas that are all part of that subdivision. That is what I bargained for because those amenities are important to me. In the case of Lochaven, the lake and open space are literally at the center of the community. In North Carolina, it is long established law. The North Carolina Courts specifically say that when you record a plat like this, you dedicate the street to the use of the lot purchasers and those claiming under that and each purchaser requires the right to have the streets kept open for his reasonable use. There are other cases that actually say that if you make reference to the plat and talk about a road in affect the map is incorporated by reference into the deed. Unless you agree to give it up, you have your piece of it because that is what you have bargained for when you bought into that subdivision. I think that is especially important in these circumstances because the statute under which the petitioner seeks to withdraw from dedication requires you to do three things. You must find the closing of the road is neither detrimental to the public interest nor detrimental to the property rights of any individual. I am persuaded by the letters from the fire department and the letters that I have seen about the dam from DENR. There is no question that the folks have property rights as distinct and enforceable as the rights they have in the particular lot they own. There may be safety related reasons but it is not the province of you folks now because under the statute – if they have property rights and it is detrimental to them, it is your job to not close this road.

Councilmember McKee - What do you mean by detrimental to property rights?

Attorney Henderson - If I had the rights to a road to be there and it is no longer there, I think that is detrimental. The cases that I have been involved with in the past have been a different scenario than this. What I have seen in the past is when the original developer is finished and he has pieces of land left over, he conveys them and someone tried to carve out just one more lot out of the open space and you have to go out and enforce it. This is not any different. It just happens to be that they are trying to close the road and perhaps get control over the road assuming that he has the right to tell people they can't go across it. That is unlawful. He does not have that right. He owns this property subject to the rights of the folks who live here and they have the right to use it. There may be safety issues but they are not his to enforce.

Attorney Fox - It seems like the statutes are a little bit unclear because it talks about what the public can be heard on but then it talks about what the Council can decide to exercise the power of closure of the street under. Detriment is the factor that one is heard on. If it appears to the satisfaction of the Council after hearing that the closure of the street or alley is not contrary to the public interest and that no individual owning property in the vicinity of the street or alley or in the subdivision which it is located would thereby be deprived of reasonable means of ingress or egress to the property, it turns a little bit and is inconsistent. It says you come and you are heard on the question of whether or not closure would be detrimental to your public interest or to the property rights of the individual. When it talks about Council action, it talks in a different vein about what Council looks at and Council looks at reasonable egress and ingress and public interest.

Attorney Henderson - I wrote it off as being in-artfully drafted because I think you have to give meaning to the earlier part of the section where it talks about public interest. I don't know how you can interpret that statute and then in the decision ignore those criteria. I would contend that it is all of the above.

Attorney Fox - It appears to me that you advised your client that there may be some rights that the individuals have with regards to the retention of the closing of the roadway. You would agree that those rights are independent of this board and this Council.

Attorney Henderson - I would agree that there are both rights that are actionable by individuals and enforceable in addition to the public rights. There is the whole question of public dedication versus easement rights. There are property rights involved here. This is not a case where Airborne owns this property and no one else has rights to it. That is not the law.

Mayor Anderson - The question that I have is who owns the property. I was satisfied that the petitioner owned the property but then when I looked at the packet, I realized that even though he owns the property an easement has already been granted back in 1955 and that those easements follow the property no matter what.

Attorney Henderson - Precisely, if the property cannot be bought or sold without those easements being in place and the rights for the lake. It says it right there on the face of the deed. It identifies the lake and the open space and it refers to the plat. There are actually two deeds, one for Airborne in December 2006 and then another December 28, 2007. Airborne actually conveyed out just about everything but the lake and the open space. What is left in Airborne is mostly these two and the rest was pushed down to the Ranger Land Holdings, LLC for reasons you can imagine.

Mayor Anderson - I also see that there is some discussion as to whether or not there are any covenants.

Attorney Henderson - There are and that is in Exhibit 5. By today's standards, they are very primitive.

Mayor Anderson - That is specifically spelled out in number 6 – the use of the lake. It appeared to me that use of the lake by the lot owner shall be subject to rules and regulations but it clearly granted them the use of the lake.

Attorney Henderson – When they recorded this saying lake and open space; that is in effect dedication to the neighborhood of those spaces. That is under the law. When these cases go to court, they don't go to the jury. The judge decides these kinds of things. Most of the cases you see are summary judgment cases. This one would be also. The plat is very clear.

Attorney Fox - We are here tonight because what is presented to this governing body is a request to close a portion of a road that has some issue of being irrevocably dedicated under the 299 provisions and it seems to me that power to close a road includes private roads, provided there has been a dedication. That is almost regardless of what the deed interest in that may be. If you have some comments on that part of it, that might be helpful.

Attorney Henderson - The question is do they have the power – I think I would agree with you. The only distinction I would make is usually when you see withdrawals from dedication, it is where a road is platted but never built. That is not that unusual because things change. These roads have been built and they are out there. This is an unusual fact pattern. You have a road that is out there and is being used and they are asking to have it withdrawn and you have a room full of people saying don't. I have never seen that in 30 years. You will see in my letter, the last case that I cite is a 2006 case. A unanimous decision by North Carolina Court of Appeals and it is extraordinary. It is not under this statute. It is under the statute where the withdrawal is within the 15-year period where the road hasn't been built.

Attorney Fox - If the Council were to close this portion of the road under the statute, ownership of the road would go ½ to each of the abutting property owners on both sides. That property owner owns both sides. If that road were closed that would mean that property owner – if he were to then barricade it – would take that risk in light of what the interest or injuries might be as a result of these deeds of the property owners.

Attorney Henderson - Here is why, in my opinion, that it is so important that you don't close this thing. It will make a huge mess. If you think about what we have got here – the neighbors have a right on top of a right here. The first question is, if you do this, do they still have the right for the road to be kept open – not as a public road – but for the road to be kept open. They made that deal when they bought into this subdivision. The answer to that is - yes they can still keep that road open if they choose to enforce it. Even that aside, the ownership of that property - it is lake and open space. No one has a right to barricade that. Even if it is not a road – no one has the right to exercise dominion and control over it. It is there for the benefit of the neighbors. If we have to litigate that, I hope you help us avoid that result because that is not where we need to end up. It is a single parcel and even if you wipe that road out, the fact that the title in normal circumstances reverts by right to the two halves, there are in effect not two halves here. Even if there are, it is subject to the rights of the neighbors and they have no right to use it. The notion that I have seen in some marketing materials, this might be in effect water frontage for other lots. That is just not happening. That right is not there to be given. This is already the neighborhood's.

Councilmember Smith - Are the property rights of that lake and open space affected by whoever may be the caretaker or who has historically been the caretaker of that property? A lake and the open space are in effect the property of the homeowner.

Attorney Henderson - It is subject to the rights of the homeowners.

Councilmember Smith - If the homeowners have not contributed to the care of that open space does that have any role in this debate?

Attorney Henderson - I don't think that it does and I am not saying that is a good result. There is no legal support for that being a requirement. What is unfortunate is today we would have 86 pages of restrictions laying out the lake and who is responsible for it. We don't have that here. It worked because this was developed by folks and they just took care of it and as long as everyone held to the original concept there was no big fuss about it and things went along and worked well for more than 50 years. It is a problem now because someone is changing the concept. The neighbors are willing to initiate whatever changes are necessary in terms of title to the property, financial responsibility to get it to contemporary standards.

Councilmember McKee - The cases that you are referencing here - how close in similarity are these cases or are they just cases involved with open space? I don't understand the relevance of any of these cases. You were also talking about a 2006 decision was a different statute. What does a different statute have to do with the statute that this is falling under?

Attorney Henderson - They are dealing with the same issue. I can give you as many cases on common area as you want.

Councilmember McKee - I am looking for one that is similar to this one.

Attorney Henderson - The Cleveland Realty versus Hobbs Case on the second page is a good one. They had playgrounds and golf courses. This is not an uncommon situation.

Mr. Mike DeFiore - I want to advise the Council that we heard loud and clear last time that you mentioned the interest of the property owners of Lochaven taking over maintenance and some responsibility for the dam – we have made a lot of progress on that. There are certain people who are not in favor of what I am about to say. There is support from the majority of the residents for an incorporated homeowners association which will be responsible solely and exclusively for dam maintenance and operations. We amassed \$10,000 in yearly donations from these people. You mentioned at the last hearing about accepting dedication. Not sure what that means but if that means if someone is willing to be responsible for the maintenance and operation of the dam – it's us. We have done a lot of work to satisfy Mr. Johnson's concerns. We have two people sitting on the board who are lake front property owners. Their interest is represented. We have contacts for DENR. We have safety procedures and we are ready to do the testing that is necessary on the dam to bring it up to DENR specs.

Mayor Anderson - Have you already formed an HOA?

Mr. DeFiore - We are ready to form the HOA but it requires working with a different attorney and we have to retain him. If the Council decides to close the road, that all has to be undone. If you let us know and keep it open, we will take steps to form a HOA and present to you information you need to be secure that this road will be maintained.

Councilmember McKee - Is the HOA volunteer? You said not everyone wants to be in it. What happens if they sell their property and move and a new owner comes in? He doesn't have to honor that obligation since there is no deed restriction.

Mr. DeFiore - It is a very unconventional situation which is why retaining an attorney is going to be more expensive. It is possible to find people who agree to be part of the HOA now that when they sell their lots, people that purchase their lots will be bound. If I am serving on the board, I have to agree that if I sell my property my obligation carries over to the next people. The concern of after 20 years we will be

in the same position that we are now because no one is around because everyone sold and moved out could be corrected.

Councilmember McKee - The owners of the property that want to form this association are going to put it on their deeds of their successors to honor their obligation to maintain this dam and road. If you sell your land tomorrow and I came to buy it – would I be obligated to continue your financial obligation to repair this?

Mr. DeFiore - Yes, the attorneys didn't describe how that would happen but they said it could be done.

Councilmember McKee - The majority is in agreement? Can individuals agree to do it or does everyone in the HOA have to agree?

Mr. DeFiore - My understanding is that one of the requirements for joining the HOA if you want the road open will be that you have to bind future purchases of your lots to be a part of the Homeowners Association.

Mr. Paul Johnson – I am the petitioner. I put some documents on the table for your reference. Attorney Henderson comments only on two portions of the criteria to close the road. You have the detrimental to public interest and detrimental to the property rights of an individual. Mr. Henderson was not here for the initial presentation so a lot of this information that came up in his presentation has already been covered by the board and in that presentation that I originally made dispels a lot of things that were said. With regard to detrimental to public interest, the hearings have included letters from the Wesley Chapel Fire Department and the Providence Fire Department both of which explicitly state that the requested road closure would be a considerable public safety issue. The former Homeland Security Director Pat Beekman had gone out there and he informed me that the area would not be used by any of the fire trucks or emergency response vehicles due to the condition of the dam. Obviously, Mr. Beekman is no longer the Homeland Security Director and I believe Mr. Speer is the Fire Chief and he was at the last meeting. His comment with regard to that was he feels those homes are adequately served and meet the State guidelines for emergency response. He did not think that was an issue of public interest. Regarding Item #2 under detrimental to public interest, Mr. Henderson cites the creation of a dead end street over one mile in length is not only problematic for fire safety but it would create additional problems from the potential deadly loss of time in critical and medical care or the simple loss of daily convenience. I would assume that the critical medical care would be an ambulance response which Mr. Beekman and other representatives from Homeland Security state is not an issue. Item 3 under detrimental to public interest, Mr. Henderson writes that consideration of dam safety is the province of the NC Department of Environment and Natural Resources which has recently confirmed the dam to be low hazard and not in immediate danger of failure. There is a document that comes from Scott Harrell who is with the NC Department of Natural Resources saying that it is not in imminent danger of failure if the necessary repairs are made to the dam. The repairs have not been made to the dam. There is significant consideration that needs to be made with regards to its safety. Mr. Harrell also stated to me that they are not a road commission – they are a dam safety commission. They have a specific set of guidelines that they go by with regard to the classification of the dam whether there are low, high or intermediate safety concerns. They do not take into consideration the road on top of the dam. They are only concerned with the fallout from the failure of the dam. If the dam fails what they are concerned with is the damage it will cause downstream. It is a low lying area so there are no schools and there is considerable distance between the lower side of the dam and the next lake which would be Aero Plantation. The only consideration they make is that there is a discharge of siltation that is going to wind up in the lake at Aero Plantation which would significantly affect their property values as well. Those were the three major points that Mr. Henderson made with regard to public interest. With regard to the detriment to property rights of individuals the first point that was made was that when the Lochaven residents purchased their

lots they acquired, not just their particular lot, but also the rights and the enjoyment of the lake and open area and streets created and reserved by the developer for their benefit. One of the exhibits that Mr. Henderson had placed in your packets is the covenants. There are explicit instructions as to the rights of the lake. I don't think that there is any assumption that really needs to be made about what the rights are because it is spelled out. Mr. Henderson says my plans are not consistent and I have changed the direction of the development. I don't feel that I have done that. Everything that I have moved forward with has been consistent with the covenants. If you look at the covenants it specifically says what the rights are. It says who they affect and who is governed by them and what has to be done with regard to the changing of them. It is about the safety and well being of the folks that enjoy that benefit. There is a significant safety risk and it has been noted by the State of North Carolina Dam Safety Division. Regarding being detrimental to property rights of any individual, Mr. Henderson cites that these are increasingly common features of residential developments. If this were now, it would be a 150 page document. We are dealing with something that is archaic in nature and that is the way it has been done and it hasn't been changed and no one has taken the liberty to do so. We are stuck with governing based on the way they were left in 1958. Under the use of the lake, it shows that those privileges can be changed from time to time based on those same criteria. Regarding that the petitioner now seeks to develop additional lots and seeks to change the original development concept by closing this road and asserting dominion control over the dam, I have not tried to develop additional lots. These lots are the same lots that I have owned and have never been changed. They were established and subdivided and surveyed in 1958. I have not added any lots and am not trying to take a common area and carve another lot out of anything. It is the same developmental plan and the same strategy. My only concern here is the dam and its safety. This is a very confusing situation for me. As a landowner I have to be concerned about the dam. It is a simple issue when it comes down to the criteria to make the decision. The only responsible thing to do is one of two things – either close the dam or repair the dam to the standard which everybody expects as they drive down the road. People are leaving a State governed roadway and going on to an unkept, unmanaged, known hazard and they are unaware of the fact that they could be putting their life in jeopardy. People fly down through that area. I am fine with keeping the road open. My only wish is that it is maintained and kept to the same standard that everybody assumes is safe and you would have to say that the standard would be the NC Department of Transportation standard. Everyone keeps mixing the two terms of common space and open area. Mr. Fox, can you give me a clarification on that? It is on the plat as being open space and that is consistent with R-CD zoning?

Attorney Fox - Sometimes the terms are used interchangeably. Sometimes it may have specific meaning as it relates to a deed restriction. I have no way of knowing that without reviewing the materials here. Common space and open space is generally a zoning term that is used to define an area that it is left open and undeveloped for recreational park purposes.

Mr. Johnson - It is possible that open space could be considered space that is to be left alone and not used.

Attorney Fox - Open space or common space can also be if you have a multi-family facility – it could be the buildable land in the middle of the multitude of townhouses that people can go and grill out on.

Mayor Anderson - I was present at the meeting with Mr. Beekman who was then the Homeland Security Director of Union County and I do remember him expressing concern about the weight of the trucks going across the dam but I do not recall him saying he would not allow them to go across. He did say he would be cautious about it and would want to further investigate it. To say he would in no way let trucks go across it I think is overstating it. You stated that you had not made any changes to the plat – I do not know who did it but the plat recorded is different than what is developed now. I do not know who made those changes. Changes have been made to the plat.

Mayor Anderson discussed easements and referenced Exhibit 8 and felt that it appears that there is an easement that follows that property with the ownership.

Attorney Fox - I have not reviewed this. It does appear that it creates the dam to be open and offered to the public. I would like more time to review.

Mr. Clayton Loflin - We were here before and I was part of the property owners that conveyed the property to Mr. Johnson. When I moved to Lochaven, I was given a copy of the restrictions on these properties. It says very plainly that these restrictions apply to the above described metes and bounds. If you look at those it means all of the lots that abut the lake to the center of the road going around the lake. Other people that bought lots on the other side of the road and in the new sections were given copies of these covenants and restrictions which plainly say the use of the lake is restricted to these property owners. The rules and use of the lake is reserved by Lochaven Corporation and can change from time to time. The folks that started this stated it was a safety problem and arrived at the fact that these restrictions were written for the people that owned property abutting the lake. The lots were all four sided with four dimensions that do not extend into the lake. The corporation reserved the lake, the land under it, the dam and the wetlands down below it for their own use. It is curious that when Lochaven sold the land that Mr. DeFiore lives on now these restrictions were given to that buyer the Wyants but when they conveyed it to Mr. DeFiore to show that they are basically irrelevant and don't apply to his land they were left off of his deed. His deed is sitting there with no restrictions and no covenants whatsoever. It makes me feel good to know that the Town of Weddington has some very strict zoning laws because when you get right down to it the lots on the outside perimeter have no restrictive covenants. If these are actually in effect, then those were actually written to say they could have 1/3 acre lots. This is not the finest piece of descriptions or covenants I have ever read and I have been a licensed realtor for 50 years. This is a very unusual case. When the State took over Lochaven Road, they refused to take over the dam and the road leading down to it. There are signs on either side of the road that says State maintenance ends here. It is a farm pond and was built in the 40's. Dirt has been added to it but has never been built or designed as a State maintained road. The State would not even consider taking it over. I would encourage you tonight to say that Mr. Johnson has made a reasonable request due to the liability and the cost of building the dam to State specs that he would like to close this because it is unsafe. It is deteriorating rapidly. Farm ponds only have so many years and this one is reaching that age. Let him close the road and if the property owners have some rights let them take Mr. Johnson to court and settle it there. I don't think it is a Town Council decision. If you would let him close the road, then we will solve it in the neighborhood.

Councilmember McKee - Is the description you have recorded?

Mr. Loflin - Yes. This is the one everyone refers to. It is not well written but you can tell that the owners of the property who are selling it to people around the lake are saying you can't do but certain things with it. You can use the lake but we can change the rules. I know they changed the rules five to ten years ago to say no more motorboats. The last time I called the sheriff to tell him there was a guy down there with a motorboat he said that is private property and I am not going to touch it. The schools won't even let school buses use it. It is a shortcut used by a lot of people for way too long and the damage is being done. The dam needs to be fixed and brought back so it protects the water in the lake. That lake is extremely important to Lochaven. We also worked to try to get that road paved and I think it is going to be the ultimate answer to the safety and the ingress and egress for all the school buses, garbage trucks and everything else. The first thing we need to do is get the road closed so we can move on to step two.

Attorney Henderson - With respect to the 1957 restrictions, they don't say what he just indicated in my opinion. This was recorded in 1972 and it was at that time that these rights were unquestionably created. The lake was not reserved to the corporation to make the lake come and go. It says the use of the lake shall be subject to rules and regulations issued from time to time which rules shall be for the common

enjoyment health and safety of all owners. It' the kind of language you would expect, not language giving the right to unilaterally make the lake pull away or in any way limiting the rights of the people on this plat to the use of the lake.

Mayor Anderson – Our legal counsel is advising us as he reviews the materials presented tonight for the Lochaven subdivision.

Councilmember McKee moved to continue the public hearing until the July 13, 2009 Regular Town Council Meeting. All were in favor, with votes recorded as follows:

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

B. Public Hearing to Consider the Proposed Budget for Fiscal Year 2009-2010 and to Set the Tax Rate. Mayor Anderson opened the public hearing to consider the proposed budget for Fiscal Year 2009-2010 and to set the tax rate. Finance Officer Leslie Gaylord reviewed the proposed budget with the Council and public. A copy of the proposed budget is attached to the minutes.

Finance Officer Gaylord - We started with the Planning Retreat back in March. Every year we come up with an operating budget for the Town - what it costs us to run the Town on a day-to-day basis. Then we ask how much more revenue and expenses will we have. We decided we have \$170,000 if we use the 3 cents tax rate. We also did a 2 ½ cents tax rate to have a comparison and it came out with an operating budget of \$22,000. We said what else do we want to do? We had a whole laundry list of items that we went through and discussed and ultimately what we want to have on that. Based on what we picked, the Council decided to leave the tax rate at 3 cents and these are some items that are non-operating that they chose to fund.

- § Parks and Recreation - \$15,000 to partner with the schools and community to have events.
- § Painting and maintenance of the Town Hall – \$10,000.
- § Replace the oldest computer in Town Hall and to buy an additional laptop - \$3,000.
- § Salary increases recommended by The MAPS Group - \$13,500.
- § Contract labor for litter pickup, creation of website and outside scanning of Town documents - \$10,000.
- § Consultant to prepare a Downtown Master Plan - \$75,000. It would still be discussed by the Town Council on which consultant the Town would hire.
- § Streetscaping (Welcome to Weddington Markers, lighting, etc.) - \$32,500.
- § Catawba Lands Conservancy - \$1,000.
- § WCWAA - \$10,000 - The Council has stipulated that any expenses that we incur relating to their violation will be deducted from their donation.
- § Donation to Union County Public Schools for Weight/Fitness Room – This is only a placeholder until the Council decides how much or to give at all.

Finance Officer Gaylord - When we do the budget we want to do the worst case scenario by budgeting the revenues the lowest we think that they may come in and the expenditures at the highest. Legally we are required to have a balanced budget. All of the items above total \$270,000. We had \$170,000 in our operating budget and \$100,000 is an appropriation from fund balance. We had a meeting with the Providence VFD today. They would like additional funding. They have a short fall budget for the year. We have been contributing to the fire department a grant and a subsidy totaling \$150,000. That level of funding is in there at \$150,000 again for this year. There are no current plans through Union County to build a library. We don't have any cash outlay budgeted for the current year for the library.

Mayor Anderson - We funded what was asked for from the fire department. There was a change of leadership. We had a meeting this morning with the acting Chief at the fire department. We discussed some additional needs that they might have. We funded 100% of the initial request. It was not until we sought them out because we realized there was a change in leadership that we initiated a meeting and asked them if there were other requests and he will be speaking to that.

Finance Officer Gaylord - Transportation Issues (Connector Road between Weddington-Matthews Road and Providence Road and a traffic circle here at Highway 84 and Weddington-Matthews Road), the talk about doing that is to advance funding to DOT to be paid back. It is anticipated if any expenses in 2010 would be the design implementation of that road and that is currently not in the budget nor is there any money in the budget to speed up or assist with a light at Hemby Road and Weddington-Matthews Road. Those items were all discussed but not currently funded. The total budget is \$1.2 million dollars. The fire department has asked for \$30,000 to \$100,000 more. We currently fund their three paid firefighters and that funding is not covering the cost of insurance and benefits associated with them. The firefighters cost them \$180,000 and we are only paying them \$150,000.

Acting Fire Chief David Banick – The Town has been gracious enough to fund us for our daytime program with three firefighters 6 am -6 pm for \$150,000. Currently we are running short of at least \$30,000 a year. Every year we start out \$30,000 in the hole. We are currently covering 90% of the Town of Weddington. We have done run analysis for the last couple of years. During the day time we get a fire truck out the door in under a minute and half. When we go past 6 pm at night, when the day staff leaves our run numbers go up about 45 seconds and then at midnight it goes up over a minute and that is because of the delay of volunteer members having to drive to the station and then get to the truck. We would like to receive additional funding to cover the cost of the day time program. We are asking for an additional total of \$100,000 because we are taking some training initiatives on top of what we have already started as far as getting our members to Fire Fighter 1 and Fire Fighter 2 levels. Also incorporated in that extra money is covering our shortfall and we would like to institute a program to help these two people on duty 6 am – 6 pm so when we get an alarm for service we can continue to get the truck out the door in less than 90 seconds. When we did a run analysis we did beat it for the last two years. It showed 6 am-12 pm, we get a truck out in a minute and 28 seconds. From 12 noon – 6 pm, we get out the door in a minute and 24 seconds. From 6 pm – 12 midnight, we get out the door in roughly two minutes and 18 seconds. From 12 midnight to 6 am, we get out in 2 minutes. These are very good numbers but there are regulations that state the opportune response time from dispatch to truck on the scene is six minutes and right now we are already taking up two plus minutes into that six minutes to get a truck en route. Every year we start out with \$30,000 in the hole. At night time our volunteer levels are up to almost full capacity. The benefit of having someone in station at all times is when the alarm goes off; we get the truck out as quick as possible. It also allows the volunteers instead of having to drive to the station to pick up a truck, they can go directly to the residence or incident scene and therefore our manpower time is reduced. A lot of times it will only involve two trucks from Providence and if worse came to worse the two people on duty would get the trucks out the door. Our heaviest time of day for runs is 12 noon - 6pm. This is about 35% of our calls. In the morning 6 am – 12 noon is our third busiest time of the day. The daytime coverage works but actually our second busiest time of the day is 6 pm – 12 midnight. It is almost 30% of our call volume. We would like to eliminate having a delay of 45 seconds on the second heaviest time of the day. We would like to get our trucks out as soon as possible.

Councilmember McKee - Have you approached Union County to get them to contribute to that fund or are you going to?

Acting Chief Banick - Mecklenburg County subsidy is going to stay the same as the last four to five years. When we were working on the budget with Union County, there was never an offer of additional funding therefore we never requested it.

Councilmember McKee - You did not specifically ask them? Did you go back to them and bring it up?

Councilmember Price - Historically – it seems like no matter what, we will go and ask Weddington and they will give it to us.

Mayor Pro Tem Gilmartin - Based on the Mayor's discussion that she and I had with YMCA and CMC-Union, I recommend we take the \$100,000 from the school and roll it to the fire department.

Acting Chief Banick - We have a great relationship with the Town of Weddington and have tried to hold the line with the budget as much as possible. We went out and applied for grants and different things and that is how we have gotten our bigger ticket items. We have not done anything unusual. We have tried to operate the fire department as close to budget as possible for the last five years.

Finance Officer Gaylord - This is just strictly a function of the payroll expenses associated with their salaries and not any related pay increases.

Mayor Anderson - Marvin approached you and asked if they could help with funding.

Finance Officer Gaylord - I was approached for information by both Marvin and Wesley Chapel and we asked the question whether they had given anything.

Acting Chief Banick - I am not aware of Marvin or Wesley Chapel approaching us with new funding.

Mayor Anderson – We did discuss the possibility of fundraising by the department. Councilmember McKee and I were both there and I have been outspoken about this. I want my fire fighters training and learning to save lives. I don't want you out cooking BBQ. You had a small golf tournament last year and you want to think about creating a fire department foundation.

Finance Officer Gaylord - Maybe there are some actively involved citizens that would be willing to assist the fire department in doing some kind of fundraiser so they don't have to do it themselves.

Councilmember McKee – They do spend a lot of time away from their family. I think the fundraising is good but I think it would be a good idea if some people in this community would head up and coordinate with the volunteer fire department. If this golf tournament is an ongoing thing then let's get someone to help promote it.

Mayor Anderson – I am going to have the Town Clerk read the notes from the meeting that was held. It was initiated by me but in response to Robert Gilmartin's request that we help with the capital improvement project for the High School for a weight/fitness center.

Town Administrator/Clerk McCollum - A meeting was held on Friday, May 29, 2009 regarding the Weddington High School Fitness Center with the following individuals: Mayor Anderson, Mayor Pro Tem Gilmartin, Mike Lutes (CMC-Union), Eric White and Robbie Armstrong (YMCA) and Brad Breedlove (Weddington High School Principal). Objective of the meeting was to explore opportunities to build community support for the schools serving Weddington residents. Specifically to discuss opportunities to partner with CMC-Union, YMCA, Town of Weddington and the Weddington High School to improve the school weight room/fitness center. Mr. Breedlove advised that his main priority was the safety of the students. Two years ago they identified a safety issue of there not being enough equipment or space in the current weight room. Over 50% of the students at the high school use the weight room. The Site Based Team with the school identified the construction of a weight room as a high

priority. Due to budget cuts, the UCPS does not have the funding for this type of capital improvement project. They need business and community support. The school is looking at the construction of a two story building (60 feet by 140 feet) at a cost of approximately \$600,000 with donation of some of the materials. No schematic of the building has been developed. YMCA and CMC-Union are very interested in partnering with the Weddington High School on this project. The school site is approximately 120 acres and there are at least 40 acres still available for development. CMC-Union is very interested in assisting with programs and the services element of the project. YMCA discussed two models (one in Mecklenburg County and one in Florida) where there are partnerships between the school and the YMCA. If the Town were to donate money as first discussed, the facility would have to open during certain times of the day to the public. Grant Opportunities and establishing Live Well Program at the High School were also discussed. Next Steps: Mr. Breedlove will discuss proposed partnership with Dr. Davis and Dr. Webb with Union County Public Schools to receive buy in. Decide whether this is a capital project of YMCA building a facility or expansion of the current weight room. Mayor Anderson - Even if we had extra money and we were willing to spend it – the school is in no position to accept it. We are constrained by state statute on how we would do that. There is an excellent chance of partnership between people who do this for a living. We will know more next week as we meet.

Finance Officer Gaylord - This was one of several issues in the budget that we did not have our hand on real numbers so we put a number in so it was there should the numbers play out to our satisfaction but they weren't guaranteed to be spent.

Ms. Janice Propst - How much is the light at Hemby and Matthews-Weddington Road?

Mayor Anderson - That has been estimated at \$305,000 because they would have to add turn lanes. They have a safety fund. We are on the list. They do this cost benefits analysis and we are competing against all projects statewide. Those are shrinking dollars because there are more projects than we can afford to do so the strategy becomes how do you get yourself ahead of the line? If the Town were to decide to spend for 25% of the costs, then that would probably help our equation and put us closer to the top of the list. If that doesn't work then there is the option that we could participate in a program that DOT is doing. If the money is programmed, then we could loan them the money now and they would pay us back in the year it was programmed in. We would be the first one in Union County to do this and you want to make sure you have an airtight scenario.

Ms. Propst - Could we not consider in the budget for the next two years at least that we allot some money for that light just in case so we could buy the light ourselves in two years? That light is critical to our entire community.

Ms. Melissa Emerine - Could you take the \$100,000 for the fire department and put it towards the light and that shoots us closer to the top?

Mayor Anderson – Yes.

Mr. Craig Horn – My question is about revenues. I could not help but notice that the cable franchise tax produced almost \$7,500 to the Town of Weddington this year and you are not expecting any money for next year. I am curious about that. Also the miscellaneous revenue was \$150,000 last year and \$1,500 for next year. Are we underestimating revenues?

Finance Officer Gaylord - I prefer to say I am budgeting revenues conservatively. I don't want to budget for more than I can expect to come into the door. We had a franchise agreement with Time Warner in Monroe and they paid us a franchise fee. This was the last year of that agreement. We will not get that money from them next year. The State will collect that franchise fee and will remit a portion of the State

collected revenues to us of which I do not know how much that will be from Time Warner of Monroe. I have tried to budget the State money fairly conservatively given the State's problems because in the past they have withheld money they promised to municipalities. The miscellaneous revenue was so high this year because that was the library refund of \$146,000.

Mayor Anderson – We found out from the County that they did not have the money to operate a library. They said not to even talk to them for five to six years. The Council decided to ask for that money back. This is tax revenue. This is not the revenue from generous donations made from individuals. We put that back in our general fund balance so we could draw interest on it. I have had a lot of questions about the library money. It was put back into the general fund. None of that is earmarked for any specific thing which gives us maximum flexibility to use it for traffic lights or that type of thing.

Finance Officer Gaylord - The only thing earmarked right now is the \$147,000 right-of-way money that we got last year. We designated it for capital projects to use towards transportation expenditures. The Council will discuss whether they want to designate some of that money towards a library in the future.

Ms. Joyce Helms - The money that individuals gave for the library is not included in here anywhere?

Finance Officer Gaylord - It is still with the library foundation. This is strictly the money that the Town gave out of the Town's checking account.

Mayor Anderson - For those people who gave donations for the Weddington Library you may request those funds back only if it exceeded \$150.

Mr. Werner Thomisser - Is there any money in this budget for acoustics in this room?

Finance Officer Gaylord – A new sound system will be installed in two weeks.

Mr. Thomisser - What improvements to this Town Hall is in this budget?

Finance Officer Gaylord - The main thing is painting outside. There are always ongoing things that come up. We just put the stoop on the porch so we could be in conformance with the code. We are also getting new audience chairs and lighting for the Council Chambers.

Mayor Anderson - We have more in the landscaping budget this year because we will have to repair what is being ripped out.

Ms. Jackie Groome– What percentage of residents in Weddington is served by other fire districts and have we received a request from them for funds?

Finance Officer Gaylord – We are serviced by a small percentage by the Stallings VFD. Wesley Chapel and Providence by far serve the majority of the residents. Wesley Chapel is the biggest at this point. Wesley Chapel gets a fire tax based on your property value. They send requests for additional donations. The Providence Fire Department gets a fire fee which is a flat amount per home. We have had multiple discussions regarding this matter. For Providence to have a tax sufficient enough to fund their fire department it would be two to three cents higher than what the Wesley Chapel tax is. The County is undertaking a fire study to look at the possibility of redrawing the lines and making the fire departments more equitable. The lines were drawn many years ago.

Mayor Anderson - Some Weddington residents are being double taxed but we have no other solution to that right now and we keep hanging on hope that the County will resolve their policy and figure out what they are going to do about it.

Finance Officer Gaylord – The Providence Fire Department’s original lines included part of Mecklenburg County. They have been consistently annexing that property. Providence’s area has shrunk considerably but they still have the same expenses.

Ms. Barbara Harrison – At the last Town Meeting, Barry Moose was here and he made a lot of different statements. I had hoped that there would be a few more questions that were asked because I came up with 20. How long will he delay the already widening of Highway 84 and what happens to the money that was budgeted for Highway 84 for a left hand lane? Has a traffic plan been done and what happens if that traffic plan doesn’t support a roundabout? How long on average does it take for MUMPO to approve and put on a list and actually execute having a roundabout? When is the money needed - 2009 or 2010? The thing that really interests me is that you are not going to borrow \$1 million or \$300,000 on 2% and he said the State only gives 2-3% back. Even if it is 4% you are in a negative sign. Where are you going to make up that money? A loan will be due every month. Will you increase our taxes? Don’t take the downtown budgeted money to fund this endeavor. Mr. Moose also stated that the money would be returned in 2013. That is four to five years we will pay on a loan. If we are going to use the money, let’s use it for a light or for the fire department not for a roundabout that no one has proven at this point that this is for our benefit.

Mr. William Price – I have found me a sugar daddy. Who, you ask? It is the Town of Weddington. They have more money than they know what to do with. It is burning a hole in their pocket. At first we were talking about giving \$145,000 to a weight fitness center. It is up to you parents to get your kids out of the house. They don’t need to be sitting with the computer games and texting. Back in my days we had a physical fitness program called manual and physical labor. That is the trouble with kids these days. I am totally against the funding of the Providence Fire Department. It has always been a Mecklenburg County unit and is still considered a Mecklenburg County unit. It has had the opportunity through its management and Board of Directors to ask for a fire tax district like other departments in this area. At one time they had fundraisers and had some of the best BBQ around here. Chief Wheeler said they are too busy to have fundraisers. How are they any different from the other fire departments in the County? I don’t deny helping fire departments. They need the help. Let’s help each fire department equitably for the district they cover. My taxes are going up in my fire district next year. Here you are taking part of my Town tax and paying for services that I do not get.

Mr. Walter Staton – I am here tonight to ask you to vote no on the proposed cut-through connector road from Highway 16 to Weddington-Matthews Road and for retail establishments. We started Weddington because we believed Mecklenburg County might take over Weddington and put retail stores here and destroy our prestige little village. Some of you want to destroy Weddington as we enjoy it now. This could be a grave mistake on your part. Could it be because of special interests? The North Carolina Department of Transportation engineer tells me that they do not like to put connector roads close to each other or stop lights. This will slow down the traffic on Highway 16 and it tends to cause accidents on four lane roads. Seventy-two percent of the good citizens of Weddington by the survey voted no more retail stores. Why can’t you understand the wishes of the good people of Weddington? Even a child can understand no. Year after year some try again and again for more stores and again we say no. We voted you into office to serve all voters not a special interest group. Maybe you have lost the public trust because of many self-serving projects. Please understand we want no more retail stores or connector roads. I ask that the Mayor please recuse herself from any further discussion and vote because of a possible conflict of interest.

Ms. Karen Jones – I am opposed to any money going to a weight room at the Weddington High School. I have two children that would benefit from that; however, I think Town money should be given for the good of the community and not just a very limited group of people.

Mr. Werner Thomisser – Let the record show that Mayor Pro Tem Gilmartin three years ago introduced a motion to start the three firemen from 6 am-6 pm. I thank you today for your comment about the fire department funding. Weddington tax dollars should not be spent for things like weight rooms. It should not even be given to Union County Public Schools. Ninety-six percent of our property taxes go to Union County. When Union County receives it, they give the Union County Public Schools 67% of that 96%. Tax dollars should not go to YMCA services or health and fitness for students. This is a responsibility for Union County Public Schools and it is called physical education or PE. Weddington tax dollars should go to the fire department. With all due respect Mr. Price – how many dollars can you raise with a BBQ when you have to pay \$400,000 for a fire truck? Weddington tax dollars should go to the fire department. No discussion tonight was about the \$400,000 truck that they bought in 2006 which hasn't been paid for. I thought they had a need for a new crash truck or at least a \$40,000 upgrade. Councilmember McKee was concerned about the library. We have an opportunity here now to get a superregional library located in Weddington. Why don't we consider buying the land with all of this money we have so we can get a superregional library in Weddington? I would like to see tax dollars to make this Town Council room better.

Mr. Walker Davidson – As a Republican, I believe the proper role of government is to provide for the people only those critical functions that cannot be performed by individuals or private organizations. Youth sports, a critical function or not, can be performed by private organizations. Before you take another \$10,000 away from taxpayers and give to WCWAA, I hope you will ask the following questions: Why should an organization that does not serve all taxpayers receive public money? WCWAA does not allow taxpayers to use facilities at the Optimist Park. Optimist Park is private property. Has WCWAA recently reviewed its pricing policies to ensure that it is charging enough for its services? This year for the classic soccer program for boys 11-14, WCWAA charged \$680. The Charlotte Soccer Academy will charge \$1,175. Charlotte United will charge \$995. Mecklenburg United will charge \$875. If WCWAA charged an additional \$100 per player it would still be the lowest. Why are they not holding more fundraising events? Indian Trail, Steele Creek, Charlotte United and Charlotte Soccer Academy are all hosting soccer academies and tournaments this summer. Why don't they charge admission to attend their events? The Queen City Athletic Association charges \$3 for adults and \$1 for students to enter the gym to watch women's basketball games. How much more could they raise through corporate sponsors? The Charlotte Soccer Academy recently signed a multi-year agreement with Adidas. Why would a company like Adidas not be interested in the 2000 families served by WCWAA? I realize that you give them taxpayer money because you believe the children can learn important life long lessons by playing sports. I am sure perseverance, hard work and overcoming adversity are some of those life skills being taught. WCWAA is a strong well-run organization. I am confident that it can use these same life skills to raise \$10,000 on its own. On their website, they deny receiving municipal funds.

Mr. Ken Evans – A few years ago Fox Run came to the Town Council requesting funding to put in water lines to their development because they had wells. This Town Council denied that request because we had stated that we are not in the loaning or funding department. As we speak of funding the traffic light, funding Highway 16 to Weddington-Matthews Road and the traffic circle, our past Governor took money out of the transportation fund and our present Governor is talking about taking money out of the educational lottery fund. I understand that there are legal contracts that they will pay us back. Even the Mayor of Charlotte questions the Transportation Department's ability to refund those funds back to the particular municipality. I know the Mayor said that the State was \$20-40 billion dollars short of funding all the projects over the next several years. If they are short now, who makes sure we will get our money back? I don't believe the State will pay us back. They will pay us back at some point in time but not in

the time frame we will have in the contract. I totally discourage the Town Council to even consider loaning the State money. If you want to put a traffic light at Weddington-Matthews Road and Hemby Road, let's do it. I don't have a problem taking money out of our reserve fund and spending \$300,000 and putting the light in ourselves. I am against loaning large amounts of money to put in a roundabout and the connector road.

Mr. Craig Horn – I commend the Council and Mr. Gilmartin for the suggestion to move the money from the weight room to the volunteer fire department. It does seem to me that the basic reasons that the people get together for the community is public safety. We have discussed fire and their need for support. They are a great company and they serve a great purpose. We did not discuss another potential public safety issue that I think should bear on your budget considerations. Based on the reports from Union County, there is a substantial chance that there will be a reduction in the police coverage in Union County that could affect us. We are getting a new four to six lane road coming from Charlotte down to Rea Road which will increase our potential for public safety difficulties in traffic management and crime. The Town must be prepared to address those issues. You must plan ahead for that. I encourage you to include those considerations in your deliberation. It is also right and fitting that we look at such intersections as Hemby Road and Weddington-Matthews Road. It is a proven problem. As construction continues and traffic increases on Providence Road, that connector will receive additional pressures. I am pleased to see the Weddington Town Council has done their homework with regard to working with the Weddington High School in Union County but first and foremost we are here to protect the citizens of Weddington.

Acting Chief David Banick - Our funding level in Mecklenburg County has stayed the same for the last seven years. Even as our district has shrunk, our funding has stayed the same due to the fact of our mutual aid agreements with the surrounding Town of Matthews and Carolina Volunteer Fire Department.

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

C. Public Hearing to Consider Rezoning of Weddington Elementary, Middle and High Schools from R-40 and R-CD to E-D (Educational District). Mayor Anderson opened the public hearing to consider the rezoning of Weddington Elementary, Middle and High Schools from R-40 and R-CD to E-D Educational District. The Town Council received the following memo from Town Planner Jordan Cook:

Project Information:

Nature of the Request:

This request is for a staff initiated rezoning that will rezone the Weddington Elementary, Middle and High School properties (120.31 acres) to E-D (Educational District). Currently, the properties are zoned R-CD and R-40.

The Planning Board gave this rezoning a favorable recommendation at its April 27, 2009 Planning Board meeting.

District Descriptions:

R-CD, Single-Family and Agricultural, this district allows for agricultural uses and single-family residential development while protecting conservation lands. The minimum lot size is 40,000 square feet.

R-40, Single Family and Agricultural, this district is established to provide for residential development at low densities. The minimum lot size is 40,000 square feet.

E-D, Union County Public School District, is intended to include only schools. This zoning district was

established to create a standard zoning classification and standardized requirements for school construction regardless of the school's locale in Union County.

Property Specifics:

Applicant: Town of Weddington

Property Owner: Union County

Property location: Located on the north side of Weddington Road (Hwy. 84) between Twelve Mile Creek Road and Deal Road.

Legal description: Union County Parcel 06-099-011 is approximately 114.77 acres
Union County Parcel 06-099-013 is approximately 5.54 acres

Character of the Area: The two parcels are currently home to Weddington Elementary, Middle and High Schools. Surrounding properties are zoned R-40 and R-CD with single family homes.

Existing Land Use(s) on the Property: Weddington Elementary, Middle and High Schools

Surrounding Uses:

North: vacant land and single family homes
South: Weddington Road (Hwy. 84) and single family homes
East: Deal Road and single family homes (Camden Forest Subdivision)
West: Twelve Mile Creek Road and single family homes (Weddington Hills Subdivision)

Surrounding Zoning: Please see map attached.

Infrastructure and Community Facilities:

Public School Facilities: Weddington Elementary, Weddington Middle, and Weddington High School.

Emergency Response:

Fire Protection District: Wesley Chapel
Police: Union County Sheriff's Office
EMS: Union EMS
911: Union County Communications

Transportation:

Existing Conditions: Weddington Road (Hwy. 84), Deal Road and Twelve Mile Creek Road are paved, two-lane streets that are designated as a minor thoroughfare on the Mecklenburg Union Metropolitan Planning Organization Thoroughfare Plan.

Environmental Assessment:

Topography: Gently rolling.

Regulated Floodplain/Wetlands: According to FIRM Community Panel # 3710448600J dated October 16, 2008 the two properties are within a Special Flood Hazard Area.

The Town Council received a copy of the following:

§ Zoning Map Change Application

§ Maps of the Area

With there being no questions or comments, 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 – The Weddington survey which was conducted in 2007 showed 72% of the residents did not want any more retail establishments. The proposed connector road at Providence Road and Weddington-Matthews Road we believe will encourage more retail areas which residents have said they do not want. We currently have Hemby Road serving as a connector road between Providence Road and Weddington-Matthews Road. In addition to that, Mr. Nathaniel Austin, the consulting firm for Western Union County said roundabouts work best at a four way intersection and this one over here is a three-way intersection. Take a look at all of the trees that have been cut down and now we are considering putting a gigantic roundabout right to the left of us which we do not need. I ask that Mayor Anderson recuse herself because there may be a possible conflict of interest with the proposed connector road.

Item No. 5. Consent Agenda (Public Hearings to be held July 13, 2009 at 7:00 p.m. at the Weddington Town Hall).

A. Call for Public Hearing to Review and Consider Proposed Text Changes to Chapter 58 – Zoning of the Code of Ordinances. Councilmember Price moved to call for a public hearing to consider proposed text changes to the following Sections of Chapter 58 – Zoning Ordinance of the Code of Ordinances. The public hearing is to be held July 13, 2009 at 7:00 p.m. at the Weddington Town Hall.

1. **Section 58-16 - Accessory Family Dwellings.** The Town Council received a copy of the proposed text change.
2. **Section 58-151 - Temporary Signs.** The Town Council received a copy of the proposed text change.
3. **Section 58-293 - Co-Location.** The Town Council received a copy of the proposed text change.
4. **Section 58-23 - Planned Residential Developments.** The Town Council received a copy of the proposed text change.
5. **Article III (Conditional Uses) - Section 58-81 – Procedures.** The Town Council received a copy of the proposed text change.
6. **Article II – Zoning District Regulations.** The Town Council received a copy of the proposed text change.

All were in favor, with votes recorded as follows:

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

B. Call for Public Hearing to Review and Consider Proposed Text Changes to Section 14-84 (Control of Glare, Light Trespass and Light Levels) of the Code of Ordinances. The Town Council received a copy of the proposed text change. Councilmember Price moved to call for a public hearing to consider proposed text changes to Section 14-84 of the Code of Ordinances. The public hearing is to be held July 13, 2009 at 7:00 p.m. at the Weddington Town Hall. All were in favor, with votes recorded as follows:

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

C. Call for Public Hearing to Review and Consider Proposed Text Changes to Chapter 14 (Buildings and Building Regulations), Article V. (Architectural Design Standards) of the Code of Ordinances. The Town Council received a copy of the proposed text change. Councilmember Price moved to call for a public hearing to consider proposed text changes to Chapter 14 of the Code of Ordinances. The public hearing is to be held July 13, 2009 at 7:00 p.m. at the Weddington Town Hall. All were in favor, with votes recorded as follows:

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

D. Consideration of Resolution to Open Closed Session Minutes or Portions Thereof. Councilmember Price moved to approve Resolution R-2009-08 to open closed session minutes or portions thereof.

**TOWN OF WEDDINGTON
RESOLUTION
TO OPEN CLOSED SESSION MINUTES
OR PORTIONS THEREOF
R-2009-08**

BE IT RESOLVED that the Town Council opens the following Closed Session Minutes or portions thereof:

<u>Date of Closed Session Minutes</u>	<u>Item Number</u>	<u>Item Entitled</u>
January 8, 2007	Item 4	Administrative Search Warrant
May 12, 2008	Item 1	Open the Meeting
	Item 2	Approval of April 14, 2008 Closed Session Minutes
	Item 4	Adjournment
July 14, 2008	Item 1	Open the Meeting
	Item 2	Approval of May 12, 2008 Closed Session Minutes
	Item 4	Adjournment
November 10, 2008	Item 1	Open the Meeting
	Item 2	Approval of July 14, 2008 Closed Session Minutes
	Item 5	Adjournment

Adopted this 8th day of June, 2009.

All were in favor, with votes recorded as follows:

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

E. Consideration of Appointment of Scott Buzzard as a Regular Member of the Board of Adjustment. The Town Council received the following memo from Town Administrator Amy McCollum:

Due to the resignation of Sarah Lowe to the Board of Adjustment, please consider appointing Scott Buzzard as a regular member to the Board of Adjustment. Mr. Buzzard currently serves as an Alternate at

this time. Once a replacement is appointed to Ms. Lowe's seat, then they will become an Alternate along with Jeff Perryman on the Board of Adjustment.

Councilmember Price moved to appoint Mr. Scott Buzzard as a regular member of the Board of Adjustment. All were in favor, with votes recorded as follows:

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

F. Consideration of Authorization for Tax Collector to Collect 2009 Real Property Taxes. The Town Council received the following memo from Tax Collector Kim Woods:

In accordance with General Statutes 105.321, I am hereby requesting authorization to collect the 2009 Real Property Taxes for the Town of Weddington.

The following is a suggested authorization form for your consideration.

State of North Carolina
Town of Weddington
To the Tax Collector of the Town of Weddington

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

Witness my hand and official seal this 8th day of June, 2009.

Councilmember Price moved to authorize the Tax Collector to collect the 2009 Real Property Taxes for the Town of Weddington. All were in favor, with votes recorded as follows:

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

G. Consideration of Approval of Resolution to Establish Minimal Tax. The Town Council received the following memo from Tax Collector Woods:

The following is a request to change the minimum dollar amount that we bill for taxes. Our current amount is \$2.00 and under and was adopted in 1997. I have surveyed surrounding municipalities and the findings are listed below. I am including the costs at each dollar level of revenue lost. In my opinion it would be cost effective to increase the minimum amount billed based on the cost of billing these minimal bills as well as the cost of collecting them. These numbers are from the 2008-2009 tax levy.

Village of Marvin	\$2.00
Town of Stallings	\$5.00
Town of Indian Trail	\$5.00
City of Monroe	\$5.00
Union County	\$5.00

2008-2009 Tax Levy	\$576,375.61
\$2.00 and under	\$514.04
\$2-3	\$313.57
\$3-4	\$353.49
\$4-5	\$280.13

Therefore if we adopted a minimum bill amount of \$5.00 based on this tax levy, we would have forfeited a total of \$1,461.23 representing 0.0025 percent of revenue. Compared to our current amount we would forfeit an additional \$947.19.

Councilmember Price moved to approve Resolution R-2009-11 to establish the minimal tax for the Town of Weddington.

**TOWN OF WEDDINGTON
RESOLUTION TO ESTABLISH MINIMAL TAX
R-2009-11**

WHEREAS, in consideration of the expense involved in collecting minimal taxes charged on the tax records and that tax being an amount to or larger than the tax charged; and

WHEREAS, NC General Statute 105-321(f) authorizes the governing body of a taxing unit that collects its own taxes to direct its collector not to collect minimal taxes; and

WHEREAS, Minimal taxes being defined as the combined taxes and fees of the taxing unit due on a tax receipt prepared pursuant to G.S. 105-320 in a total original principal amount that does not exceed an amount, up to five dollars (\$5.00).

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Weddington, NC hereby directs that the Tax Collector shall not bill the taxpayer for, or otherwise collect, minimal taxes in an amount not to exceed five dollars (\$5.00).

BE IT FURTHER RESOLVED, the Tax Collector shall keep a record of all minimal taxes by receipt number and amount and shall make a report of the amount of these taxes to the governing body at the time of the settlement.

BE IT FURTHER RESOLVED, this Resolution shall remain in full force and effect with respect to the collection of future minimum taxes as above defined until amended or repealed by Resolution of this Council.

Adopted this the 8th day of June, 2009.

All were in favor, with votes recorded as follows:

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

H. Consideration of Approval of Budget Amendment for Fiscal Year 2009. Councilmember Price moved to approve the following budget amendment for Fiscal Year 2009:

**TOWN OF WEDDINGTON
PROPOSED AMENDED BUDGET
FOR FY2009**

	ORIGINAL BUDGET	PROPOSED AMENDED BUDGET
Revenues		
Ad Valorem Tax	\$ 513,750.00	\$ 552,000.00 {A}
State-Collected Revenues	478,000.00	483,000.00
Zoning and Subdivision Revenues	35,000.00	16,500.00
Other Revenues	41,500.00	175,000.00 {B}
Total Revenues	\$ 1,068,250.00	\$ 1,226,500.00
Appropriation from Fund Balance	\$ 30,000.00	\$ -
Total Revenues and Appropriation from Fund Balance	\$ 1,098,250.00	\$ 1,226,500.00
Expenditures		
Administrative Expenditures	\$ 307,355.00	\$ 332,255.00 {C}
Planning & Zoning Expenditures	291,219.99	319,570.00 {D}
General Government Expenditures	499,675.00	574,675.00 {E}
Total Expenditures	\$ 1,098,250.00	\$ 1,226,500.00

{A} Actual tax base larger than preliminary tax base used in initial budget calculations.

{B} Refund of prior year donations to Library Foundation received. Revenue was not included in initial budget.

{C} Contract labor for web design not included in original budget. Capital purchase for microphone system not included in original budget.

{D} LARTP completely funded in FY2009. Budget anticipated 1/2 in FY2009 and 1/2 in FY2010.

{E} Increase in legal fees primarily associated with Woods subdivision public hearings, IB Development lawsuit and WCWAA/Optimist Park.

All were in favor, with votes recorded as follows:

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

I. Consideration of Resolution Requesting that Pearlstone Lane and Blossom Hill Drive in the Highgate Subdivision, Phase III be Added to the State Maintained Secondary Road System. The Town Council received the following letter from Calvin Treadaway, Transportation Technician II with NCDOT and a map showing the roads:

We have been petitioned to add the subject road to the State Maintained Road System. This road can be recommended for addition upon receipt of a resolution from the Town of Weddington approving the addition. Therefore, our office requests your assistance in obtaining an SR-2 Resolution.

Councilmember Price moved to approve Resolution R-2009-09 requesting that Pearlstone Lane and Blossom Hill Drive in the Highgate Subdivision, Phase III to be added to the State Maintained Secondary Road System.

**NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
REQUEST FOR ADDITION TO STATE MAINTAINED SECONDARY ROAD SYSTEM
TOWN OF WEDDINGTON, NORTH CAROLINA
R-2009-09**

North Carolina

County of Union

Road Description: Pearlstone Lane and Blossom Hill Drive in the Highgate Subdivision, Phase III in the Town of Weddington in Union County, North Carolina.

WHEREAS, the attached petition has been filed with the Town Council of the Town of Weddington, Union County, requesting that the above described roads, the location of which has been indicated in red on the attached map, be added to the Secondary Road System; and,

WHEREAS, the Town of Weddington is of the opinion that the above described roads should be added to the Secondary Road System, if the roads meet minimum standards and criteria established by the Division of Highways of the Department of Transportation for the addition of roads to the System.

NOW, THEREFORE, be it resolved by the Town of Weddington of the County of Union that the Division of Highways is hereby requested to review the above-described roads, and to take over the roads for maintenance if it meets established standards and criteria.

Adopted this 8th day of June, 2009.

All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Price, McKee and Mayor Pro Tem Gilmartin

NAYS: None

Item No. 6. Approval of Minutes.

A. April 13, 2009 Regular Town Council Meeting. Councilmember Price moved to approve the April 13, 2009 Regular Town Council Meeting minutes. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Price, McKee and Mayor Pro Tem Gilmartin

NAYS: None

Item No. 7. Consideration of Public Hearings.

A. Consideration of Petition to Permanently Close Part of Lochaven Road in the Lochaven Subdivision. This item was continued to the July 13, 2009 Town Council Meeting.

B. Consideration of Budget Ordinance for Fiscal Year 2009-2010 and to Set the Tax Rate.

Councilmember Price – If the budget is approved as shown, the \$85,000 that is in here for the downtown core study, does the money have to be used for that?

Finance Officer Gaylord – No, the Town Planner will review the proposals, take a few to the Downtown Committee and they will make a recommendation on which one they like and then it will come before you for approval to spend the money.

Councilmember Price – We have done the survey twice and it has been made very evident that people in this Town do not want any more commercial development. If you want to do something – help the current shopping center. I don't think doing another study is a good use of tax money.

Finance Officer Gaylord - The total shortfall that the Providence VFD budgeted for the year is \$65,000; included in that \$65,000 is the \$30,000 for the salary of the officers. It is a \$65,000 shortfall in their budget plus they are asking for another \$40,000 for the nighttime fire fighters.

Mayor Anderson - In our meeting today I learned why there was a shortfall. Particular individuals had not been privy to past discussions. They were led to believe that members of the Council had been advising the former chief to ask for a lower number and then come back later. I would like to address the issue of transportation needs. There is a line item but there is no money in it. The reason is because we don't know what that number is yet. If we decide to do something like lights that would be coming out of capital improvement money?

Finance Officer Gaylord - One of the other things we discussed was that we could pull the downtown streetscaping money and spend it later and use that towards the design phase of the connector road and roundabout.

Mayor Anderson - The budget process and LARTP are not lining up very well together. It is a moving target and we did not know what to ask for. There is an inexpensive project that we could do and that would be off of Deal Road and Highway 84, to put turn lanes along Deal Road onto Highway 84 to move traffic through there. Even though that is not in here now as soon as that is figured out, I will be coming back and asking for money for that. Our processes did not line up very well. I am going to ask for partial funding for that light for Hemby Road. I would like not to pay for the whole thing. I am going to come back and ask for a budget amendment.

Councilmember Smith - The stop light at Hemby Road would cost \$305,000?

Mayor Anderson - That was their estimate. The estimates are coming in low.

Councilmember Smith – If we put some money up, it moves up the priority list with the State? Do we get that money back?

Mayor Anderson - No – it is coming out of our pocket. They do a cost benefit analysis and they take the cost to the State. Right now that number is \$305,000. Anything we add lowers their cost. Our numbers will look better if it is \$250,000 rather than \$305,000.

Finance Officer Gaylord - If you are going to do the whole \$305,000 you might go ahead and explore the option of doing the loan and at least potentially recouping that cost.

Councilmember McKee - Ken Evans brought up a good point to go ahead and spend the money and build the stoplight. Why not tell them we will fund it and go ahead, if they will do it now?

Mayor Anderson - I was talking to the Deputy Secretary of Transportation and he said money that is in the Transportation Improvement Plan (TIP) is projected. Money that we do by contract is committed and it will be a legal document.

Finance Officer Gaylord – The traffic light is not in the TIP. Do they have a pool that they can guarantee from?

Mayor Anderson – I am not certain because the traffic light would not come out from equity formula money. It is coming out of safety money. I am not sure if the safety money is eligible for contract. That loan may not be something we can do. If we contributed some money to bump us up the ladder, it might help.

Councilmember Smith - If we were to explore fronting the money, how would that be reflected in the budget?

Finance Officer Gaylord - I would not reflect it in the budget at this point. I would wait and see the time frame.

Mayor Anderson - We do have that \$147,000 that we got from DOT for right-of-way.

Councilmember McKee - The money that came back into the general fund for the library, I would like to see us earmark that in the capital fund and move another \$100,000 so we could have funds for a library when the time comes.

Councilmember Price - I don't think that is a good idea. If someone could tell me that a library would be an option in four years, I would say do it.

Councilmember McKee - If we show we are serious about doing it, I think if you took a survey you would get a 100% response to do the library.

Councilmember Price – This year we are going to operate with a \$100,000 deficit.

Councilmember McKee- - This takes the money and puts it in a fund.

Councilmember Price – I have also heard we are going to talk about \$305,000 for a stoplight, an intersection at Deal Road and loaning NCDOT 1.5 million dollars. I am not against the library. I do not know that in 15 years anybody is going to use the library.

Mayor Anderson - What happens to money that is in the CIP fund and we decide it will never happen?

Finance Officer Gaylord - The way we currently have our capital projects designated is strictly a classification of fund balance. We can move it in and out at will but we have a policy that says we have to have 25% of our total fund balance. There is a minimum amount that needs to be in there. The other option is to have a capital improvement project fund/plan that is its own separate fund separate from the general fund. If you move money out of the one fund into the other that money has to stay in that capital project plan. It cannot come back into your operating budget. It doesn't have to be spent on the project that you designate it for but it has to be spent on a capital project. Since we don't have many plans and we are not that long term in nature we are going to leave them where we have the most flexibility.

Councilmember Smith - I would like to take part of the \$100,000 reserved for the weight room and give an additional \$30,000 for the fire department. We have had discussions for years about helping themselves and being more efficient, more assertive and aggressive in trying to get the community to help you and support you. I am willing to give the \$30,000 so you can start the fiscal year whole. I would then like to see some effort to help themselves.

Finance Officer Gaylord - They would need \$65,000 to cover that. The \$30,000 is just salary. Their overall budget would still have a \$35,000 deficit.

Mayor Anderson - Their sole purpose is to help us and they don't even live in our County. I would rather they use their time training and practicing than making BBQ.

Councilmember Smith - They don't have to do it themselves. There are a lot of people who will help. I don't think we are being stingy. We are still being very generous with the total overall line item.

Councilmember Price - Most of all our property tax we take in goes to deputies and the fire department. We are giving them 90% of property taxes. We can see if Marvin or Wesley Chapel will own up. They can always come back.

Mayor Anderson – The paper keeps reporting that the Sheriff's department is going to be cut and I put in a call to ask if they will be forced into cutting zone officer coverage. He did not think so at this time. We might want to consider additional coverage. He did tell me that we did not need a whole other deputy. We did talk about the possibility of sharing a deputy with Marvin and Wesley Chapel.

Acting Chief Banick - We get \$150,000 from the Town. It comes in at \$180,000 for the three people for 6 am – 6 pm. That is \$30,000 and anything additional will go towards the training initiatives and coverage.

Councilmember Price - Do you answer calls in Wesley Chapel? I am not anti-fire department or library. Over the last few years we have asked that you go try this and talk and do this and none of it has ever happened.

Councilmember Smith moved to adopt Budget Ordinance O-2009-03 for Fiscal Year 2009-2010 with the following amendments: Remove the \$100,000 donation to the schools for the fitness center/weight room, give an additional \$30,000 contribution to the Providence VFD and the deletion of the donation to the Wesley Chapel Weddington Athletic Association with the balance of that going back to the general fund and to set the tax rate at three cents.

**TOWN OF WEDDINGTON, NORTH CAROLINA
2009-2010 GENERAL FUND BUDGET ORDINANCE
O-2009-03**

BE IT ORDAINED By The Town Council of Weddington, North Carolina, In Session Assembled:

Section 1. The following amounts are hereby appropriated in the General Fund for the operation of Weddington Government and its activities for the fiscal year beginning July 1, 2009 and ending June 30, 2010, according to the following summary and schedules:

SUMMARY

<u>FUND</u>	<u>ESTIMATED REVENUES</u>	<u>FUND BALANCE APPROPRIATION</u>	<u>TOTAL APPROPRIATION</u>
General	\$1,108,000	\$20,000	\$1,128,000

Section 2. That for said fiscal year there is hereby appropriated out of the General Fund the following:

<u>GENERAL FUND</u>	<u>AMOUNT</u>
Administrative	\$ 322,250
Planning & Zoning	281,575
General Government	<u>524,175</u>
TOTAL APPROPRIATIONS – GENERAL FUND	<u>\$1,128,000</u>

Section 3. It is estimated that the following General Fund Revenues and Fund Balance Appropriations will be available during the fiscal year beginning July 1, 2009 and ending June 30, 2010 to meet the foregoing General Fund appropriations:

<u>REVENUE SOURCE</u>	<u>AMOUNT</u>
Ad Valorem Taxes	\$ 561,500
State-Collected Revenues	492,500
Zoning and Subdivision Revenues	22,500
Other Revenues	<u>31,500</u>
TOTAL REVENUE GENERAL FUND	<u>\$1,108,000</u>
APPROPRIATION FROM FUND BALANCE	<u>\$ 20,000</u>

Section 4. There is hereby levied for the fiscal year ending June 30, 2010 the following rate of taxes on each (\$100) assessed valuation of taxable property as listed as of January 1, 2009 for the purpose of raising the revenues from current year's property tax as set forth in the foregoing estimates of Revenues, and in order to finance foregoing appropriations:

GENERAL FUND	<u>\$0.03</u>
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Section 5. The Finance Officer is hereby authorized to transfer appropriations within a fund contained herein under the following conditions:

- a. She may transfer amounts between object of expenditure within a department without limitation.
- b. She may transfer amounts between departments of the same fund with an official report on such transfers to the Town Council.
- c. She may make expenditures and/or transfers from appropriations as necessary.

Section 6. All capital items, (items exceeding \$5,000), are to be approved in accord with the adopted budget. The Finance Officer will maintain a list of approved capital outlay items.

Adopted this 8th day of June, 2009.

All were in favor, with votes recorded as follows:

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

Councilmember McKee moved to designate CIP funds in the fund balance in the amount of \$250,000 for the Library.

The vote on this motion is as follows:

AYES: Councilmembers Smith and McKee
NAYS: Councilmembers Price and Mayor Pro Tem Gilmartin

Mayor Anderson breaks the tie by voting in the affirmative. The motion passes.

C. Consideration of the Rezoning of Weddington Elementary, Middle and High Schools from R-40 and R-CD to E-D (Educational District). Councilmember Price moved to rezone Weddington Elementary, Middle and High School from R-40 and R-CD to E-D. All were in favor, with votes recorded as follows:

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

Item No. 8. Old Business. There was no Old Business.

Item No. 9. New Business.

A. Review and Consideration of the Revised Final Plat for The Woods Subdivision, Phase IA. The Town Council received the following memo from Town Planner Cook:

Project Information:

The Woods Subdivision is a proposed 275.39 acre 204 lot subdivision. The subdivision is located on Weddington Road (NC 84) and is being developed by IB Development LLC as an R-CD conventional subdivision. Phase 1 is comprised of 125 lots (tax parcels 06-150-071, 06-126-002, 06-126-011, 06-126-010A, 06-126-010B and 06-126-010) and was given Final Plat approval on May 19, 2008. The applicant is proposing a Final Plat for Phase 1A, comprised of only 29 lots all within Phase 1. The Phase 1A Final Plat also shows septic fields on each individual lot. The Planning Board gave this Final Plat a favorable recommendation at its May 11, 2009 Planning Board meeting.

- Phase 1A is 29 lots and 45.89 acres.
- Phase 1A has 20% open space or 9.54 acres.
- Development standards are as follows:
 - Minimum lot size- 40,000 sq. feet
 - Minimum lot width- 120 feet
 - Minimum front yard setback- 50 feet
 - Minimum rear yard setback – 40 feet
 - Minimum side yard setback – 15 feet
 - Minimum corner side yard setback – 35 feet
- The smallest lot size is 40,016 square feet, lot #25.
- Phase 1 is a total of 125 lots and 162.45 acres.

- In accordance with Section 46-76(1) of the Subdivision Ordinance, water connection to public line must be provided.
- Public Involvement Meetings were held on January 18 and 19, 2007.
- Soil report has been completed and has been provided to planning staff.
- Subdivision modification of the cul-de-sac length has already been approved by Town Council at their May 14, 2007 meeting.
- Preliminary Plat was reviewed by the Planning Board on June 18, 2007 and given a conditional approval.
- The Final Plat for Phase 1 was reviewed by the Planning Board on May 19, 2008 and given a conditional approval.
- A copy of the *revised* draft of the Declared Covenants, Conditions and Restrictions for The Woods has been received by Planning Staff and is currently being reviewed by the Town Attorney.
- The Conditional Use Permit for a Planned Residential Development (PRD) was reviewed and given favorable approval by the Planning Board at the July 23, 2007 meeting and at the Town Council's September 10, 2007 meeting.
- US Infrastructure has reviewed the plans and approved the Phase 1A Final Plat as submitted.

The Phase I Final Plat was presented to the Planning Board with individual septic system services and conditionally approved by the Planning Board at their August 27, 2007 meeting with the following conditions (*italicized text represents current status*):

- NCDOT Approval for the Subdivision Entrance-*Approval granted May 5, 2008 by NCDOT.*
- Bridge Approval-*USI currently reviewing.*
- Water and Sewer/Septic Approval by Union County Public Works-*Water approved by Union County February 12, 2008. Septic permits issued April 9, 2009 for all 29 Phase 1A lots.*
- Necessary Paperwork regarding Wetlands-*Paperwork received May 14, 2009 from US Army Corps of Engineers.*
- Bond Approval by US Infrastructure and Town Attorney-*Bond approval to come at a later date (water systems already submitted).*
- Town Attorney review of Homeowner Association Documents-*Town Attorney is currently reviewing these documents.*

The following permits and approvals have been issued:

- NCDENR Public Water Supply has approved extension for Phase I of Union County water lines to the subdivision under permit DEH 07-01892, PWS ID #01-90-413 Union County Water.
- NCDENR Erosion and Sedimentation control plan has been approved with modifications. Project ID Union-2007-067 approved May 14, 2007.
- NCDOT has approved the subdivision entrance located along Weddington Road (NC 84). A copy of the letter dated June 18, 2007 is on file.
- North Carolina Division of Environmental Health has approved public water hookup/water main extensions. A copy of the letter dated February 12, 2008 is on file.
- NCDOT has approved the culvert and guardrail replacement to allow for grading and pavement sufficient to widen Weddington Road (NC 84). A copy of letter dated May 5, 2008 is on file.
- Union County Health Department approved the Wastewater Septic Permits for all 29 lots within Phase 1A on April 9, 2009.
- Subdivision roads will be built to NCDOT standards.

- Union County Public Works recommends retaining \$217,032.60 letter of credit for water systems per a letter submitted June 3, 2009.

The Woods Subdivision Phase IA Final Plat has been found to be in general conformance with the Town of Weddington Zoning and Subdivision Ordinances with the following exceptions:

- Revised Declaration of Covenants, Conditions and Restrictions should be reviewed by Town Attorney.
- Performance Bonds for roads and the two bridges are currently under review by US Infrastructure and UCPW as of this writing. US Infrastructure and UCPW will need to verify the bond calculations, along with review by the Town Attorney before any map recordation.
- Approval for Bridges #1 and #2.

Below is a list of various bond amounts for The Woods Phase 1A as of June 8, 2009. These bonds were listed on the Memo as outstanding items but have since been reviewed and approved by Union County Public Works and/or US Infrastructure.

- Performance Bond for Bridges #1 and #2 in the amount of \$1,405,800.00.
- Bond for Water and Sewer Distribution Systems in the amount of \$217,032.60.
- Performance Bond for Roadway, Draining, and Bridge Earthwork in the amount of \$1,570,274.18.
- Bond for Highway 84 Widening and Culvert Crossing Extension in the amount of \$213,904.50.

The Town Council received the following:

- § Map showing June 18, 2007 Preliminary Plat
- § Final Record Plat for The Woods – Phase 1A

Town Attorney Fox questioned whether they had final plat approval for all of Phase I.

Planning Board Chairman Dorine Sharp stated, “The ordinance specifies that they can do the final plat in phases even if they have done the entire subdivision for preliminary.”

Town Attorney Fox – I would like to verify that what is here is appropriate and consistent with your ordinances.

Councilmember Price moved to table this item until the July 13, 2009 Regular Town Council Meeting.

All were in favor, with votes recorded as follows:

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

B. Consideration of Ordinance Adopting 2009 Proposed Realignment of the Town of Weddington Voting Districts. The Town Council received the following memo from Town Administrator McCollum and a copy of the 2009 Proposed Voting Districts:

The Town Council approved the proposed realignment of the Voting Districts at the January Town Council Meeting. The information was sent to the Justice Department for approval. The Justice Department has requested that the Town approve those proposed districts by Ordinance. Once the

Ordinance is adopted, Susan Matthews with Parker, Poe will forward this information to the Justice Department for approval before the upcoming filing period and election.

Councilmember Price moved to adopt Ordinance O-2009-02 adopting the 2009 Proposed Realignment of the Town of Weddington Voting Districts.

**ORDINANCE ADOPTING 2009 PROPOSED REALIGNMENT OF
THE TOWN OF WEDDINGTON VOTING DISTRICTS
O-2009-02**

WHEREAS, North Carolina General Statutes 160A-23 provides that the Council shall have the authority to revise electoral (residence) districts from time to time for the purpose of correcting population imbalances; and

WHEREAS, upon request of Town Council, Shannon Martel has conducted a study and has provided Council material and information which discloses that the currently configured electoral (residence) districts would result in population disparities which Council finds unacceptable and which if not corrected would result in electoral (residence) districts which would create inequitable representation utilizing the currently configured electoral (residence) districts; and

WHEREAS, upon request of Town Council, Shannon Martel has developed a plan and map of electoral (residence) districts which is equitable and creates electoral (residence) districts with balanced populations.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Weddington that the plan and map developed by Shannon Martel which is attached hereto, marked Exhibit "A" and incorporated herein by reference as if more fully set out, which was adopted on January 12, 2009 by vote of the Town Council, is hereby readopted by this Ordinance and is effective this date as the current plan and map of the electoral (residence) districts of the Town and is effective for all purposes relating to the residence requirements for filing for the office of Weddington Town Council and for the location of the Town's electoral (residence) districts, subject to future consideration and action by Council.

ADOPTED this 8th day of June, 2009.

All were in favor, with votes recorded as follows:

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

C. Review and Consideration of Policy Regarding Financial Information Requirements from Outside Agencies. This item was removed from the agenda.

Councilmember Price moved to postpone discussion of Items 9D through 14 until the July 13, 2009 Regular Town Council Meeting. All were in favor, with votes recorded as follows:

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

D. Consideration of Resolution in Support of the Concept of Construction of the Connector Road from Providence Road to Weddington-Matthews Road and the Traffic Circle at the Intersection of

Weddington-Matthews Road and Highway 84 and to Request That Barry Moose With NCDOT Explore Funding Options on the Town's Behalf.

**TOWN OF WEDDINGTON
RESOLUTION IN SUPPORT OF THE CONCEPT OF THE CONSTRUCTION OF A
CONNECTOR ROAD AND TRAFFIC CIRCLE AND TO
REQUEST THAT NCDOT EXPLORE FUNDING OPTIONS
R-2009-10**

WHEREAS, on January 14, 2008, the Town Council adopted Ordinance O-2008-01, “An Ordinance Providing for the Establishment and Imposition of a Temporary Moratorium Regulating and Restricting Development in the Town for a Period of Eighteen (18) Months or Until the Adoption of a Local Area Regional Transportation Plan (LARTP)”; and

WHEREAS, in a coordinated effort with Marvin, Waxhaw, Wesley Chapel, the Town of Weddington contracted with Martin/Alexiou/Bryson, PLLC to develop a LARTP. This project is nearing completion and will be subjected to full public comment procedures before being considered for adoption by the Town Council; and

WHEREAS, the draft proposal recommends the construction of a connector road approximately 1,600 feet in length, located at the approximate location of the current entrance to the Weddington Activity Center at Providence Road extending across to Weddington-Matthews Road; and

WHEREAS, the draft proposal also recommends improvements to the intersection of Highway 84 and Weddington-Matthews Road. Preliminary studies by NCDOT traffic congestion conclude that a traffic circle would allow unrestricted traffic flow through the intersection. Additionally, a traffic circle will help decrease the negative aesthetic impact of the expansive mass of concrete and asphalt currently planned; and

WHEREAS, the current design of the Providence Road widening project severely limits access to the existing business district in the Town Center. Construction of a connector street will provide businesses with better traffic flow and greatly enhances ingress and egress; and

WHEREAS, funding for the construction of the Relocation of Highway 84 (Rea Road Extension) was anticipated to be a public/private endeavor. Approximately \$2.3 million of public money has been budgeted by NCDOT for Horizon Year 2013; and

WHEREAS, the development of the tract in its entirety has been delayed indefinitely. It appears construction is unlikely to occur before 2013 at which time the public money allocated to the project will likely be returned unused to the Department of Transportation General Fund,

NOW THEREFORE BE IT RESOLVED the Town Council requests NCDOT allow the option to shift funds from the Rea Road Extension project to improvements to the downtown traffic grid. Specifically, to design and build a connector road from Providence Road across to Weddington-Matthews Road and a traffic circle at the intersection of Highway 84 and Weddington-Matthews Road.

Adopted this 8th day of June, 2009.

The Town Council received a map showing the Connector Road and Traffic Circle.

E. Update on Union County Governance Committee – Councilmember Jerry McKee.

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

- Martin/Alexiou/Bryson held a Public Meeting May 27, 2009 from 6:30-8:30pm at Rea View Elementary School. Approximately 25 citizens attended this meeting along with staff and steering committee members from the four municipalities. Staff is currently reviewing the final draft document. A final Steering Committee meeting will be held on Thursday, June 11, 2009 to make review and make final comments on the Final Draft. After the Final Draft is complete the consultants will present the LARTP to each municipalities Town Council in July. 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.
- The Helms Property Conditional Zoning/Rezoning is currently scheduling their Public Involvement Meetings. They will be on the Planning Board agenda following the completion of their Public Involvement meetings. This project was submitted prior to the adoption of the moratorium and is exempt from its provisions.
- The Town of Weddington has received twelve proposals for the Downtown Development Master Plan. Five proposals were eliminated due to costs. Town Staff is currently reviewing the seven remaining proposals and will select 3-5 proposals to interview. Fees for the remaining proposals ranged from \$35,000 to \$69,500.

Item No. 11. Update from Town Administrator/Clerk. The Town Council received the following update from Town Administrator McCollum:

- § Moratorium is scheduled to expire July 13, 2009.
- § Mark your Calendar! Parks and Recreation Advisory Board is Planning a Labor Day Ice Cream Social to be held at the Town Hall on September 6, 2009. More details to come.
- § Staff is working with Long Wiring on new lighting for the Council Chambers.
- § A new sound system will be installed by the next Town Council Meeting.
- § Max Hagler, a college student, will be assisting the Town on a volunteer basis every Tuesday during the summer helping with Document Imaging, the Historic Preservation Project, etc.
- § The new lockbox for tax payments has been installed. Residents will have the option of dropping their payments off after hours. It is installed to the left of the house beside the walkway to the handicapped entrance.
- § The Riley House on Weddington-Matthews Road has been demolished by the property owner.
- § The next meeting for the Rick Hunt (Beulah Church Minimum Housing Issue) will be on July 27, 2009. Mr. Hunt shall submit a written report to the Town Hall by 5:00 p.m. on July 17, 2009, including documents, receipts, materials, pictures, etc. showing that substantial progress towards completion of the repairs necessary to correct each of the violations of the Minimum Housing Code. The Town's Building Inspector will receive and review the documentation. At the meeting, the Board of Adjustment will review the written report, hear from the Building Inspector, and determine whether Mr. Hunt has complied with the December 18, 2008 Order, and to possibly set future deadlines.
- § A meeting regarding the Optimist Park Floodplain Development potential violation and proposed remediation plan was held on May 29, 2009 at the Union County Government Center. The purpose of this meeting was to discuss technical issues regarding the flood study/ no-rise certification that was previously submitted by Yarbrough Williams & Houle (YWH). Meeting topics included a discussion of outstanding review comments and the next steps to achieve approval of a proposed remediation plan for the site. Ken Ashe opened the meeting by stating the purpose of the NCEM's involvement with the review of the floodplain development permit/potential violation of the Optimist Park property. The Town of Weddington and Union County have been directed by the State legal staff to work together to resolve the potential floodplain violation at the Optimist Park property. Ken will help resolve several issues that have delayed the review and

approval of the Optimist Park's remediation plan. The following items were discussed at the meeting:

- Several design parameters that are a part of the flood study computer model have been questioned in previous reviews. The design parameters were discussed in detail. These design parameters were also discussed onsite at the Optimist Park property in order for all parties to assess site conditions and come to an agreement for values to be used in the computer model.
- In October 2008, USI performed a review of the latest flood study which was dated June 5, 2008. Comments from this review were submitted at that time to the Town of Weddington only. A copy of the review comments were given to County staff and YWH at the May 29, 2009 meeting. A few of the review comments were discussed during the meeting.
- YWH will update the flood study incorporating the review comments from the October 2008 USI comments and the comments resulting from the meeting. Mark stated that a completed study could be provided to all review parties within 3 to 4 weeks. Review is anticipated to be completed by all parties within 2 weeks of receipt of the study.
- USI asked what permitting by the Town would be required once the remediation plan is approved. It was discussed that the construction could possibly be permitted by the Town as a "correction of a previous violation" and that no additional permitting would be required. USI will investigate what will be required by the Town and will coordinate permitting with the State. The results of the flood study (no-rise, increase in flood elevations, etc.) will affect the permitting approach.
- The revised flood study to be submitted by the Optimist Park engineer (YWH) should describe in detail all obstructions that are accounted for in the study. The Optimist Park will use the study to obtain any future development permits with the Town of Weddington, and all proposed future construction should be documented (Tracy indicated that there is still some work to be done at the site, such as installation of lights, that was previously approved by the County when the Conditional Use Permit was issued)."

Item No. 12. Public Safety Report.

Providence VFD

Monthly Call Responses –

Mecklenburg County	Fire: 12	EMS: 9	Total: 21
Union County	Fire: 15	EMS: 5	Total: 20
Monthly Total	40		

There were no significant incidents in Union County for May 2009. The Town Council also received the Financial Statements for May 2009.

Wesley Chapel VFD – 101 Calls for May

Weddington Deputies – 351 Calls

Item No. 13. 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 May 1, 2009 to May 31, 2009.

B. Tax Collector's Report. May 2009 Report:

Adjust Under \$2.00	\$(.85)
Balance Adjustment	\$(2.59)
Interest Charges	\$336.03
Pay Interest and Penalties	\$(219.68)
Refunds	\$97.41
Taxes Collected:	
2008	\$(5,509.61)
As of May 31, 2009; the following taxes remain Outstanding:	
2001	\$9.18
2002	\$89.53
2003	\$210.27
2004	\$290.19
2005	\$428.35
2006	\$376.64
2007	\$1,915.05
2008	\$18,261.96
Total Outstanding:	\$21,581.17

The Town Council also received the Unpaid Balance Report by Receipt Number.

Item No. 14. Council Comments. There were no Council Comments.

Item No. 15. Adjournment. Councilmember Smith moved to adjourn the June 8, 2009 Regular Town Council Meeting. All were in favor, with votes recorded as follows:

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

The meeting adjourned at 10:31 p.m.

Nancy D. Anderson, Mayor

Amy S. McCollum, Town Clerk

**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, JULY 13, 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 July 13, 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, 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: None

Visitors: Anthony Burman, Ron Salimao, Daniel Barry, Walter Staton, D. Block, Steve McAreavy, Greg Wyant, Carol Wyant, Paul Johnson, Barbara Harrison, Pat Harrison, Kristina Rogers, Johnson Bertrau, Bill Price, Valerie Pelick, Paul Petrillo, Andrew Pelick, Bill Reynolds, Bill Maynard, Neldina Maynard, Joe Weil, Susan Weil, Mary Waller, Mike Waller, Steven R. Carow, David Banick, Brian Carlton, Louise Crocco, Ken Sidney and Janice Propst.

Item No. 1. Open the Meeting. Mayor Nancy D. Anderson called the July 13, 2009 Regular Town Council Meeting to order at 7:06 p.m. 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.

Mayor Anderson asked to move Item 7A (*Consideration of Resolution in Support of the Concept of Construction of the Connector Road from Providence Road to Weddington-Matthews Road and the Traffic Circle at the Intersection of Weddington-Matthews Road and Highway 84 and to Request that Barry Moose with NCDOT Explore Funding Options on the Town's Behalf*) to the Transportation Update portion of the agenda. Mayor Anderson stated, "I spoke with Barry Moose and he informed me that this is not a time sensitive item."

Councilmember Tommy Price asked that this item remain where it is on the agenda. He stated, "I would rather get it discussed and find out how everyone feels about it."

Councilmember Price moved to adopt the agenda as presented. All were in favor, with votes recorded as follows:

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

Item No. 3. Public Hearings.

A. Public Hearing to Consider a Petition to Permanently Close Part of Lochaven Road in the Lochaven Subdivision (Continued from June 8, 2009). Mayor Anderson reopened the public hearing to consider a petition to permanently close a part of Lochaven Road in the Lochaven Subdivision.

Mayor Anderson – As you may recall this has been an ongoing issue and we continued this hearing at the last meeting because new information was given and felt that we needed time to study the packet.

Mr. Paul Johnson presented a packet of information for the Town Council.

Mr. Johnson – I wanted to speak on the two issues that were brought up at the last meeting. I wanted to speak on the issue of the deed and the easements that the Attorney had spoken about. If you look in the packet, I pulled that specific parcel that had verbiage about an easement. I pulled the information all the way back from when Mr. McDowell owned the property. He had the raw property. I found the deed from the time that it was established as a building lot moving forward. You have everything there that was on record. It is the first time that a deed has been placed on this property. (*Mr. Johnson read the description of the property.*) The easement that he was speaking of is not an easement on my property. The easement is on what is now the Waller property. This is not an easement that was given to Lochaven for people to use the dam. It was an easement given to Lochaven to access their property. The second issue is dealing with the usage of the lake and the common areas. Mr. Henderson said that everyone had rights to the lake. If you look at the last page, you have a copy of the covenants. The first page of the covenants clearly states what area that these covenants speaks to. If you go through the metes and bounds it describes all the people that live on the lake. No reference to the people on the outside of the lake. That is the description and who these covenants point to. The dam, lake and common area are all on the same parcel. This speaks to that entire tax parcel. “Use of the lake by lot owners shall be subject to the rules and regulations issued from time to time by the Lochaven Corporation which rules shall be for the common enjoyment, health and safety of all owners within the above described boundaries.” It basically says that lake, dam and the open space is to be enjoyed by the lot owners within the described metes and bounds and it states who it is which is the lake lot owners. As a neighborhood we are divided. It is hard to work together as a group when there is such division. I hope that the board makes a decision on this tonight. Our neighborhood is not going to heal until this issue has been settled. The rules and regulations and who they affect are quite clear in the original documents that have been filed for years. There has never been an easement across the dam. The only thing that I can determine as an easement is that when Mr. McDowell agreed to join in on the dedication of the now Waller property if that road was brought up to State standards. I ask you to make a decision to have the people stop using the dam unless the road has been built to those standards.

Mr. Mike Waller – Attorney Henderson made it very clear that there were other conditions that applied to the property. When we purchased our property, the road was open.

Mr. Ken Sidney – We purchased our property. We are not on the lake. When we bought property there was a road established.

The Committee representing Lochaven Lake and Loop residents in favor of keeping Lochaven Road open - We look forward to the Town's decision on Monday, July 13, to either close or leave open the portion of Lochaven Road traversing the dam that impounds water for a lake for neighbors to enjoy and for continuous ingress and egress to various properties on the loop road. We appreciate you directing the residents to prove ownership and the rights to use the property in question so your decision can be clear. We have invested thousands of dollars to provide you with the required data and, while we are hopeful the decision will favor leaving the road open (denying the petition before you), we will at least have a decisive response to take to the residents of the community. Thank you for the time and thoughtful consideration you have given this issue.

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

B. Public Hearing to Review and Consider Proposed Text Changes to Chapter 58 – Zoning of the Code of Ordinances. Mayor Anderson opened the public hearing to consider several proposed text changes to Chapter 58 – Zoning of the Code of Ordinances.

- a. **Section 58-16 - Accessory Family Dwellings.** The Town Council received a copy of the proposed text change and a copy is attached to the minutes. Town Planner Jordan Cook advised that this amendment would permit the owner to live in either the primary or accessory structure. That entire section is new and is not in our code.

Mayor Anderson questioned #9 with the proposed text change and questioned why travel trailers, RV's, or similar vehicles as an Accessory Family Dwelling shall be permitted for no more than fourteen total days per calendar year. Mayor Anderson felt that 30 days would be more reasonable.

- b. **Section 58-151 - Temporary Signs.** The Town Council received a copy of the proposed text change and a copy is attached to the minutes. Town Planner Cook advised that this Amendment will add a provision to allow two (2) temporary off-premises special event signs for special events that are required a Temporary Use Permit. These off-premises special event signs may display only written text directions and no directional arrows.

Councilmember Jerry McKee questioned why directional arrows were not allowed with the proposed text change.

Planning Board Chairman Dorine Sharp stated, "The Planning Board was concerned if we start having signs with arrows on them then all of a sudden we are going to start seeing 'Land Sale Today' and arrows all over town. This is supposed to be an informational sign advertising an event and we are saying it can include directions. I thought the primary purpose was to advertise an event and as a side to give directions."

Mayor Anderson questioned whether the size of the letters, speed limit, lanes of traffic were taken into consideration with the text change. She stated, "Symbols like arrows are much easier to read when you are going 55 mph."

- c. **Section 58-293 - Co-Location.** The Town Council received a copy of the proposed text change and a copy is attached to the minutes. Town Planner Cook advised that this amendment makes the co-location approval process administrative. The text amendment will also allow an accessory structure on the ground to have a setback measured from the easement line rather than property line (most transmission towers are located on property lines). The definition of co-location is also included in the text change.
- d. **Section 58-23 - Planned Residential Developments.** The Town Council received a copy of the proposed text change and a copy is attached to the minutes. Town Planner Cook advised that this amendment requires that any road built within a PRD be built to NCDOT standards and follow NCDOT Built to Standards checklist.
- e. **Article III (Conditional Uses) - Section 58-81 – Procedures.** The Town Council received a copy of the proposed text change and a copy is attached to the minutes. Town Planner Cook advised that this amendment requires that any non-residential project going through the Conditional Use process submit plans and elevations to the Design Review Board for recommendation. This amendment also outlines the Design Review Board and Planning Board timelines to review and make recommendations on the plans and designs.

- f. **Article II – Zoning District Regulations.** The Town Council received a copy of the proposed text change and a copy is attached to the minutes. Town Planner Cook advised that this amendment removes day care centers from residential zoning districts (R-80, R-60, R-40, R-CD). Day Care Centers will be permitted in the B-1, MX and Conditional Zoning districts as conditional uses.

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

C. Public Hearing to Review and Consider Proposed Text Changes to Section 14-84 (Control of Glare, Light Trespass and Light Levels) of the Code of Ordinances. Mayor Anderson opened the public hearing to consider proposed text changes to Section 14-84 of the Code of Ordinances. The Town Council received a copy of the proposed text change and a copy is attached to the minutes. Town Planner Cook advised that this amendment prohibits internally illuminated signs (consistent with Section 14-84 of the Code of Ordinances which prohibits internally illuminated signs).

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

D. Public Hearing to Review and Consider Proposed Text Changes to Chapter 14 (Buildings and Building Regulations), Article V. (Architectural Design Standards) of the Code of Ordinances.

Mayor Anderson opened the public hearing to consider proposed text changes to Chapter 14 of the Code of Ordinances. The Town Council received a copy of the proposed text change and a copy is attached to the minutes. Town Planner Cook advised that this amendment adds Architectural Design Standards to the Code of Ordinances. These standards will be used by Staff and the Design Review Board for architectural reviews.

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. Walter Staton - I am here tonight to ask you to vote no on the proposed connector road from Highway 16 to Weddington-Matthews Road and for retail establishments. We started Weddington because we believed Mecklenburg County may take over and put retail stores here and destroy our little village. Some of you want to destroy Weddington as we enjoy it now. That will be a grave mistake on your part. An NCDOT Engineer told me that they do not like to put traffic signals and connector roads close to each other since they tend to congest traffic. Do we need four signals within one mile? No, we do not. We have three now. One more stop light will cause more accidents on our new four lane road here in Weddington. Seventy-two percent of the good citizens of Weddington according to the Weddington survey say no more retail establishments. Why can't you understand the wishes of the good people here in Weddington? Even a child understands no. Year after year our Town tries again and again for more retail establishments. We say no. I ask that the Mayor recuse herself on any further discussions regarding Item 7.A. because of the possible conflict of interest according to North Carolina General Statutes 160A-75. We voted you into office to serve all citizens.

Mr. Werner Thomisser – I ask the Town Council to vote no on a connector road and roundabout. It is fiscally irresponsible to spend \$1 million dollars in a middle of a recession and to use this Town Hall as collateral. The connector road will encourage more retail establishments that 72% of Weddington residents do not want. There are too many shopping options for Weddington residents close by. I ask this Town Council if you had a connector road ending 150 feet from your driveway on one end and 500 feet from family property on the other end would it be reasonable to assume a potential conflict of interest could occur? I ask Attorney Fox and this Town Council to make that call. If you feel that there is a potential conflict, then one of you should make a motion and let the rest of the Town Council decide.

Attorney Anthony Fox read NCGS 160A-75 for the record: No member shall be excused from voting except upon matters involving the consideration of the member's own financial interest or official conduct or on matters on which the member is prohibited from voting under G.S. 14-234, 160A-381(d), or 160A-388(e1).

Ms. Barbara Harrison - Why are you spending so much time and energy on a roundabout and a connector road which you cannot get on the TIP until 2010? We are willing to put the Town in debt over this. You are still going to pay more in interest than you are going to make. Why are you are not spending your time and energy on getting the light accelerated at Hemby Road and Weddington-Matthews Road? Last month when you did the budget, there were many people in this room and they all agreed that the acceleration of getting that light was very important. I would like for you to think about that before you vote on 7A.

Mr. Bill Price - I would like to thank you for a professional sound system. I am able to hear tonight.

Item No. 5. Approval of Minutes.

A. March 27-28, 2009 Special Town Council Planning Retreat. Mayor Pro Tem Robert Gilmartin moved to approve the March 27-28, 2009 Special Town Council Planning Retreat minutes. All were in favor, with votes recorded as follows:

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

B. April 27, 2009 Special Town Council Meeting. Mayor Pro Tem Robert Gilmartin moved to approve the April 27, 2009 Special Town Council Meeting minutes. All were in favor, with votes recorded as follows:

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

Item No. 6. Consideration of Public Hearings.

A. Consideration of Petition to Permanently Close Part of Lochaven Road in the Lochaven Subdivision. Councilmember McKee made the following motion: On February 9, 2009 the Town of Weddington received a petition to permanently close a portion of Lochaven Road in the Lochaven Subdivision ("the Petition"), which portion includes the part of Lochaven Road which crosses an earthen dam ("Dam"). The Petition represented that the petitioner, Airborne Development, LLC owned the Dam and that abutting property owners had no ownership interest in the Dam. The Petitioner also represented that the closure of the Dam would not deny reasonable ingress and egress to abutting property owners. Upon receipt of the Petition the Town explored the closure of the Dam under N.C.G.S. Section 160A-299. The Town held several public hearings on the issue of whether the closure of the portion of the street containing the Dam would be detrimental to the public interest or the property rights of an individual. The public hearings revealed an existing controversy between the Petitioner and the numerous property owners in Lochaven Subdivision regarding ownership interests and perpetual rights of use pertaining to the Dam. The existing controversy impacts the Town's ability to determine one way or another whether the standards of N.C.G.S. Section 160A-299 can be satisfied. Therefore, since N.C.G.S. Section 160A-299 confers on the Town the discretion to close streets within its corporate limits and does not require the Town to act on a petition seeking the closure of a street, I move that the Town take no action on the Petition with the intent that this motion reflect that the Town takes no position on the various parties' interests in the dam, its ownership or its control. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Price, McKee and Mayor Pro Tem Gilmartin

NAYS: None

B. Consideration of Proposed Text Changes to Chapter 58 – Zoning of the Code of Ordinances.

a. Section 58-16 - Accessory Family Dwellings. Councilmember Price moved to approve the proposed text change to Section 58-16 with the amendment of #9 from 14 days to 30 days.

Attorney Fox – I have a concern that the language contemplates that the accessory use can be detached or attached to the primary dwelling or partially or completely within the family dwelling.

Chairman Sharp advised that the current ordinance only allows one family per parcel and felt that the current language is very limiting and the Planning Board was trying to create some flexibility.

Councilmember Price withdrew his motion.

Councilmember Price moved to send the proposed text change back to the Planning Board to work with the Town Attorney on concerns that were discussed. All were in favor, with votes recorded as follows:

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

b. Section 58-151 - Temporary Signs. Councilmember McKee advised that he would like for the language to allow directional arrows and to be allowed six times a year instead of three.

Chairman Sharp advised that per the current ordinance, a temporary use permit is only allowed three times a year at one location.

Councilmember McKee moved to approve the proposed text changes to Section 58-151 with the amendment to allow directional arrows with an effective date of July 14, 2009. All were in favor, with votes recorded as follows:

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

c. Section 58-293 - Co-Location. Councilmember Smith moved to approve proposed text changes to Section 58-293 with an effective date of July 14, 2009. All were in favor, with votes recorded as follows:

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

d. Section 58-23 - Planned Residential Developments. Councilmember Price moved to approve proposed text changes to Section 58-23 with an effective date of July 14, 2009. All were in favor, with votes recorded as follows:

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

e. Article III (Conditional Uses) - Section 58-81 – Procedures. Councilmember Smith moved to approve proposed text changes to Section 58-81 with an effective date of July 14, 2009. All were in favor, with votes recorded as follows:

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

f. Article II – Zoning District Regulations. Councilmember Price moved to approve proposed text changes to Article II with an effective date of July 14, 2009. All were in favor, with votes recorded as follows:

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

C. Consideration of Proposed Text Changes to Section 14-84 (Control of Glare, Light Trespass and Light Levels) of the Code of Ordinances. Councilmember Price moved to approve proposed text changes to Section 14-84 with an effective date of July 14, 2009. All were in favor, with votes recorded as follows:

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

D. Consideration of Proposed Text Changes to Chapter 14 (Buildings and Building Regulations), Article V. (Architectural Design Standards) of the Code of Ordinances. Councilmember Price moved to approve proposed text changes to Chapter 14 with an effective date of July 14, 2009. All were in favor, with votes recorded as follows:

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

Item No. 7. Old Business.

A. Consideration of Resolution in Support of the Concept of Construction of the Connector Road from Providence Road to Weddington-Matthews Road and the Traffic Circle at the Intersection of Weddington-Matthews Road and Highway 84 and to Request that Barry Moose with NCDOT Explore Funding Options on the Town's Behalf. Mayor Anderson - Before we start discussion on this matter, Attorney Fox will discuss the matter regarding a conflict of interest.

Attorney Fox – The question that is before the Town Council is whether or not Item 7A, which deals with the concept of the construction of the connector road which would terminate at Providence Road, which is across the road from the Mayor's property, would create a financial interest.

Mayor Anderson – It actually does not terminate at my property. It terminates at the Catawba Lands Conservancy (CLC) property. In order for me to get on the road, I would have to go about 75 yards in the wrong direction on a four lane divided highway. Clearly the route of the road has not been done but where it starts has. It will start at the driveway cut that is already there. It will straddle the property of Rob Dow and Mike Treski, the owner of the Weddington Activity Center. That is where we know it will start. Where it ends on Weddington-Matthews Road, we are no where close in knowing that at this time. The property directly where this road is proposed is deeded to the CLC - not to me or anyone in my family.

Attorney Fox – I think it is clear from that that the road and where it starts and where it may end up is not across or abuts property that is directly owed by the Mayor or her family. Quite frankly it is for the Board to determine. It sounds like the Mayor does not believe she has a financial interest that would impact her ability to participate in this discussion.

Mayor Anderson turned over the gavel to Mayor Pro Tem Robert Gilmartin for the Council's discussion on this matter.

Mayor Pro Tem Gilmartin moved that the Mayor did not have a conflict of interest relative to this matter and that the Mayor should be allowed to participate in the discussion on Item 7A. All were in favor, with votes recorded as follows:

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

Mayor Anderson - This was requested by Division Engineer Barry Moose. It was his idea to consider the connector road to help remedy the terrible egress and ingress problem that our shopping center will have with the widening of Providence Road. When he was looking at the map and the solutions to fix that problem, he said 'what about this?' He drew the concept on a map. The idea came up again during the LARTP (Local Area Regional Transportation Plan) meetings. The study that was done with that group and our consultants also recommended that road to give better access in and out of the existing shopping center. I did have a conversation with Barry Moose on Thursday or Friday of last week. He questioned me about how far along we were with the Downtown Consultant and the LARTP. I said we are getting the report tonight and we are going to talk about hiring a consultant tonight. He said to me, "Well this is not as time sensitive as I led you to believe at first so if you feel you are getting ahead of your Downtown Plan then you can put this off for a couple of months." I thought it was time sensitive but he has since said that it was not. This is at the request of Barry Moose. He and I have had a lot of conversations about access for the shopping center and have also talked to the merchants and owners of the shopping center. They want to put a road in through the back of our property where the library is supposed to go to remedy the problem. He needs the majority of the Council to come to consensus before he goes and tries to make this happen. Last time that Barry Moose was here he said that a couple of things had to happen before we could talk about this. He has to keep the money in the TIP for Rea Road. There is 2.3 million dollars in the TIP for the Rea Road Extension. It is pretty clear that Rea Road is not going to be done. He wanted to make sure that he kept the money in the TIP. Our MUMPO area has to pass the air quality requirements. We are not allowed to do anything until we fix the problem. We are going to be reviewed again in March 2010 and at that time if we pass, the MUMPO region can then proceed with the long range transportation plan. He wanted it in writing that the majority of the Council was in favor. I did remind him that there is an election coming up and three seats of the Council could turn over and he understood that. He said you have to start somewhere.

Nancy read the following Resolution for the record:

**TOWN OF WEDDINGTON
RESOLUTION IN SUPPORT OF THE CONCEPT OF THE CONSTRUCTION OF A
CONNECTOR ROAD AND TRAFFIC CIRCLE AND TO
REQUEST THAT NCDOT EXPLORE FUNDING OPTIONS
R-2009-10**

WHEREAS, on January 14, 2008, the Town Council adopted Ordinance O-2008-01, "An Ordinance Providing for the Establishment and Imposition of a Temporary Moratorium Regulating and Restricting Development in the Town for a Period of Eighteen (18) Months or Until the Adoption of a Local Area Regional Transportation Plan (LARTP)"; and

WHEREAS, in a coordinated effort with Marvin, Waxhaw, Wesley Chapel, the Town of Weddington contracted with Martin/Alexiou/Bryson, PLLC to develop a LARTP. This project is nearing completion and

will be subjected to full public comment procedures before being considered for adoption by the Town Council; and

WHEREAS, the draft proposal recommends the construction of a connector road approximately 1,600 feet in length, located at the approximate location of the current entrance to the Weddington Activity Center at Providence Road extending across to Weddington-Matthews Road; and

WHEREAS, the draft proposal also recommends improvements to the intersection of Highway 84 and Weddington-Matthews Road. Preliminary studies by NCDOT traffic congestion conclude that a traffic circle would allow unrestricted traffic flow through the intersection. Additionally, a traffic circle will help decrease the negative aesthetic impact of the expansive mass of concrete and asphalt currently planned; and

WHEREAS, the current design of the Providence Road widening project severely limits access to the existing business district in the Town Center. Construction of a connector street will provide businesses with better traffic flow and greatly enhances ingress and egress; and

WHEREAS, funding for the construction of the Relocation of Highway 84 (Rea Road Extension) was anticipated to be a public/private endeavor. Approximately \$2.3 million of public money has been budgeted by NCDOT for Horizon Year 2013; and

WHEREAS, the development of the tract in its entirety has been delayed indefinitely. It appears construction is unlikely to occur before 2013 at which time the public money allocated to the project will likely be returned unused to the Department of Transportation General Fund,

NOW THEREFORE BE IT RESOLVED the Town Council requests NCDOT allow the option to shift funds from the Rea Road Extension project to improvements to the downtown traffic grid. Specifically, to design and build a connector road from Providence Road across to Weddington-Matthews Road and a traffic circle at the intersection of Highway 84 and Weddington-Matthews Road.

Mayor Anderson - It was written that way because we felt we were getting ahead of our Downtown Consultant. That is why we put the word option because they may have another idea.

Councilmember Smith moved to defer consideration of this item to a date and time uncertain.

Councilmember Price – Can I make a substitute motion?

Attorney Fox – A substitute motion is generally heard before another motion.

Councilmember Price – I would like to make a substitute motion that we do not approve this Resolution. I want some questions answered. I would like them answered while I am still on this council. I do not know who is going to end up in this seat. I would rather this not be deferred and put off and put off until somebody else is in this seat. I would like for somebody who is in favor of this Resolution to tell me exactly what this road and circle are going to do. I do not buy that it is for moving traffic on Providence Road. I do not see where you are trying to alleviate traffic from. The traffic circle – we still have not heard from Barry Moose on whether it will even work there or not. He was supposed to get an answer for us. I spoke with Barry Moose on the phone and he told me that this road would move cars but was it necessary - no. He also told me if this connector road is built it would be a great boundary for commercial. I truly think that the connector road is tied to a future item on the agenda and I really wish that we would stop calling this the downtown core study and call it what it is going to be which is a provision for commercial in the Town. I would like to hear from someone that is in favor of this to describe to me exactly what the purpose of this cut through road is and why it is wanted so. Madam, Mayor you got mad and incredibly upset that we did not vote on this last month and now you want to

defer indefinitely. I talked with Barry Moose and the first thing out of his mouth was there was no big hurry. So I find it hard to believe that as much as you have talked with him over the past three to four months – that he has never said that.

Mayor Anderson – Let me answer the first part of why I was so upset. I admit I was irritable but it was because I stayed up all night getting this ready and operating on very little sleep. Had I known that we were not going to do it, I would have gone to bed. It was the only time that I had to get it done. When Barry Moose was here and what I understood him to say was that he was not going to do anything on behalf of the Town including asking to keep the money in the TIP until he knew that it was not just the Mayor that wanted to do this but a consensus of the Council. I had a conversation with him and asked how do we do that? He preferred a Resolution. That is why I worked so hard to get it ready and unfortunately it did not get to people fast enough. It was sent by email but it was not printed out at our desks. People did not feel that they had a chance to look at the Resolution so it was deferred. I talked with Barry Moose again on Thursday about something else and he said by the way I have received a couple of calls about this issue and he said that you know that it is not that pressing and it is not going to negatively impact the project if you do not get it done on Monday night.

Councilmember Price – The shopping center came to us and wanted a driveway back here. Why would we jeopardize three-fourths of the Town's savings to build a road that the same can be done right here on the back of our property? I do not buy the shopping center part, I do not buy the traffic moving part - so is the downtown core boundary the major reason for this road?

Councilmember McKee – It is not. It has nothing to do with the Downtown Master Plan that we are hopefully trying to develop because it is not in discussion with that committee. My understanding of this Resolution is to explore the possibility of the Town advancing funds and does not commit the Town to funding. I have no problem with it. I want to see the estimated costs before I will ever vote to put that road in.

Councilmember Price – In your mind what is the purpose of the road?

Councilmember McKee – Some of the purpose of the road is to connect in and out of the shopping center and Weddington Activity Center. The cut through on Town property - I know that the library is a long range thing but in my opinion our option should be open to try to get a library located in Weddington. That is why in our budget we earmarked \$250,000 toward a library. To me that was a good faith effort to show Union County that Weddington is interested in having a library. That is why I did not want to cut this road back through Town property because there is probably a better use for it than more asphalt on the ground.

Councilmember Price – The shopping center owners said that if the Town ever needed that property back and if the library was ever to be built there that they would take the road up. Also if the library were ever built, there would be an entrance and they would have access to it.

Mayor Anderson – In the meantime they would cut all those trees down.

Councilmember McKee – Not necessarily a library back there - that was just an example, it could be used for a gathering space in connection with other properties. There is no sense in putting a road through there and cutting down a bunch of trees. To me to do that connector road, is to help out that shopping center.

Councilmember Price – I am hearing trees as a reason not to do the driveway. If I remember there are about two old pine trees that are going to have to come down.

Mayor Anderson – We will be directly looking at the loading dock of the Harris Teeter.

Councilmember Price – The issue is whether we want this connector road and the traffic circle first and second is whether we want to look at different ways that the Town can be involved in helping to pay for it. There is no use in going through any of these exercises if we do not want it.

Councilmember McKee – This is not a defining moment. We can put off like Councilmember Smith recommended. I do not think it should die. I am not approving anything until I see it. I have no problem at looking at things. I think that is our duty to explore all avenues that are available to the Town. There are no plans to connect that connector road and put commercial on it. I do not know who made that up whether it was Staton or Thomisser. There is no one on this Downtown Committee that has ever said anything about commercial.

Councilmember Price – I have heard from a couple of people that it would make the perfect boundary for our downtown. I have heard it from the Mayor. We will see if that comes to fruition when the study comes out if \$60,000 for a study is approved.

Attorney Fox – I would like to make a point of order. Councilmember Smith made a procedural motion to defer. A procedural motion will take precedent over the substitute motion. Her motion is the one that should be considered first.

Mayor Anderson – If we talk about her motion first, then we leave here without having an open and honest debate that was asked by one of our councilmembers.

Councilmember Smith – I am serving on the Downtown Committee with Councilmember McKee so I pretty much mirror his discussion. I do not know if there is any urgency to this especially after talking with Barry Moose last week. I am willing to look at our options and that is all this does. The LARTP also shows that road on there as well.

Councilmember Price – How did it get on there?

Mayor Anderson – I was the representative on that committee from the Council and Sarah Lowe, Scott Buzzard and Jeff Perryman from the Planning Board and staff were there.

Councilmember Price – The Mayor put that road on the LARTP map.

Councilmember Smith – I can assure you that it is not the mind set of the Downtown Committee for an explosion of commercial. I do not care what you have been hearing. I have not seen you at any of our committee meetings and if you were that concerned I would urge you to attend. For me, the Downtown Committee is about keeping Weddington from being a pass through for people going to Waxhaw. We want an identity and not a suburb of Mecklenburg that you speed through at 45 to 50 mph.

Councilmember Price – I keep hearing about identity. I keep hearing that Weddington does not have an identity. I have been here 22 years. It had identity when I came here, it has the same identity today and the reason I moved here was low taxes, high property values, good schools and no commercial. That is our identity. We keep saying that we want to give Weddington identity. The way I see it is not trying to get identity it is trying to change the identity that we have got.

Councilmember Smith – I think this road project (widening of Providence Road and Highway 84) has changed our identity immensely.

Mayor Anderson – And the landing strip that we are starting to put out there.

Mayor Pro Tem Gilmartin – I am disappointed. We will pick up after the election. It is the intention of the majority of this Council to have this road put in and to be funded by our Town. At the end of the day that is not going to change. Moving it up to a date sometime after the election to me is ridiculous. I think it is a political move and that is it. Which seats are coming up for reelection?

Councilmember McKee – Who is the majority?

Mayor Pro Tem Gilmartin – You, the Mayor and Councilmember Smith – fess up, say you want it and vote on it.

Councilmember Smith – You are speaking for me and you are misrepresenting my position.

Mayor Pro Tem Gilmartin – I believe that moving forward it will be voted on and approved. It is a political move and nothing else. I do not want the road or the traffic circle. I am on the board for two more years. I think it is not a wise fiduciary responsibility of this Town and its money and I think it is the people who have spoken in the past that do not want the road and do not want commercial. Commercial is coming. I do not know why we think we are smarter than them. People said keep it the way it is.

Councilmember McKee – This is political and the weight room for the high school was not political?

Mayor Pro Tem Gilmartin – I wanted to vote on it then and not after the election. I wanted to get it out on the table with this particular governing body.

Mayor Anderson – I want to say to Robert Gilmartin that your position now is contradictive to the conversations that we have had.

Mayor Pro Tem Gilmartin – I have talked with Barry Moose and the people who elected me.

Mayor Anderson – Before you were in favor of the road and you said it made good sense and clearly someone has changed your mind. If our purpose was to have commercial development there then why would we not have the developers build the road? Why do I want this road? The road was initially an idea put forth by Barry Moose several years ago and it was an idea he put forth as a way to alleviate the severe problems that our current business district is going to experience when this road project is done. I hope that you are watching what is happening back here. It is going to be ugly and it is going to forever change the face of Weddington. Someone said that they could not believe that I would advocate taking the money from Rea Road to fix this – you who fought so hard to keep the road on the map and fought so hard at MUMPO to get that money. That is my number one option to get Rea Road in. That was my number one priority before this happened. It should have been done. This should never be happening out here. The problem that we are going to have with Rea Road is we are going to lose this money so if we get it shifted to somehow help put another area in our Town I am in favor of that. I have been the one representing our Town for six years at MUMPO. I do not want to see a road in our back yard even though it may be temporary. I do not want them to cut down that screening back there. I do not want to look at the loading dock of the Harris Teeter.

Councilmember Price – There is such a thing as planting trees. You are not looking at a loading dock you are looking at a road and compared to even considering loaning the State 1.5 million dollars to cut a whole new road through there that will take you nowhere but to the back of the shopping center. It makes so sense. That is a road to nowhere.

Mayor Anderson – To do both projects would be 1.5 million dollars.

Councilmember Price – This traffic circle is for nothing more than aesthetics. The circle is not going to help move traffic.

Mayor Anderson – These parking lots are not even connected to each other.

Councilmember Price – So this connector road is for access for the shopping center?

Mayor Anderson – Yes.

Councilmember Price – I do not buy it. I have talked with Barry Moose and Barry Moose told me that you came up with the road concept.

Attorney Fox read the following from the Town Council's Rules of Procedures:

(8) **To Defer Consideration.** The Council may defer a substantive motion for later consideration at an unspecified time. A substantive motion the consideration of which has been deferred expires 100 days thereafter unless a motion to revive consideration is adopted. If consideration of a motion has been deferred, a new motion with the same effect cannot be introduced while the deferred motion remains pending. A member who wishes to revisit the matter during that time must take action to revive consideration of the original motion, or else move to suspend the rules.

The vote on Councilmember Smith's motion to defer consideration of the item to a date and time uncertain is as follows:

AYES:	Councilmembers Smith and McKee
NAYS:	Councilmember Price and Mayor Pro Tem Gilmartin

The Mayor broke the tie by voting in the affirmative. The motion carried.

The Town Council received a map showing the connector road and the traffic circle.

B. Review and Consideration of The MAPS Group Recommendations Regarding Staff Benefit Changes. The Town Council received a copy of the following MAPS Group's recommendations regarding benefits:

BENEFITS RECOMMENDATIONS

We conducted a review of selected benefits of the same organizations surveyed for the salary surveyed. We have a few changes to recommend for your consideration based on prevalent local practice:

Vacation accrual: We recommend you consider the following as competitive amounts of annual leave accruals:

1 year	10 days (same as current)
at 3 years	12 days instead of 10 current
at 5 years	14 days instead of 10 current
at 10 years	18 days instead of 15 current

at 15 years	20 days (same as current)
at 20 and more years	20 days (same as current)

The Town currently accrues the following:

Years of Service	Amount of Vacation Per Year
0 to 5 Years	10 Business Days
6 to 14 Years	15 Business Days
15 + Years	20 Business Days

Sick Leave: all of the other area local governments surveyed, as well as 83% of NC municipalities provide 12 days of sick leave accrual, while the Town provides 10. We recommend consideration of 12 days. (An advantage for long-term employees is that unused sick leave counts as service toward retirement creditable service.) **Employees currently get 10 days of sick leave per year.**

Death benefit: the NC Local Government Retirement System provides a death benefit of one times salary up to \$50,000 for covered employees after one year of service, and we recommend this for your consideration. The contribution percentage for retirement benefits is increased slightly to provide this benefit. **The total extra cost to the Town would be \$77.17 a year.**

Payment of a portion of dependent health: According to survey information several of the employers in your area provide a partial payment toward dependent coverage – 34% is the average amount paid. This is a costly benefit but you may wish to consider some partial offset for dependent coverage.

Dependent Health - \$415.00 a month

Spouse - \$642.00 a month

Family - \$1,008.00

The Town pays for the full cost of health insurance for the employee, which includes health, dental, and vision.

Probationary increase: 70% of municipalities provide some increase for employees who successfully complete probation, and several of those in your area do so as well. We recommend 5% for your consideration.

Councilmember Price moved to approve the recommended changes to benefits excluding dependent care insurance coverage and asked that staff review this item further. The Council also asked that the formulas that currently apply to full and part time apply to the recommended changes. All were in favor, with votes recorded as follows:

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

Item No. 8. New Business.

A. Discussion and Consideration of Recommendation from Downtown Development Committee of Consulting Firm for Downtown Development Master Plan and Approval of Contract. The Town Council received a copy of the following memo from Town Planner Cook and a copy of the Weddington

Downtown Master Plan Statement of Qualifications and Professional Services Proposal submitted by HadenStanziale:

Below is a brief description of the Downtown Development Master Plan consultant recommendation from Town Staff and the Downtown Development Committee:

- The Downtown Development Committee and Town Staff recommend that the Town of Weddington contract the services of HadenStanziale for the Downtown Master Plan.
- A “Weddington Master Plan” handout has been included in your materials and provides a general outline of the firm’s profile, experience, work plan and schedule.
- The Town initially received 12 proposals for the Downtown Master Plan after sending out the RFP on May 5, 2009.
- These 12 proposals were narrowed down to only 7 proposals after town staff review. The 5 that were eliminated did not have enough “rural and/or small” downtown experience.
- LA Smith, Jerry McKee and Jordan Cook then reviewed the remaining 7 proposals and chose 4 for interviews.
- The three individuals mentioned above along with Jan Taylor (Downtown Development Committee) and Scott Buzzard (Planning Board and Downtown Development Committee) interviewed the 4 consulting firms on June 23rd and 24th.
- The interview committee narrowed the selection down to HNTB (Donal Simpson) and HadenStanziale.
- HadenStanziale reduced their fees from \$69,500 to \$57,500 by removing the transportation/parking study and only doing a market research snapshot rather than a full blown market study.
- The Downtown Development Committee recommended HadenStanziale at their July 8, 2009 Meeting.
- The consultant will be contacted and begin drafting a contract if approved tonight.

Councilmember Smith moved to authorize the Town Planner to proceed with a contract with Hadenstanziale not to exceed \$57,500 and subject to review by legal counsel and the contract to come back to the Town Council for final approval. The vote on this motion is as follows:

AYES: Councilmembers Smith and McKee
NAYS: Councilmember Price and Mayor Pro Tem Gilmartin

Mayor Anderson breaks the tie by voting in the affirmative. The motion passes.

Mayor Anderson thanked Town Planner Cook for his hard work on this project.

B. Consideration of the Reduction of the Road Performance Letters of Credit for the Bromley Subdivision – Maps 2 and 3. The Town Council received the following memo from Town Administrator/Clerk Amy McCollum:

Bonnie Fisher with US Infrastructure, Inc. has advised that the current road performance letter of credit for the Bromley Subdivision, Map 2 can be reduced from \$55,317.00 to \$10,446.00 and for Map 3 can be reduced from \$50,613.00 to \$16,134.00.

The Town is currently holding the following for the Bromley Subdivision:

Bromley Subdivision - Map 2 (Road Improvements)	\$55,317.00
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Bromley Subdivision – Map 3 (Road Improvements)	\$50,613.00
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Councilmember Price moved to reduce the current road performance letter of credit for the Bromley Subdivision, Map 2 from \$55,317 to \$10,446 and Map 3 reduced from \$50,613 to \$16,134. All were in favor, with votes recorded as follows:

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

C. Consideration of Appointment to Planning Board, Historic Preservation Commission and Board of Adjustment. The Town Council received the following memo from Town Administrator/Clerk McCollum and a copy of applications on file:

There is a vacancy on the Planning Board due to the resignation of Sarah Lowe. I have attached applications for your consideration. Ms. Lowe's term on the Board would have expired in December of this year. Individuals serving on the Planning Board also serve on the Board of Adjustment and Historic Preservation Commission for a four-year term. The person that you appoint to the Planning Board would serve as an alternate on the Board of Adjustment.

Councilmember McKee moved to appoint Ms. Janice Propst to fill the term of Sarah Lowe that will expire in December. All were in favor, with votes recorded as follows:

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

D. Consideration of Amendment to Schedule of Fees. Councilmember Smith moved to approve the following amendment to the Schedule of Fees:

SCHEDULE OF FEES	
ZONING AND SUBDIVISION ADMINISTRATION	
Code of Ordinances	\$175.00 plus shipping and handling
Zoning Confirmation	\$5.00
<u>Floodplain Development Review</u>	<u>Reimbursement of Engineering Fees</u>
Application for temporary structure permit (Section 58-13(1) & 58-13(2))	\$50.00
Application for temporary use permit for sales for civic organizations, etc... (Section 58-13(3)a)	\$25.00
Application for temporary use permit for public events (Section 58-13(3)b)	\$100.00
Application for permit for subdivision sales office	\$100.00
Application for conditional use permit in hardship cases (Section 58-14a)	\$250.00
Application for conditional use permit for mobile classrooms (Section 58-14c)	\$350.00 + Notification
Application for conditional use permit (Section 58-81)	\$650.00 + Notification
Application for conditional zoning district (Section 58-271)	\$1,500.00
Application for temporary sign permit (Section 58-151)	\$25.00 – Non-profit organizations as recognized by the IRS are exempt

Application for permanent sign permit (Section 58-147 thru 58-153)	\$35.00
Application for zoning permit	
a. Residential	\$100.00
b. Non-residential	\$250.00
c. Non-residential – up-fit	\$50.00
d. Accessory or Agricultural	\$25.00
e. Additions	
1. Minor, no more than 25% or 500 square feet total (unheated)	\$25.00
2. Minor, no more than 25% or 500 square feet total (heated)	\$50.00
3. Major	\$100.00
Application for renewal of zoning permit:	\$100.00
Application for certificate of compliance:	
a. Residential	\$100.00
b. Non-residential	\$250.00
c. Accessory or Agricultural	No Charge
d. Additions	
1. Minor, no more than 25% or 500 square feet total	No Charge
Application for variance (Section 58-234) and Modification of Subdivision Ordinance (Section 46-15)	\$650.00 + Notification
Appeal of decision of zoning officer to Board of Adjustment (Section 58-208(6), 58-209(4)) and Application to Board of Adjustment for interpretation of ordinance)	\$200.00
Application for amendment to zoning ordinance/Zoning Map Change	\$650.00 + Notification
Approval of changes to subdivision lots	
Per each subdivision	
a. 1 to 2 lots	\$100.00
b. 3 to 5 lots	\$200.00
c. 6 to 10 lots	\$300.00
Telecommunication Tower Engineering and Surveying Fee	Cost to Town + \$650.00 administrative fee
Annual Biosolids Land Application Permit Fee	\$30.00 for the first acre and \$20.00 for each additional acre
Notification of Affected Property Owners	
21-50	\$50.00
51-100	\$100.00
Over 100	\$200.00
SUBDIVISION FEES	
<u>MINOR SUBDIVISION</u>	
Preliminary Plat Submittal - Subdivision Containing Up to 3 Lots	\$150.00 per Lot
Pre-Submittal Sketch for Easement Lot	\$100.00
Final Plat Submittal - Subdivision Containing Up to 3 Lots	\$50.00 per Lot
<i>MAJOR SUBDIVISIONS</i>	
Residential Conservation District (R-CD) Pre-Sketch Plan Conference	\$150.00
Sketch Plan Review	\$250.00 per Lot
Preliminary Plat Submittal	\$250.00 per Lot
Final Plat Submittal	\$100.00 per Lot
Site or Field Inspection	\$70.00/hr.

Copying Fee	\$.05 per copy
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All were in favor, with votes recorded as follows:

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

E. Consideration of Release of Water Construction Money for Williamsburg, Phase I and Reduction of the Water and Sewer Letter of Credit for Williamsburg, Phase II. The Town Council received the following memo from Town Administrator/Clerk McCollum:

Mr. Mike Garbark with Union County Public Works has advised that the current water construction money for Williamsburg, Phase I can be released and the water and sewer letter of credit can be reduced from \$41,950.00 to \$4,195.00.

The Town is currently holding the following for Williamsburg, Phase I and II:

Williamsburg, Phase I – Water Construction	\$3,148.20
Williamsburg, Phase II – Water and Sewer	\$41,950.00

Councilmember Price moved to release the current water construction bond for Williamsburg, Phase I and the water and sewer letter of credit can be reduced from \$41,950 to \$4,195. All were in favor, with votes recorded as follows:

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

F. Update on Union County Governance Committee – Councilmember Jerry McKee. Councilmember McKee stated, “The County Commissioners plan to have this on the 2010 November Election as a referendum on what is proposed from this committee. Marshville and Wingate feel that they are not represented.”

G. Appointment to Carolina Thread Trail Steering Committee. The Town Council received a copy of the following email from Travis K. Morehead, AICP, Carolina Thread Trail Community Coordinator with the Catawba Lands Conservancy:

The Union County Board of County Commissioners approved a Resolution of Support for the Carolina Thread Trail on June 1st. For the municipalities that choose to participate in the process, could you begin to think of and contact a citizen or community leader to serve on the Carolina Thread Trail Steering Committee as a representative from your community? I’d like to try and schedule an organizational meeting in August in order to introduce everyone to The Thread and the planning process. It would be great to have your governing board endorse this person as a duly appointed representative...but it’s not required. Let me know your thoughts and suggestions. Thanks.

The Town Council received a copy of Resolution R-2009-02 that was adopted on March 9, 2009 Supporting the Carolina Thread Trail.

The Council will entertain names at the next Town Council Meeting.

H. Consideration of Resolution Requesting the Addition of Lake Forest Drive, Ridgelake Drive, Maple Valley Court, Weddington Lake Drive, and Topsail Court in the Lake Forest Subdivision to the NCDOT State Maintained Secondary Road System. Councilmember Price moved to approve Resolution R-2009-12 requesting the addition of Lake Forest Drive, Ridgelake Drive, Maple Valley Court, Weddington Lake Drive, and Topsail Court in the Lake Forest Subdivision to the State Maintained Secondary Road System.

**NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
REQUEST FOR ADDITION TO STATE MAINTAINED SECONDARY ROAD SYSTEM
TOWN OF WEDDINGTON, NORTH CAROLINA
R-2009-12**

North Carolina
County of Union

Road Description: Lake Forest Drive, Ridgelake Drive, Maple Valley Court, Weddington Lake Drive, Topsail Court in the Lake Forest Subdivision in Union County, NC.

WHEREAS, the attached petition has been filed with the Town Council of the Town of Weddington, Union County, requesting that the above described roads, the location of which has been indicated in red on the attached map, be added to the Secondary Road System; and,

WHEREAS, the Town of Weddington is of the opinion that the above described roads should be added to the Secondary Road System, if the roads meet minimum standards and criteria established by the Division of Highways of the Department of Transportation for the addition of roads to the System.

NOW, THEREFORE, be it resolved by the Town of Weddington of the County of Union that the Division of Highways is hereby requested to review the above-described roads, and to take over the roads for maintenance if it meets established standards and criteria.

Adopted this 13th day of July, 2009.

All were in favor, with votes recorded as follows:

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

Item No. 9. Update from Town Planner. The Town Council received the following memo from Town Planner Cook:

- § Temporary Moratorium expires tonight, 18 months after its adoption on January 14, 2008.
- § The Helms Property Conditional Zoning/Rezoning proposal is currently unable to proceed 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 must occur before the applicant can proceed with the rezoning. This project was submitted prior to the adoption of the moratorium and is exempt from its provisions.
- § The Sewer Connection Text Amendment is currently on hold and being reviewed by the Town Attorney and Town Staff. There has been several discussions with Union County Public Works,

other North Carolina municipalities, the Town Attorney and Planning Board regarding this text amendment. Several concerns over the proposed text amendment (requiring the developer to connect to public sewer lines) have been raised and further discussions with the Town Council are warranted.

- § The WCWAA Appeal hearing has been moved to a Special Meeting on Monday, August 3 at 6:00pm.

Item No. 10. Update from Town Administrator/Clerk. The Town Council received the following memo from Town Administrator/Clerk McCollum:

- § The new website is in place. It is a work in progress. Please let me know if there are items that need to be added or amended. We are working towards the ability for individuals to sign up on the home page of the website to be on a list to receive email notifications of Town events or notices.
- § A Board of Adjustment Hearing will be held on July 27, 2009 regarding the Hunt Minimum Housing issue.
- § We have received interest from three individuals stating that they will assist the Town with organizing historic pictures and articles for the Town. Jeff Perryman is working with these individuals.
- § We are in the process of scanning all of the Town's minutes and planning documents into the Laserfiche software.

Mark your calendars for the following events:

- § The Town of Weddington Parks & Recreation Advisory Board announces an end of summer event for Town residents: "Sunday Sundaes: an Ice Cream Social" on the Town Hall lawn. The event is scheduled to take place on Sunday, September 6, 2009, from 1 - 4 pm. Complimentary ice cream with lots of fun toppings, music, games and other family-fun activities are planned. Residents are encouraged to bring a blanket or lawn chair, and spread the word to others in the community!
- § Next Litter Sweep Event - September 19 through October 3, 2009.
- § Tree Lighting Event to be held Sunday, December 6, 2009 from 5:00 p.m. to 6:00 p.m.

Item No. 11. Public Safety Report.

Deputies – 317 Calls

Providence VFD – They had two significant events, 6/19/09 a stolen vehicle fire at Ayala Court and on 6/29/09 a commercial structure fire at 3212 Campus Ridge Road.

Monthly Call Responses –

Mecklenburg County	Fire: 10	EMS: 8	Total: 18
Union County	Fire: 19	EMS: 5	Total: 24
Monthly Total:	42		

Monthly Training Hours –

Fire – 194 Hrs.
EMS - 69 Hrs. 2 Classroom Lectures

Run Times:

6A – 12N: 28.6%
12N – 6P: 30.95%
6P – 12M: 28.6%
12M – 6A: 11.9%

Run Data

Avg. Turnout: 2 minutes
Avg. Response Time: 4.54 minutes
Avg. On Scene Time: 29.43 minutes
Avg. Members On Scene: 5 members

The Town Council also received the Balance Sheet and the Income and Expense Budget Performance Statements.

Wesley Chapel VFD – 89 Calls

Item No. 12. Transportation Report. Mayor Anderson advised that the next MUMPO meeting is on Wednesday. She stated, “We are going to be talking about funding for 485. I am asking for your guidance on how you want me to vote.”

The Council decided to hold one advertised public involvement meeting regarding the Local Area Regional Transportation Plan and then schedule the public hearing.

Item No. 13. 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 June 1, 2009 to June 30, 2009.

B. Tax Collector’s Report. Monthly Report – June 2009

Adjust Under \$2.00	\$(3.10)
Interest Charges	\$130.10
Pay Interest and Penalties	\$(71.26)
Refunds	\$118.90
Releases	\$(69.71)
Taxes Collected:	
2008	\$(1,430.37)
2007	\$(47.10)
As of June 30, 2009; the following taxes remain Outstanding:	
2001	\$9.18
2002	\$89.53
2003	\$210.27
2004	\$290.19
2005	\$428.35

2006	\$376.64
2007	\$1,860.18
2008	\$16,944.29
Total Outstanding:	\$20,208.63

The Town Council received the unpaid balance report by receipt number.

2008 Tax Settlement Statement

2008 Tax Levy	\$637,770.22
Discoveries	270.22
Interest Charges	2,412.60
Refunds	3,868.63
Late List Penalties	168.90
Adjust Under \$2.00	(25.96)
Balance Adjustment	(210.92)
Exemptions	(32,469.10)
Overpayments	(391.31)
2008 Collected	(560,666.84)
Interest Payments	(1,572.13)
Penalty Payments	(101.33)
Releases	(2,923.49)
Tax Deferments	(28,925.51)
Under 2.00 Tax Write-offs	(259.69)
Total Outstanding:	\$16,944.29

2008 Collection Percentage 97.37%

Item No. 14. Council Comments. Mayor Anderson advised that the next MCIC Meeting is next Thursday and topics include fire service for the entire county. She stated, "The County has a new Public Works Director. They are in the process of developing a new master plan. We are going to be asked that planners from the Town participate in the planning process."

Item No. 15. Adjournment. Councilmember Smith moved to adjourn the July 13, 2009 Regular Town Council Meeting. All were in favor, with votes recorded as follows:

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

The meeting adjourned at 10:31 p.m.

Nancy D. Anderson, Mayor

Amy S. McCollum, Town Clerk

**TOWN OF WEDDINGTON
SPECIAL TOWN COUNCIL MEETING
MONDAY, AUGUST 3, 2009 - 6:00 P.M.
MINUTES**

The Town Council of the Town of Weddington, North Carolina, met in a Special Session at the Weddington Town Hall, 1924 Weddington Road, Weddington, NC 28104 on August 3, 2009, at 6:00 p.m. with Mayor Nancy D. Anderson presiding.

Present: Mayor Nancy D. Anderson, Town Attorney Anthony Fox, Town Planner Jordan Cook and Town Administrator/Clerk Amy S. McCollum.

Absent: Mayor Pro Tem Robert Gilmartin, Councilmembers L.A. Smith, Tommy Price and Jerry McKee

Visitors: Julie Brown, Brian Carlton, Joe Tolan, Susan Tolan, Walker Davidson, Rich Cerreta, and Steve Helms.

Item No. 1. Open the Meeting. Mayor Nancy Anderson called the August 3, 2009 Special Town Council Meeting to order at 6:03 p.m. She stated, “We do not have a quorum. We realized late in the day that we do not need one.”

Item No. 2. Appeal of Zoning Administrator’s Decision – Wesley Chapel Weddington Athletic Association (WCWAA) for Placement of Fill Within the Optimist Park Without a Floodplain Development Permit. Attorney Anthony Fox stated, “There is an issue with regards to the hearing that has been scheduled that will result in the hearing being potentially scheduled at a later date. Our ordinance has a procedure requirement that I believe needs to be met in order for this matter to go forward. It is not a reflection of the applicant’s application but just a matter of process to ensure that this matter is properly positioned when and if it comes before the governing body.”

Mayor Anderson apologized for the inconvenience.

Item No. 3. Adjournment. Mayor Anderson closed the August 3, 2009 Special Town Council Meeting at 6:05 p.m.

Nancy D. Anderson, Mayor

Amy S. McCollum, Town Clerk

**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, AUGUST 3, 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 August 3, 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: Walker Davidson, Daniel Barry, Julie Brown, Walter Staton, Barbara and Pat Harrison, Werner Thomisser, Shelley Wood, Susan Harvey, Steve Carow, Fire Chief David Banick and Fire Chief Terry Byrum.

Item No. 1. Open the Meeting. Mayor Nancy D. Anderson called the August 3, 2009 Regular Town Council Meeting to order at 7:00 p.m. 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 as presented. All were in favor, with votes recorded as follows:

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

Item No. 3. Aero Plantation Fire Report – Wesley Chapel VFD Chief Terry Byrum. Chief Terry Byrum gave a report to the Town Council regarding the house fire in Aero Plantation. He stated, “It was actually our seventh or eighth call that night. We ended up with ten calls that night all at about the same time. We knew it was a lightning strike. The family hired their own private investigator to come out and investigate the fire. There was some technology to find out exactly when that house was struck by lightning. That house was struck by lightning according to the National Weather Service at 1:10 in the morning. That gentleman called that fire in at 2:03 - 53 minutes later. He said that some of the porches were falling in when they were going down the driveway. A fire doubles in size every three to four minutes. We had a fire prior to that in Hunter Oaks. It was very similar but a lot smaller house. I do not think there is anything you can do but to go back and retrofit peoples’ attics with smoke detectors. That would have made all the difference in the world with the house. You do not need heat detectors in the attic. Our first truck was coming back from a call sitting at the church and they stopped there to see where they needed to go. They proceeded down the road. It is a hindrance to go in Aero Plantation with the speed bumps. It dumps the hoses off the truck. I know why they put it there. There is a different type of speed bump that is used for fire trucks so that fire trucks can straddle it. They are made in three parts. Our first truck dropped a five inch line at the end of the driveway and proceeded up the driveway to the house. Stallings was the next truck and their engine started pumping into our truck. Our other truck went down to the pond and started getting ready to pump. Providence laid a line from the back of Stallings’ truck to our truck. We pumped from our truck to Stallings’ truck. We probably got more water out of the pond than we could have gotten out of a hydrant. This house was so far gone when we got there. I came up here several years ago when several of you were on the Town Council and we asked you then to help

us get wider roads and bigger cul-de-sacs in the subdivisions. I know that the Planning Board recommended it and the Town elected not to do that. It was a project that Harrington Dowd said was not necessary. To get in that house we busted the windshield in our Number 1 truck, the ladder truck got stuck trying to get in on account of the roads at New Town are not wide enough to get turned in. We could not use it anyway because it was a lightning storm and it would have been too dangerous to put people up there. We need to be aware that we need wider roads, more than one way in and one way out. I have argued this point before. It is not a matter of if you are going to need the fire department it is when you are going to need the fire department. We can pump out of ponds. We did do some damage to the side of the road that night. We go back and fix all that stuff in the development. The tree limbs in Aero Plantation need to be trimmed back to help get our trucks in and out of the neighborhood.”

Councilmember Smith requested that Chief Byrum provide the Town with a list of suggestions to help assist the fire department.

Chief Byrum - As houses have gotten bigger you have to have more stuff to carry on the fire truck. We go to some places where you cannot even get a pickup truck down the driveway and we have to take a fire truck down there. It would be so much easier and quicker. It is a problem getting in the neighborhoods.

Councilmember McKee – What hours of the day do you have actual firefighters on duty?

Chief Byrum - Paid staff is from 7 to 5 in the afternoon. But we have volunteers on staff 24 hours a day to cover all of the other shifts.

Councilmember McKee – Are they at the fire house or at home?

Chief Byrum - Yes and no. They can stay at the fire station at New Town Road because it has sleeping facilities and air conditioning.

Councilmember McKee - Is that a policy?

Chief Byrum - They sign up for their shifts.

Councilmember McKee - Do you take steps when a violent thunderstorm is announced? Do you have a policy that when you know there is going to be a violent thunderstorm that volunteers go to the station?

Chief Byrum – Yes we do. We man our stations.

The Council thanked Chief Byrum for Wesley Chapel’s service to the Town.

Item No. 4. Public Comment - Speakers are limited to two (2) minutes or less and Large Groups are Encouraged to Designate a Spokesperson. Mr. Walter Staton – I am a 39 year resident of the Town of Weddington. I wish to exercise my first amendment right of freedom of speech. I have a deep affection for this rural unique rural town. You can imagine how appalled I was on Sunday, July 19 when I read The Charlotte Observer. According to Mr. Barry Moose with NCDOT, our Mayor misrepresented herself and the entire Town Council regarding the so-called connector road. Mr. Moose because he was so concerned about this entire matter he deferred to the North Carolina Attorney who advised Mr. Moose to proceed carefully and halt the project. I ask the Town Council here tonight to show courage and place a motion before this Town Council to censure Mayor Anderson for her recent action with the NCDOT and the lack of respect that she has shown Weddington residents who chose to disagree with her. In the past our Mayor has referred to citizens as fools, water boys and even referred to our Mayor Pro Tem as her double agent who fed information to her opponents.

Mr. Werner Thomisser – The citizens of Weddington deserve the following - honest and open government from its elected officials, designs made in open forum where the public is part of the debate, discussion and final decision. The citizens deserve the Town's best interest considered instead of self-serving road projects, rezoning efforts, athletic association or high school weight room contributions and more unnecessary downtown studies that have already been funded and ignored. They deserve the tax dollars spent for legitimate public purposes such as police and fire protection, ambulance service, parks and a library. The citizens of Weddington do not deserve to have its tax dollars allocated for inappropriate road funding schemes which include loaning NCDOT one million dollars to build a questionable road project or to use Town property for collateral on loans to accomplish the same thing. They do not deserve to have their opinions kicked to the curb. Apparently the Mayor and Town Council have continued to pursue their plans while ignoring all surveys and wishes of the citizens for the past three years. The people of Weddington did not move here so that their Town could look like the other towns that have decided billboards, fast food, clutter and growth at any price is a good thing. The people have voiced their priorities and concerns repeatedly when given a chance in every Town survey and their voices have been muzzled by indifference by the Mayor and Town Council because it was not what they wanted to hear. What part of the 72% of citizens of Weddington who do not want commercial development in our downtown area is unclear? The people have shown their strong opposition to the private wastewater treatment facility. I respectfully request that the Town Council censure you Mayor Anderson and your comments since neither one represents the wishes and priorities of the citizens of Weddington.

Item No. 5. Approval of Minutes.

A. May 11, 2009 Regular Town Council Meeting. Councilmember Tommy Price moved to approve the May 11, 2009 Regular Town Council Meeting minutes. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Price and McKee
NAYS: None

B. June 22, 2009 Special Town Council Meeting. Councilmember Price moved to approve the June 22, 2009 Special Town Council Meeting minutes. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Price and McKee
NAYS: None

C. July 13, 2009 Special Town Council Meeting. Councilmember Price moved to approve the July 13, 2009 Special Town Council Meeting minutes. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Price and McKee
NAYS: None

Item No. 6. Consent Agenda.

A. Consideration of Approval of New Municipal Records Retention and Disposition Schedule. The Town Council received the following memo from Town Administrator/Clerk Amy McCollum:

Attached you will find a small portion (the document is approximately 180 pages) of the new Municipal Records Retention and Disposition Schedule. This document is a tool for Town employees to use when managing public records in the Town Hall. It lists records commonly found in municipal offices and gives an assessment of their value by indicating when and if those records should be destroyed. This

schedule is also an agreement between the Town and the Department of Cultural Resources. This schedule must be approved by the governing board for use in the Town. Once the Town Council grants approval, the Mayor will sign a form stating that it has been approved and then the schedule will be kept on file at the Town Hall to be used in helping determine how long a document should be kept.

Councilmember Price moved to approve the new Municipal Records Retention and Disposition Schedule. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Price and McKee
NAYS: None

B. Consideration of Code Enforcement Technical Assistance Services Contract – Centralina Council of Governments. The Town Council received the following memo from Town Administrator/Clerk McCollum:

Attached please find the Code Enforcement Proposal with Centralina Council of Governments. Please consider approving this contract for Fiscal Year 2009-2010. This contract allows Sam Leggett with COG to assist the Town with minimum housing issues within the Town. The cost is to not exceed \$5,861.50 plus 22.5 member hours.

Councilmember Price moved to approve the Code Enforcement Technical Assistance Services Contract with Centralina Council of Governments. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Price and McKee
NAYS: None

C. Consideration of Approval of Proclamation Designating September 17 – 23 as Constitution Week. Councilmember Price moved to approve Proclamation P-2009-04 designating September 17-23 as Constitution Week.

**TOWN OF WEDDINGTON
PROCLAMATION PROCLAIMING SEPTEMBER 17 THROUGH SEPTEMBER 23
AS CONSTITUTION WEEK
P-2009-04**

WHEREAS, The Constitution of the United States of America, the guardian of our liberties, embodies the principals of limited government in a Republic dedicated to rule by law; and

WHEREAS, September 17, 2009 marks the two hundred twenty-second anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week

NOW, THEREFORE I, Nancy D. Anderson, by virtue of the authority vested in me as Mayor of the Town of Weddington in the State of North Carolina do hereby proclaim the week of September 17 through 23 as

CONSTITUTION WEEK

AND ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through the guardian of our liberties.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Town to be affixed this 3rd day of August of the year of our Lord two thousand and nine.

All were in favor, with votes recorded as follows:

AYES:	Councilmembers Smith, Price and McKee
NAYS:	None

D. Consideration of Resolution to Enter into Agreement with the North Carolina Local Governmental Employees' Retirement System to Provide Employee Death Benefits. The Town Council received the following memo from Town Administrator/Clerk McCollum:

At the July Town Council Meeting, you approved the addition of the death benefit for employees through the NC Local Governmental Employees' Retirement System. Please consider approval of the Resolution and Agreement attached relative to this matter.

Councilmember Price moved to approve Resolution R-2009-13 to enter into an agreement with the North Carolina Local Governmental Employees' Retirement System to provide employee death benefits:

TOWN OF WEDDINGTON RESOLUTION TO ENTER INTO AGREEMENT WITH THE NORTH CAROLINA LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO PROVIDE EMPLOYEE DEATH BENEFITS R-2009-13

WHEREAS, the 1969 General Assembly amended the North Carolina Local Governmental Employees' Retirement System laws so as to permit agreements for providing death benefits for employee members pursuant to G.S. 128-27(1); and

WHEREAS, the governing body of this Unit realizes the desirability of providing its employees with the security and protection provided by a plan for death benefits; and

WHEREAS, Article 3 of Chapter 128 of the General Statutes of North Carolina provides that any employer governmental unit desiring to provide death benefits for its employee members must execute an agreement therefore with the Director of the North Carolina Local Governmental Employees' Retirement System:

NOW, THEREFORE, BE IT RESOLVED BY THE Weddington Town Council in regular session,

1. That the Town of Weddington hereby elects to secure death benefits for its employees in the North Carolina Local Governmental Employees' Retirement System.
2. That the Town of Weddington hereby agrees to comply with all provisions of the North Carolina Local Governmental Employees' Retirement System as defined in Article 3, Chapter 128 of the General Statutes of North Carolina, as amended and to make such

increased employer's contributions as the Local Governmental Employees' Retirement System may determine to be necessary in order to provide employee death benefits.

3. That the Mayor is hereby ordered and directed to execute an agreement with the Director of the North Carolina Local Governmental Employees' Retirement System to implement the employee death benefits of G.S. 128-27(1).

Upon motion of Councilmember Price, the above resolution was introduced for passage. The following number voted in the affirmative; 3. The following number voted in the negative: 0.

Adopted this 3rd day of August, 2009.

**TOWN OF WEDDINGTON
NORTH CAROLINA LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM
AGREEMENT – DEATH BENEFIT**

In accordance with the provisions of subsection (1) of G.S. 128-27 setting forth the conditions under which the rights to the death benefit might be made available to members of the North Carolina Local Governmental Employees' Retirement System, the AGREEMENT is hereby entered into between the Town of Weddington and the Director of said Retirement System.

In consideration of an increase of .05% in the employer's contribution rate effective as of August 3, 2009, the North Carolina Local Governmental Employees' Retirement System hereby agrees to extend the privileges and rights of the death benefit described in subsection (1) of G.S. 128-27 to the employees of the Town of Weddington who are members of said System on and after the above effective date. This Agreement shall continue in effect from year to year with the understanding that the rate payable for this death benefit may be modified as the System's Actuary may periodically determine.

Approval of the above increase in rate was authorized by the Weddington Town Council at its meeting on August 3, 2009 and is recorded in the minutes of said Board.

All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Price and McKee
NAYS: None

E. Call for Public Hearing on the Local Area Regional Transportation Plan (Public Hearing to be held September 14, 2009 at 7:00 p.m. at the Weddington Town Hall). Councilmember Price moved to call for a public hearing to be held September 14, 2009 at 7:00 p.m. at the Weddington Town Hall regarding the Local Area Regional Transportation Plan. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Price and McKee
NAYS: None

Item No. 7. Old Business.

A. Appointment to Carolina Thread Trail Steering Committee. Mr. Travis K. Morehead, the Carolina Thread Trail Community Coordinator, has asked the Town to appoint a citizen or community leader to serve on the Carolina Thread Trail Steering Committee.

Councilmember Smith will work on finding an individual that would serve on this Steering Committee for the Carolina Thread Trail on behalf of the Town.

B. Consideration of Approval of Contract with HadenStanziale for the Development of a Downtown Development Master Plan. The Town Council received a copy of the Professional Services Agreement with HadenStanziale in the amount of \$57,500.00.

Town Planner Jordan Cook - I gave everyone a rough draft of the contract. HadenStanziale has expanded on the deliverables. As you can see they did mention several times in the contract that the price would not exceed \$57,500. I know that there has been some concern about the possible outcome. The Town Council will be involved through public meetings and the charrette process and through Town Council updates. We have given them free range to tell us what they recommend for the Downtown Master Plan.

Attorney Anthony Fox - We made significant changes to the original document; one which focused on that the price was fixed and not to exceed \$57,500 and to make sure the deliverables were things that were in contemplation of the parties and met our expectation and this resulted in them putting greater specificity of their work.

Mayor Anderson – My main objective with this whole process is to have them look at how we can improve interconnectivity with businesses that we already have and in the future the parcels that may or may not be included in the business area. Are you happy with the deliverables on that issue?

Town Planner Cook - We did stress accessibility and even maintaining what is going on here at the current shopping center. They will study the LARTP and the plans in place.

Councilmember McKee moved to approve the contract with HadenStanziale for the development of a Downtown Development Master Plan. The votes are recorded as follows:

AYES:	Councilmembers Smith and McKee
NAYS:	Councilmember Price

Item No. 8. New Business. There was no New Business.

Item No. 9. Update from Town Planner. The Town Council received the following update memo from Town Planner Cook:

- 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. 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.
- The Helms Property Conditional Zoning/Rezoning proposal is currently unable to proceed 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 must occur before the applicant can proceed with the rezoning. The applicant may also be able to pursue B-1 or B-2 zoning or a text amendment to the MX zoning district language.

This project was submitted prior to the adoption of the moratorium and is exempt from its provisions. The applicant is currently weighing their options.

- Town Staff has issued a temporary sign permit to Weddington Corners Shopping Center. The Planning Board gave permission to Town Staff to issue this permit administratively at their July 27th meeting. This sign will be located along Providence Road, no larger than 20 square feet and will display all of the tenants of the Shopping Center. The sign was issued due to the NC16 road widening project and a permanent sign will be installed at the completion of the road construction.

Item No. 10. Update from Town Administrator/Clerk. The Town Council received the following update from Town Administrator/Clerk McCollum:

We are still waiting for an update regarding the WCWAA violations. Bonnie Fisher (US Infrastructure) and Amy Helms (Union County) are preparing comments and we should receive later today.

Results from Rick Hunt Minimum Housing Issue on Beulah Church Road: The Board of Adjustment continued the hearing until September 28. There is a couple that is attempting to buy the Hunt property. They are to close on the property by September 15. If the property has not closed by that time, then the original appeal by Mr. Hunt is denied and the December 2008 order is affirmed. If the property is closed on, then the Board will meet on September 28 to review architectural drawings, the contract with the general contractor, building permit, and to set out a future construction timeline.

Please see attached letter from United Way requesting funding from the Town of Weddington. They have asked that the Council and staff consider donating at least \$2.00 per pay period to go to United Way. They have informed the Town that the number of foreclosures in western Union County has increased significantly and that these people are now asking United Way for their help.

The Town Hall received an invitation from the League of Women Voters of Union County advising that they would be glad to host a candidates' forum. The date, time and location would need to be decided upon by the candidates and they would need to know by the middle of September.

Mark your calendars for the following events:

- § Sunday Sundae - Ice Cream Social on the Town Hall lawn - September 6, 2009, from 1 - 4 pm
- § Next Litter Sweep Event - September 19 through October 3, 2009.
- § Tree Lighting Event to be held Sunday, December 6, 2009 from 5:00 p.m. to 6:00 p.m.

Item No. 11. Public Safety Report. Mayor Anderson stated, "I have had communications with Providence VFD about their long range plans for their fire station. I believe that the County is going to go forward with the fire study."

Mr. Steve Carow – Union County has chosen a company to do the fire study. The quote came in at \$78,000. The County approved \$60,000. They have to determine where the extra money will come from. Once that contract has been awarded and signed, the company has 180 days to complete the study. Once that is done the information is turned back into the Fire Commission who will review it and if they accept the recommendations of the company then it is submitted to the County Commissioners for consideration of approval. If approved by the County Commissioners, then it has to go to the State Insurance Office before any changes could possibly be made in the districts if that is what is recommended by the study. We are looking at a year or more before any changes to be made anywhere in the county as far as

realignment of any fire department districts. We are meeting and looking at things internally. Not going to happen within the next year for district lines.

Mayor Anderson - The question was asked if people are staying overnight when we have these fire storms. Providence has no place to house these people.

Deputies: 324 Calls

Providence VFD:

Monthly Call Responses –

Union County	Fire: 26	EMS: 10	Total: 36
Mecklenburg County	Fire: 10	EMS: 4	Total: 14
Monthly Total	50		

Monthly Training Hours-

Fire- 191 Hrs.

EMS- 56 Hrs.

Run Times:

6A-12N: 22% 12n-6P: 36% 6P-12M: 20% 12M-6A: 22%

Run Data:

Avg. Turnout: 1.5 minutes

Avg. Response Time: 4.02 minutes

Avg. On Scene Time: 19.42 minutes

Avg. Members On Scene: 4.5 members

Chief David Banick - Providence F.D. responded to the following significant events:

1. 7/2/09 Vehicle Fire, Providence at 485.
2. 7/18/09 Working Structure Fire, 1209 Glen Valley Dr., assisted Matthews Fire.
3. 7/21/09 A severe storm passed through the Weddington area, from 12:30 am until 3:30 am
Providence responded to 10 alarms, including 2 structure fires at 1123 Baron Rd. and 1117 Hansler Ln. During this time, Providence provided a minimum of 12 members and maintained at least one apparatus in service during this heavy call volume.

The Town Council received the Income and Expense Budget Performance and the Balance Sheet for the Providence VFD.

Item No. 12. Transportation Report. The Town Council received a copy of a letter dated July 23, 2009 to Governor Beverly Perdue from R. Lee Myers, Chairman of MUMPO.

Item No. 13. 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 July 1, 2009 to July 31, 2009. Finance Officer Gaylord advised that the auditors will be at the Town Hall on August 20.

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

Adjust Under \$2.00	\$(7.31)
Interest Charges	\$148.66
Pay Interest and Penalties	\$(163.12)
Refunds	\$2.85
Advertising Fees	\$297.50

Balance Adjustment	\$(30.00)
Taxes Collected:	
2008	\$(1,612.93)
2007	\$(59.49)
2006	\$(59.49)
2005	\$(59.49)
As of July 31, 2009; the following taxes remain Outstanding:	
2001	\$9.18
2002	\$89.53
2003	\$210.27
2004	\$290.19
2005	\$355.20
2006	\$302.76
2007	\$1,805.65
2008	\$15,603.03
Total Outstanding:	\$18,665.81

Item No. 14. Council Comments. Mayor Anderson - I want to address the recent article that was in the newspaper about the connector road and also the comments that were brought forward by two of our citizens regarding that I was under investigation by the Attorney General and NCDOT. Anthony Fox had a conversation with Barry Moose about that and apparently it was misrepresented in the paper. Please summarize the conversation that you had with him.

Attorney Fox - About a week or so ago I did have a conversation with Barry Moose following up on the inquiry or allegation regarding whether or not the Mayor was subject to some investigation by NCDOT's Attorney or the Attorney General's Office of North Carolina that supports NCDOT. Mr. Moose said that is was an absolute misquote taken out of context and that there is no investigation and indeed agreed with me that DOT has no authority to investigate local officials. He was fully aware that this Council had addressed the issue of conflict of interest and had determined that there was no conflict of interest and that he volunteered to call and follow up with you, Mayor.

Item No. 15. Adjournment. Councilmember Price moved to adjourn the August 3, 2009 Regular Town Council Meeting. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Price and McKee
NAYS: None

The meeting adjourned at 7:54 p.m.

Nancy D. Anderson, Mayor

Amy S. McCollum, Town Clerk

**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.

Nancy D. Anderson, Mayor

Attest:

Amy S. McCollum, Town Clerk

**TOWN OF
WEDDINGTON**

MEMORANDUM

TO: Mayor and Town Council
FROM: Kim Woods, Tax Collector
DATE: September 14, 2009
SUBJECT: Request to Write-Off 2009 Property Tax

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. I have enclosed a copy of the tax notice.

Kim H. Woods
Town of Weddington
Tax Collector

TOWN OF WEDDINGTON
1924 WEDDINGTON ROAD
WEDDINGTON, NC 28104-7389

2009

Town of Weddington

DUE DATE: Property taxes are due and payable upon receipt and delinquent if not paid by January 5, 2010. **Postmark affixed by U.S. Postal Service will be accepted.**

FAILURE TO PAY: Taxes are delinquent after January 5, 2010 and subject to garnishment of wages, and/or bank deposits, levy on personal property and foreclosure proceedings.

INTEREST: 2% Interest assessed after January 5 plus additional interest of 3/4 of 1% on the first of each month thereafter until paid.

RETURNED CHECK PENALTIES/FEEs: A penalty of \$25 or 10% of the amount of check, whichever is greater, subject to Max of \$1,000 for returned checks because of insufficient funds or nonexistence of accounts as provided. G.S. # 105-357 (b)(2)

PERSONAL PROPERTY: Appeals on value, situs or taxability may be appealed within 30 days after the date of this notice. G.S. #105-317.1 (c)

ESCROW/MORTGAGE ACCOUNTS: The Property owner is responsible for ensuring full payment of this obligation. If funds are held in escrow to pay this notice, forward this to the appropriate mortgage holder.

WARDELL ROBERTA W HEIRS
928 BROMLEY RD
CHARLOTTE, NC 28207-1414

BILL NUMBER	PROPERTY ID	BILL DATE	TAX YEAR	DUE UPON	DELINQUENT AFTER
4609	06072003	09/01/2009	2009	09/01/2009	01/05/2010
Property Description:		DEAL WEDDING ROAD		Total Assessed Value:	198,970
Real Property Value:		198,970		Deferment / Exemption:	
Personal Property Value:		0		Total Taxable Value:	198,970
TAXING DISTRICT	RATE PER \$100 VALUE	AMOUNT DUE			
WEDDINGTON	\$0.03	59.69			
INTEREST/PENALTY		0.00			
ADJUSTMENTS		0.00			
LESS EXEMPTION		0.00			
TOTAL AMOUNT DUE		59.69			
OFFICE HOURS: 9:00AM - 1:00PM MONDAY, WEDNESDAY, FRIDAY. WHEN CALLING PLEASE HAVE YOUR ACCCOUNT NUMBER AVAILABLE QUESTIONS CONCERNING PAYMENT: CALL COLLECTIONS 704-846-2709					

DETACH AND RETURN BOTTOM PORTION WITH YOUR PAYMENT

BILL NUMBER	BILL DATE	DUE UPON	DELINQUENT AFTER	TOTAL AMOUNT	PROPERTY ID	PROPERTY DESCRIPTION
4609	09/01/2009	09/01/2009	01/05/2010	59.69	06072003	DEAL WEDDING ROAD
AMOUNT PAID						

TO CHANGE YOUR MAILING ADRESS, PLEASE
EDIT YOUR ADDRESS BELOW

WARDELL ROBERTA W HEIRS
928 BROMLEY RD
CHARLOTTE, NC 28207-1414

MAKE CHECK PAYABLE & REMIT TO:

TOWN OF WEDDINGTON
TAX COLLECTOR
PO Box 78438
Charlotte, NC 28271-7033



TOWN OF WEDDINGTON MEMORANDUM

DATE: 9/14/2009
TO: NANCY ANDERSON, MAYOR
TOWN COUNCIL
CC: AMY MCCOLLUM, TOWN CLERK
FROM: JORDAN COOK, ZONING ADMINISTRATOR/PLANNER
RE: UPDATE FROM PLANNING/ZONING OFFICE

- 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.

Number of Events by Nature

August Event Totals

Nature	# Events
911 HANG UP	15
911 MISDIAL	2
911 SILENT OPEN LINE	2
ACCIDENT PD	3
ACCIDENT PD LAW	7
ACCIDENT WITH INJURIES	2
ALARMS	50
ANIMAL COMP SERVICE CALL	2
ANIMAL LOST STRAY	1
ANIMAL LOST STRAY	3
ARMED SUBJECT REPORT	2
ASSAULT SIMPLE LAW	1
ASSAULT WEAPONS LAW	1
ASSIST EMS OR FIRE	1
ATTEMPT TO LOCATE	1
BARKING DOG	1
BOLO	3
BURGLARY COMMERCIAL	1
BURGLARY HOME OTHER	1
BURGLARY VEHICLE	3
BUSINESS CHECK	23
CALL BY PHONE	8
CHILD WELL BEING CHECK	1
DELIVER MESSAGE	2
DISTURBANCE OR NUISANCE	12
DOMESTIC DISTURBANCE	5
ESCORT	5
FOLLOW UP INVESTIGATION	7
FUNERAL ESCORT	3
HARASSMENT STALKING	3

Nature	# Events
IMPROPERLY PARKED	1
INTOXICATED DRIVER	3
INVESTIGATION	1
LARCENY THEFT	2
LOST OR FOUND PROPERTY	1
MEET REQUEST NO	1
MISCELLANEOUS CALL LAW	2
MISSING OR FOUND PERSON	1
MOTORIST ASSIST	1
NOISE COMPLAINT	2
PREVENTATIVE PATROL	68
PROP DAMAGE VANDALISM	9
PUBLIC SERVICE	4
PUBLIC SERVICE DETAIL	1
PUBLIC WORKS CALL	2
REPOSESSION OF PROPERTY	1
RESIDENTIAL CHECK	9
SERVE CIVIL PAPER	1
SERVE WARRANT	3
SHOTS FIRED SEEN UNSEEN	2
SPEEDING VEHICLE	4
STAB GUNSHOT PENETRATING	1
SUSPICIOUS CIRCUMSTANCES	2
SUSPICIOUS PERSON	1
SUSPICIOUS VEHICLE	14
TRAFFIC DIRECT CONTROL	2
TRAFFIC HAZARD	3
TRAFFIC STOP	18
TRAFFIC VIOLATION	2
TRESPASSING UNWANTED	3
VEHICLE DISABLED	1
WELL BEING CHECK	2
<hr/>	
	339

Providence VFD Public Safety Report

August 2009



Monthly Call Responses –

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 VFD Public Safety Report

July 2009



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

1. 8/12/09 Kitchen Fire, 6132 Potters Rd., assisted Stallings FD.
2. 8/20/09 Working Structure Fire, 4715 Pimlico Ln., assisted Mineral Springs FD with Tanker 324 and Engine 322.

Respectfully Submitted,

Chief David Banick

Providence VFD
5025 Hemby Road
Weddington, NC 28104

Providence Volunteer Fire Department
Income & Expense Budget Performance
August 2009

	Aug 09	Budget	\$ Over Budget	Jul - Aug 09	YTD Budget	\$ Over Budget	Annual Budget
Ordinary Income/Expense							
Income							
110 - Subsidies							
111 - Mecklenburg Cty	7,291.67	7,291.67	0.00	21,875.01	14,583.33	7,291.68	87,500.00
112 - Union County	1,800.00	1,800.00	0.00	3,600.00	3,600.00	0.00	21,600.00
114 - Town of Weddington - Paid Staff	45,418.75	12,500.00	32,918.75	45,418.75	25,000.00	20,418.75	150,000.00
Total 110 - Subsidies	54,510.42	21,591.67	32,918.75	70,893.76	43,183.33	27,710.43	259,100.00
120 - Dues & Fees							
121 - Union County Fire Fees	100.00	5,416.67	-5,316.67	210.00	10,833.34	-10,623.34	65,000.00
Total 120 - Dues & Fees	100.00	5,416.67	-5,316.67	210.00	10,833.34	-10,623.34	65,000.00
130 - Vol Donations							
131 - Memorials	0.00	83.33	-83.33	0.00	166.66	-166.66	1,000.00
134 - Other	125.00	83.33	41.67	220.00	166.66	53.34	1,000.00
Total 130 - Vol Donations	125.00	166.66	-41.66	220.00	333.32	-113.32	2,000.00
140 - Other Income							
143 - Fuel Tax Refund	232.93	166.67	66.26	232.93	333.34	-100.41	2,000.00
144 - Sales Tax Refund	0.00	166.67	-166.67	0.00	333.34	-333.34	2,000.00
145 - Interest	0.00	500.00	-500.00	0.92	1,000.00	-999.08	6,000.00
147 - Medic-EMS Reimbursement	82.20	833.33	-751.13	2,299.58	1,666.66	632.92	10,000.00
148 - Firemen Relief Interest	0.00	0.00	0.00	4.04	0.00	4.04	0.00
Total 140 - Other Income	315.13	1,666.67	-1,351.54	2,537.47	3,333.34	-795.87	20,000.00
152 - Annexation	0.00	0.00	0.00	42,840.53	0.00	42,840.53	0.00
Total Income	55,050.55	28,841.67	26,208.88	116,701.76	57,683.33	59,018.43	346,100.00
Expense							
200 - Administration							
210 - Fire Chief Discretionary	372.74	166.67	206.07	418.66	333.34	85.32	2,000.00
211 - Bank Charges & Credit Card Fees	0.00	20.83	-20.83	0.00	41.66	-41.66	250.00
212 - Prof Fees	300.00	333.33	-33.33	600.00	666.66	-66.66	4,000.00
214 - Off Supplies	230.40	166.67	63.73	230.40	333.34	-102.94	2,000.00
215 - Printing/Newsletter	0.00	166.67	-166.67	0.00	333.34	-333.34	2,000.00
216 - Postage	100.00	83.33	16.67	100.00	166.66	-66.66	1,000.00
217 - Dues, Subscriptions, & Internet	0.00	41.67	-41.67	128.97	83.34	45.63	500.00
218 - Fire Fighters' Association	0.00	20.83	-20.83	0.00	41.66	-41.66	250.00
219 - Miscellaneous	277.50	229.17	48.33	277.50	458.34	-180.84	2,750.00
Total 200 - Administration	1,280.64	1,229.17	51.47	1,755.53	2,458.34	-702.81	14,750.00
220 - Insurance							
223 - Vol. Fire Fighters' Workers Com	4,640.00	166.67	4,473.33	4,640.00	333.34	4,306.66	2,000.00
224 - Commercial Package	0.00	1,666.67	-1,666.67	0.00	3,333.34	-3,333.34	20,000.00
Total 220 - Insurance	4,640.00	1,833.34	2,806.66	4,640.00	3,666.68	973.32	22,000.00
225 - Drug Testing/Background Check	35.00	416.67	-381.67	105.00	833.34	-728.34	5,000.00
230 - Taxes							
231 - Sales Taxes							
232 - Meck CO.	264.70	125.00	139.70	496.44	250.00	246.44	1,500.00
233 - Union County	0.00	33.33	-33.33	0.00	66.66	-66.66	400.00
Total 231 - Sales Taxes	264.70	158.33	106.37	496.44	316.66	179.78	1,900.00
236 - Property Tax	50.00	8.33	41.67	50.00	16.66	33.34	100.00
Total 230 - Taxes	314.70	166.66	148.04	546.44	333.32	213.12	2,000.00
240 - Interest Expense							
242 - Bank of America Tanker Loan	486.13	495.83	-9.70	972.26	991.66	-19.40	5,950.00

Providence Volunteer Fire Department
Income & Expense Budget Performance
August 2009

	Aug 09	Budget	\$ Over Budget	Jul - Aug 09	YTD Budget	\$ Over Budget	Annual Budget
243 - 2006 KME Truck Loan	1,134.85	1,129.17	5.68	2,269.70	2,258.34	11.36	13,550.00
Total 240 - Interest Expense	1,620.98	1,625.00	-4.02	3,241.96	3,250.00	-8.04	19,500.00
250 - Principal Payments (Long Term)							
252 - Bank of America Tanker Loan	1,656.09	1,666.67	-10.58	3,312.18	3,333.33	-21.15	20,000.00
253 - 2006 KME Truck Loan	1,931.40	1,958.33	-26.93	3,862.80	3,916.66	-53.86	23,500.00
Total 250 - Principal Payments (Long Term)	3,587.49	3,625.00	-37.51	7,174.98	7,249.99	-75.01	43,500.00
300 - Build Maintenance							
310 - Cleaning	0.00	41.67	-41.67	125.00	83.34	41.66	500.00
320 - Landscaping & Lawn Care	320.00	208.33	111.67	320.00	416.66	-96.66	2,500.00
330 - Trash and Landfill	0.00	41.67	-41.67	102.93	83.34	19.59	500.00
340 - Pest Control	0.00	41.67	-41.67	0.00	83.34	-83.34	500.00
350 - Maintenance Supplies	446.92	250.00	196.92	935.34	500.00	435.34	3,000.00
351 - Furniture	318.00	83.33	234.67	318.00	166.66	151.34	1,000.00
360 - Repairs	600.00	583.33	16.67	1,350.00	1,166.66	183.34	7,000.00
Total 300 - Build Maintenance	1,684.92	1,250.00	434.92	3,151.27	2,500.00	651.27	15,000.00
400 - Utilities							
410 - Electric	806.89	666.67	140.22	1,544.13	1,333.34	210.79	8,000.00
420 - Natural Gas	22.00	333.33	-311.33	45.15	666.66	-621.51	4,000.00
430 - Telephone	490.24	541.67	-51.43	1,325.97	1,083.34	242.63	6,500.00
440 - Water	31.71	83.33	-51.62	68.56	166.66	-98.10	1,000.00
Total 400 - Utilities	1,350.84	1,625.00	-274.16	2,983.81	3,250.00	-266.19	19,500.00
500 - Fire Fighters' Equip/Training							
510 - Clothing							
512 - Dress Uniforms	0.00	208.33	-208.33	0.00	416.66	-416.66	2,500.00
513 - Clothing - Other	0.00	208.33	-208.33	0.00	416.66	-416.66	2,500.00
Total 510 - Clothing	0.00	416.66	-416.66	0.00	833.32	-833.32	5,000.00
520 - Equipment							
521 - Radios\ Pagers - New	0.00	83.33	-83.33	0.00	166.66	-166.66	1,000.00
522 - Radios\ Pagers - Maintenance	78.00	41.67	36.33	78.00	83.34	-5.34	500.00
523 - Equipment - New	0.00	416.67	-416.67	0.00	833.34	-833.34	5,000.00
524 - Equipment - Maintenance	0.00	416.67	-416.67	0.00	833.34	-833.34	5,000.00
525 - Firefighting Supplies	0.00	833.33	-833.33	0.00	1,666.66	-1,666.66	10,000.00
Total 520 - Equipment	78.00	1,791.67	-1,713.67	78.00	3,583.34	-3,505.34	21,500.00
526 - PPE (Personal Protective Equip)	0.00	1,250.00	-1,250.00	2,057.00	2,500.00	-443.00	15,000.00
530 - Medical							
532 - Supplies	9.24	104.17	-94.93	60.81	208.34	-147.53	1,250.00
533 - Waste	60.00	20.83	39.17	180.00	41.66	138.34	250.00
Total 530 - Medical	69.24	125.00	-55.76	240.81	250.00	-9.19	1,500.00
540 - Training							
541 - Seminars	210.00	208.33	1.67	3,060.00	416.66	2,643.34	2,500.00
542 - Books	0.00	83.33	-83.33	0.00	166.66	-166.66	1,000.00
543 - PR Literature	0.00	83.33	-83.33	0.00	166.66	-166.66	1,000.00
544 - Other	199.07	41.67	157.40	199.07	83.34	115.73	500.00
Total 540 - Training	409.07	416.66	-7.59	3,259.07	833.32	2,425.75	5,000.00
Total 500 - Fire Fighters' Equip/Training	556.31	3,999.99	-3,443.68	5,634.88	7,999.98	-2,365.10	48,000.00
600 - Fire Engines							
620 - '99 Southern Coach Eng #322	2,727.84	1,000.00	1,727.84	2,727.84	2,000.00	727.84	12,000.00
640 - '03 Red Diamond #324	1,061.58	208.33	853.25	2,452.29	416.66	2,035.63	2,500.00
650 - '02 Ford Quesco Brush #326	1,058.19	125.00	933.19	1,058.19	250.00	808.19	1,500.00

Providence Volunteer Fire Department
Income & Expense Budget Performance
August 2009

	Aug 09	Budget	\$ Over Budget	Jul - Aug 09	YTD Budget	\$ Over Budget	Annual Budget
660 - '95 Intern\Hackney Squad #32	2,854.93	333.33	2,521.60	2,854.93	666.66	2,188.27	4,000.00
680 - '06 KME Pumper #321	1,585.96	583.33	1,002.63	1,585.96	1,166.66	419.30	7,000.00
681 - Diesel Fuel	1,192.96	1,000.00	192.96	2,070.14	2,000.00	70.14	12,000.00
682 - Gasoline	0.00	16.67	-16.67	0.00	33.34	-33.34	200.00
683 - Cleaning Supplies	0.00	41.67	-41.67	0.00	83.34	-83.34	500.00
684 - Miscellaneous Parts	16.99	41.67	-24.68	263.12	83.34	179.78	500.00
685 - Fire Engines - Other	0.00	41.67	-41.67	0.00	83.34	-83.34	500.00
Total 600 - Fire Engines	10,498.45	3,391.67	7,106.78	13,012.47	6,783.34	6,229.13	40,700.00
800 - Paid Firefighters							
801 - Payroll	12,016.14	13,750.00	-1,733.86	29,316.15	27,500.00	1,816.15	165,000.00
807 - Payroll Expenses							
FICA	919.20	1,000.00	-80.80	2,242.63	2,000.00	242.63	12,000.00
SUTA	187.46	291.67	-104.21	457.34	583.34	-126.00	3,500.00
807 - Payroll Expenses - Other	30.78	0.00	30.78	852.57	0.00	852.57	0.00
Total 807 - Payroll Expenses	1,137.44	1,291.67	-154.23	3,552.54	2,583.34	969.20	15,500.00
Total 800 - Paid Firefighters	13,153.58	15,041.67	-1,888.09	32,868.69	30,083.34	2,785.35	180,500.00
Total Expense	38,722.91	34,204.17	4,518.74	75,115.03	68,408.33	6,706.70	410,450.00
Net Ordinary Income	16,327.64	-5,362.50	21,690.14	41,586.73	-10,725.00	52,311.73	-64,350.00
Net Income	16,327.64	-5,362.50	21,690.14	41,586.73	-10,725.00	52,311.73	-64,350.00

Providence Volunteer Fire Department

Balance Sheet

As of August 31, 2009

	<u>Aug 31, 09</u>
ASSETS	
Current Assets	
Checking/Savings	
CD - BBT - 0108/0094	174,429.87
CD - Bldg - FirstCharter - 9788	107,170.66
CD - Truck - FirstCharter -9787	107,170.66
Checking Accounts	
BB&T Checking-5119	96,974.25
BOA Bus Economy - 8095	5,794.77
BOA Payroll-7449	18,812.30
Total Checking Accounts	<u>121,581.32</u>
Firemen Relief-BOA-8254	23,778.63
Total Checking/Savings	<u>534,131.14</u>
Total Current Assets	534,131.14
Fixed Assets	
Air Packs	23,285.12
Commercial Protector System	2,112.50
Dexter T-400 Washer\Extractor	3,611.00
Fire Fighter Main Equipment	2,448.00
Groban Electric Generator	5,000.00
Ladder Truck Building	32,452.08
Total Fixed Assets	<u>68,908.70</u>
Other Assets	
1996 Internat'l #32	119,365.76
1999 SouthCo #322	274,231.58
2002 Ford #326	44,029.33
2003 Red Diamond #324	240,302.00
2006 KME Pumper #321	400,555.50
Building	346,812.09
Equip	27,615.37
Land	12,590.00
X Accum Depr	-382,682.00
Total Other Assets	<u>1,082,819.63</u>
TOTAL ASSETS	<u><u>1,685,859.47</u></u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Other Current Liabilities	
Building Reserv	25,000.00
Equip Reserve	86,329.69
Fighters' Fund	522.44
Loan Reserve	5,000.00
Relief Fund	10,379.25
2100 - Payroll Liabilities	<u>516.73</u>

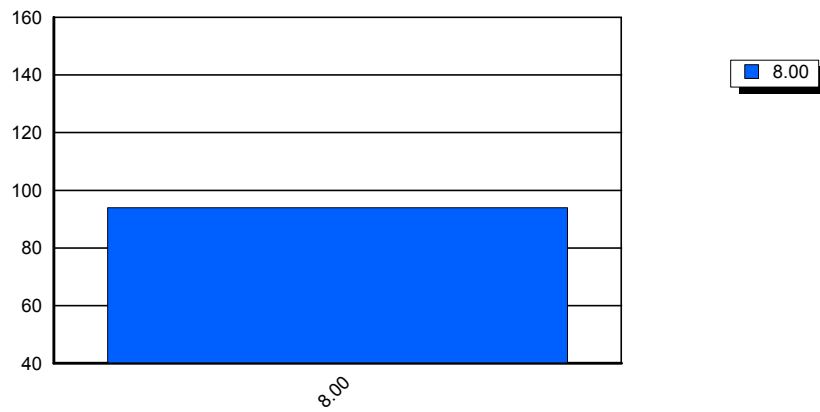
Providence Volunteer Fire Department
Balance Sheet
As of August 31, 2009

	Aug 31, 09
Total Other Current Liabilities	<u>127,748.11</u>
Total Current Liabilities	127,748.11
Long Term Liabilities	
2006 Project Fund Loan	71,134.90
Bank Of America Loan	<u>100,013.12</u>
Total Long Term Liabilities	<u>171,148.02</u>
Total Liabilities	298,896.13
Equity	
3900 - Retained Earnings	1,345,376.61
Net Income	<u>41,586.73</u>
Total Equity	<u>1,386,963.34</u>
TOTAL LIABILITIES & EQUITY	<u><u>1,685,859.47</u></u>

WESLEY CHAPEL VFD

9/7/2009

Count of Alarms Per Month



<u>FDID</u>	<u>INCIDENT#</u>	<u>EXP</u>	<u>ALARM DATE</u>
09020	0905499	0	08/01/2009
09020	0905513	0	08/01/2009
09020	0905521	0	08/02/2009
09020	0905524	0	08/02/2009
09020	0905539	0	08/02/2009
09020	0905540	0	08/02/2009
09020	0905544	0	08/03/2009
09020	0905546	0	08/03/2009
09020	0905558	0	08/03/2009
09020	0905560	0	08/03/2009
09020	0905562	0	08/03/2009
09020	0905564	0	08/03/2009
09020	0905575	0	08/04/2009
09020	0905577	0	08/04/2009
09020	0905576	0	08/04/2009
09020	0905592	0	08/04/2009
09020	0905836	0	08/05/2009
09020	0905602	0	08/05/2009
09020	0905622	0	08/05/2009
09020	0905620	0	08/05/2009
09020	0905625	0	08/05/2009
09020	0905627	0	08/06/2009
09020	0905630	0	08/06/2009
09020	0905647	0	08/07/2009
09020	0905648	0	08/07/2009

<u>FDID</u>	<u>INCIDENT#</u>	<u>EXP</u>	<u>ALARM DATE</u>
09020	0905661	0	08/07/2009
09020	0905664	0	08/07/2009
09020	0905685	0	08/08/2009
09020	0905706	0	08/09/2009
09020	0905714	0	08/09/2009
09020	0905717	0	08/10/2009
09020	0905719	0	08/10/2009
09020	0905722	0	08/10/2009
09020	0905723	0	08/10/2009
09020	0905732	0	08/10/2009
09020	0905737	0	08/10/2009
09020	0905753	0	08/11/2009
09020	0905777	0	08/12/2009
09020	0905789	0	08/12/2009
09020	0905797	0	08/13/2009
09020	0905807	0	08/13/2009
09020	0905810	0	08/13/2009
09020	0905814	0	08/14/2009
09020	0905821	0	08/14/2009
09020	0905832	0	08/15/2009
09020	0905837	0	08/15/2009
09020	0905850	0	08/16/2009
09020	0905878	0	08/17/2009
09020	0905882	0	08/17/2009
09020	0905883	0	08/17/2009
09020	0905886	0	08/17/2009
09020	0905891	0	08/18/2009
09020	0905893	0	08/18/2009
09020	0905900	0	08/18/2009
09020	0905917	0	08/19/2009
09020	0905925	0	08/19/2009
09020	0905929	0	08/19/2009
09020	0905936	0	08/20/2009
09020	0905938	0	08/20/2009
09020	0905940	0	08/20/2009
09020	0905941	0	08/20/2009
09020	0905949	0	08/20/2009
09020	0905955	0	08/20/2009
09020	0905964	0	08/20/2009
09020	0905962	0	08/21/2009
09020	0905966	0	08/21/2009
09020	0905973	0	08/21/2009
09020	0905978	0	08/21/2009

<u>FDID</u>	<u>INCIDENT#</u>	<u>EXP</u>	<u>ALARM DATE</u>
09020	0906010	0	08/22/2009
09020	0905996	0	08/22/2009
09020	0906009	0	08/22/2009
09020	0906021	0	08/23/2009
09020	0906023	0	08/23/2009
09020	0905993	0	08/23/2009
09020	0906038	0	08/24/2009
09020	0906046	0	08/24/2009
09020	0906052	0	08/24/2009
09020	0906063	0	08/24/2009
09020	0906072	0	08/25/2009
09020	0906091	0	08/26/2009
09020	0906115	0	08/27/2009
09020	0906117	0	08/27/2009
09020	0906119	0	08/27/2009
09020	0906140	0	08/28/2009
09020	0906145	0	08/28/2009
09020	0906155	0	08/28/2009
09020	0906157	0	08/28/2009
09020	0906163	0	08/29/2009
09020	0906171	0	08/29/2009
09020	0906186	0	08/30/2009
09020	0906193	0	08/30/2009
09020	0906205	0	08/31/2009
09020	0906206	0	08/31/2009
09020	0906211	0	08/31/2009

Month Total: 94

Grand Total: 94

WESLEY CHAPEL VFD

9/7/2009

NFIRS Incident Listing Summary Report

1	total calls for Incident Type 100	Fire, other
1	total calls for Incident Type 111	Building fire
1	total calls for Incident Type 113	Cooking fire, confined to container
2	total calls for Incident Type 140	Natural vegetation fire, other
1	total calls for Incident Type 142	Brush or brush-and-grass mixture fire
49	total calls for Incident Type 311	Medical assist, assist EMS crew
5	total calls for Incident Type 322	Motor vehicle accident with injuries
1	total calls for Incident Type 323	Motor vehicle/pedestrian accident (MV Ped)
1	total calls for Incident Type 352	Extrication of victim(s) from vehicle
1	total calls for Incident Type 400	Hazardous condition, other
1	total calls for Incident Type 424	Carbon monoxide incident
3	total calls for Incident Type 553	Public service
2	total calls for Incident Type 600	Good intent call, other
5	total calls for Incident Type 611	Dispatched & canceled en route
2	total calls for Incident Type 631	Authorized controlled burning
9	total calls for Incident Type 735	Alarm system sounded due to malfunction
3	total calls for Incident Type 736	CO detector activation due to malfunction
5	total calls for Incident Type 745	Alarm system activation, no fire - unintentional
1	total calls for Incident Type 814	Lightning strike (no fire)

Total Incidents:

94

TOWN OF WEDDINGTON

MEMORANDUM

TO: Mayor and Town Council

FROM: Kim Woods, Tax Collector

DATE: September 2, 2009

SUBJECT: Monthly Report – August 2009

2009 Tax Charge	\$625177.87
2009 Tax Deferments	\$(30492.14)
2009 Tax Exemptions	\$(33718.52)
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 & Penalties	\$(103.01)
Refunds	\$78.60
Balance Adjustments	\$(22.34)
Discoveries	720.25
Overpayments	\$(208.68)
Taxes Collected:	
2008	\$(1964.34)
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	\$1819.21
2008	\$13734.26
2009	\$560153.27
Total Outstanding:	\$577684.12

TOWN OF WEDDINGTON REVENUE & EXPENDITURE STATEMENT

FY 2009-2010

08/01/2009 TO 08/31/2009

	<u>CURRENT PERIOD</u>	<u>YEAR-TO-DATE</u>	<u>BUDGETED</u>	<u>% BUDGET</u>
REVENUE:				
10-3101-110 AD VALOREM TAX - CURRENT	1,061.84	2,673.46	532,500.00	1
10-3102-110 AD VALOREM TAX - 1ST PRIOR Y	1,032.56	1,093.67	2,000.00	55
10-3103-110 AD VALOREM TAX - NEXT 8 YRS	-2.50	116.48	0.00	0
10-3110-121 AD VALOREM TAX - MOTOR VEH	2,265.81	2,265.81	26,000.00	9
10-3115-180 TAX INTEREST	88.42	222.45	1,000.00	22
10-3231-220 LOCAL OPTION SALES TAX REV -	11,079.32	0.00	102,000.00	0
10-3322-220 BEER & WINE TAX	0.00	0.00	38,000.00	0
10-3324-220 UTILITY FRANCHISE TAX	0.00	0.00	352,500.00	0
10-3340-400 ZONING & PERMIT FEES	975.00	1,550.00	15,000.00	10
10-3350-400 SUBDIVISION FEES	450.00	450.00	7,500.00	6
10-3830-891 MISCELLANEOUS REVENUES	120.00	130.00	1,500.00	9
10-3831-491 INVESTMENT INCOME	819.15	819.15	30,000.00	3
TOTAL REVENUE	17,889.60	9,321.02	1,108,000.00	1
AFTER TRANSFERS	17,889.60	9,321.02	1,108,000.00	
4110 GENERAL GOVERNMENT				
EXPENDITURE:				
10-4110-126 FIRE DEPT SUBSIDIES	0.00	0.00	24,675.00	0
10-4110-127 FIRE DEPARTMENT GRANT	0.00	45,418.75	157,000.00	29
10-4110-128 POLICE PROTECTION	0.00	50,697.75	220,500.00	23
10-4110-181 FICA EXPENSE	0.00	-0.02	0.00	0
10-4110-192 ATTORNEY FEES	7,640.69	7,640.69	90,000.00	8
10-4110-195 ELECTION EXPENSE	0.00	0.00	10,000.00	0
10-4110-340 EVENTS & PUBLICATIONS	233.39	233.39	21,000.00	1
10-4110-495 OUTSIDE AGENCY FUNDING	0.00	0.00	1,000.00	0
TOTAL EXPENDITURE	7,874.08	103,990.56	524,175.00	20
BEFORE TRANSFERS	-7,874.08	-103,990.56	-524,175.00	
AFTER TRANSFERS	-7,874.08	-103,990.56	-524,175.00	
4120 ADMINISTRATIVE				
EXPENDITURE:				
10-4120-121 SALARIES - CLERK	4,464.49	9,598.29	61,250.00	16
10-4120-123 SALARIES - TAX COLLECTOR	2,477.71	5,093.49	34,000.00	15
10-4120-124 SALARIES - FINANCE OFFICER	1,130.68	1,847.31	10,500.00	18
10-4120-125 SALARIES - MAYOR & TOWN COU	1,750.00	3,500.00	21,000.00	17
10-4120-181 FICA EXPENSE	742.01	1,514.11	10,000.00	15
10-4120-182 EMPLOYEE RETIREMENT	889.28	1,882.00	7,500.00	25
10-4120-183 EMPLOYEE INSURANCE	1,334.95	2,456.90	14,400.00	17
10-4120-184 EMPLOYEE LIFE INSURANCE	15.76	31.52	225.00	14
10-4120-185 EMPLOYEE S-T DISABILITY	22.80	45.59	300.00	15
10-4120-186 EMPLOYEE 401K	0.00	0.00	5,000.00	0
10-4120-191 AUDIT FEES	0.00	0.00	7,350.00	0
10-4120-193 CONTRACT LABOR	0.00	0.00	15,000.00	0
10-4120-200 OFFICE SUPPLIES - ADMIN	2,050.43	2,527.35	10,000.00	25
10-4120-210 PLANNING CONFERENCE	0.00	0.00	5,000.00	0
10-4120-321 TELEPHONE - ADMIN	116.33	116.33	1,500.00	8
10-4120-325 POSTAGE - ADMIN	-3.00	-7.00	4,500.00	0
10-4120-331 UTILITIES - ADMIN	314.79	377.21	5,000.00	8
10-4120-351 REPAIRS & MAINTENANCE - BUIL	695.68	695.68	15,000.00	5
10-4120-352 REPAIRS & MAINTENANCE - EQU	287.13	1,723.73	20,000.00	9

TOWN OF WEDDINGTON REVENUE & EXPENDITURE STATEMENT

FY 2009-2010

08/01/2009 TO 08/31/2009

	<u>CURRENT PERIOD</u>	<u>YEAR-TO-DATE</u>	<u>BUDGETED</u>	<u>% BUDGET</u>
10-4120-354 REPAIRS & MAINTENANCE - GRO	335.00	335.00	9,125.00	4
10-4120-355 REPAIRS & MAINTENANCE - PES	0.00	457.00	500.00	91
10-4120-356 REPAIRS & MAINTENANCE - CUS	500.00	569.00	6,000.00	9
10-4120-370 ADVERTISING - ADMIN	84.89	84.89	1,000.00	8
10-4120-397 TAX LISTING & TAX COLLECTION	35.41	7.86	1,000.00	1
10-4120-400 ADMINISTRATIVE:TRAINING	99.00	518.00	6,600.00	8
10-4120-410 ADMINISTRATIVE:TRAVEL	221.93	468.22	6,500.00	7
10-4120-450 INSURANCE	0.00	21,385.22	20,000.00	107
10-4120-491 DUES & SUBSCRIPTIONS	0.00	11,418.00	17,500.00	65
10-4120-498 GIFTS & AWARDS	0.00	24.52	1,500.00	2
10-4120-499 MISCELLANEOUS	259.59	330.00	5,000.00	7
TOTAL EXPENDITURE	17,824.86	67,000.22	322,250.00	21
BEFORE TRANSFERS	-17,824.86	-67,000.22	-322,250.00	
AFTER TRANSFERS	-17,824.86	-67,000.22	-322,250.00	
4130 PLANNING & ZONING				
EXPENDITURE:				
10-4130-121 SALARIES - ZONING ADMINISTR	4,550.00	8,991.67	54,600.00	16
10-4130-122 SALARIES - ASST ZONING ADMIN	427.62	787.45	4,000.00	20
10-4130-123 SALARIES - RECEPTIONIST	1,438.71	2,937.87	16,925.00	17
10-4130-124 SALARIES - PLANNING BOARD	1,650.01	2,900.01	17,500.00	17
10-4130-125 SALARIES - SIGN REMOVAL	314.22	656.29	5,250.00	13
10-4130-181 FICA EXPENSE - P&Z	641.12	1,244.90	7,750.00	16
10-4130-182 EMPLOYEE RETIREMENT - P&Z	801.56	1,591.69	9,250.00	17
10-4130-183 EMPLOYEE INSURANCE	1,311.05	2,551.10	13,000.00	20
10-4130-184 EMPLOYEE LIFE INSURANCE	19.52	39.04	250.00	16
10-4130-185 EMPLOYEE S-T DISABILITY	13.20	26.40	175.00	15
10-4130-186 EMPLOYEE 401K	0.00	0.00	3,375.00	0
10-4130-193 CONSULTING	11,714.60	11,714.60	85,000.00	14
10-4130-194 CONSULTING - COG	0.00	0.00	12,000.00	0
10-4130-200 OFFICE SUPPLIES - PLANNING &	1,477.68	1,932.42	5,000.00	39
10-4130-201 ZONING SPECIFIC OFFICE SUPPLI	0.00	0.00	3,000.00	0
10-4130-220 PARKS & RECREATION	527.96	527.96	32,500.00	2
10-4130-321 TELEPHONE - PLANNING & ZONI	116.34	116.34	1,500.00	8
10-4130-325 POSTAGE - PLANNING & ZONING	-3.00	-7.00	4,500.00	0
10-4130-331 UTILITIES - PLANNING & ZONING	314.81	377.24	5,000.00	8
10-4130-370 ADVERTISING - PLANNING & ZON	84.89	84.89	1,000.00	8
TOTAL EXPENDITURE	25,400.29	36,472.87	281,575.00	13
BEFORE TRANSFERS	-25,400.29	-36,472.87	-281,575.00	
AFTER TRANSFERS	-25,400.29	-36,472.87	-281,575.00	
GRAND TOTAL	-33,209.63	-198,142.63	-20,000.00	

TOWN OF WEDDINGTON BALANCE SHEET

FY 2009-2010

PERIOD ENDING: 08/31/2009

10

ASSETS

ASSETS

10-1120-000 TRINITY CHECKING ACCOUNT	188,422.17
10-1170-000 NC CASH MGMT TRUST	2,026,116.75
10-1211-001 A/R PROPERTY TAX	560,390.85
10-1212-001 A/R PROPERTY TAX - 1ST YEAR PRIOR	13,731.76
10-1212-002 A/R PROPERTY TAX - NEXT 8 PRIOR YRS	3,799.09
10-1232-000 SALES TAX RECEIVABLE	2,206.52
10-1610-001 FIXED ASSETS - LAND & BUILDINGS	623,333.98
10-1610-002 FIXED ASSETS - FURNITURE & FIXTURES	14,022.92
10-1610-003 FIXED ASSETS - EQUIPMENT	144,698.39
TOTAL ASSETS	3,576,722.43

LIABILITIES & EQUITY

LIABILITIES

10-2120-000 BOND DEPOSIT PAYABLE	28,699.69
10-2151-000 FICA TAXES PAYABLE	1,785.13
10-2152-000 FEDERAL TAXES PAYABLE	518.42
10-2153-000 STATE W/H TAXES PAYABLE	735.00
10-2154-001 NC RETIREMENT PAYABLE	1,822.83
10-2155-000 HEALTH INSURANCE PAYABLE	-2,686.00
10-2156-000 LIFE INSURANCE PAYABLE	-35.28
10-2157-000 401K PAYABLE	1,053.79
10-2620-000 DEFERRED REVENUE - DELQ TAXES	13,731.76
10-2625-000 DEFERRED REVENUE - CURR YR TAX	560,390.85
10-2630-000 DEFERRED REVENUE-NEXT 8	3,799.09
TOTAL LIABILITIES	609,815.28

TOWN OF WEDDINGTON
BALANCE SHEET

FY 2009-2010

PERIOD ENDING: 08/31/2009

10

EQUITY

10-2620-001 FUND BALANCE - UNDESIGNATED	1,178,916.89
10-2620-002 FUND BALANCE - RESERVE WATER/SEWER	15,204.00
10-2620-003 FUND BALANCE-DESIG FOR CAP PROJECTS	569,629.30
10-2620-004 FUND BALANCE-INVEST IN FIXED ASSETS	782,055.29
10-2620-005 CURRENT YEAR EQUITY YTD	619,244.30
CURRENT FUND BALANCE - YTD NET REV	-198,142.63
TOTAL EQUITY	2,966,907.15
TOTAL LIABILITIES & FUND EQUITY	3,576,722.43