

**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, MARCH 9, 2009 - 7:00 P.M.
MINUTES**

The Town Council of the Town of Weddington, North Carolina, met in a Regular Session at the Weddington Town Hall, 1924 Weddington Road, Weddington, NC 28104 on March 9, 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 and Town Administrator/Clerk Amy S. McCollum.

Absent: Mayor Pro Tem Robert Gilmartin

Visitors: Nancy Comish, Harrison Comish, Greg Saur, Larry Almond, Werner Thomisser, Craig Horn, Walter Staton, Jay Patel, Bill Price, Rebecca Yarbrough, Dave Cable, Barbara and Pat Harrison.

Item No. 1. Open the Meeting – Invocation and Pledge of Allegiance. Mayor Nancy D. Anderson called the March 9, 2009 Regular Town Council Meeting to order at 7:10 p.m. Mayor Anderson offered the Invocation and Harrison Comish (Boy Scout Troop 21 of Indian Trail UMC) led in the Pledge of Allegiance.

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

Councilmember Tommy Price moved to approve the agenda with the following amendment:

- Defer Items 5 B and C until the April Town Council Meeting.

The vote is as follows:

AYES: Councilmember Price

NAYS: Councilmembers Smith, McKee and Mayor Anderson

Item No. 3. Public Comment. There was no Public Comment.

Item No. 4. Approval of Minutes.

A. January 12, 2009 Regular Town Council Meeting. Councilmember L.A. Smith moved to approve the January 12, 2009 Regular Town Council Meeting minutes. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Price and McKee

NAYS: None

Item No. 5. Old Business.

A. Presentation by Greg Saur, MAB – Weddington Corners Shopping Center Driveway Access.

Mr. Greg Saur presented to the Town Council a revised drawing of the proposed driveway access for the Weddington Corners Shopping Center. He stated, "As Highways 16 and 84 are widened, there will be a median constructed that will block left hand turns out of the shopping center. We were tasked with coming up with an alternative driveway that would allow vehicles to leave the shopping area and access

the signalized intersection of Highways 84 and 16 in order to make left turns to head south on 16. We came in December to show the Council plans to have a driveway that comes from the back of the shopping center area through the back of the Town of Weddington property and connect to Weddington-Matthews Road. We have addressed comments made by the Town Council at that time and we are presenting our new driveway design to be considered for acceptance. Vehicles would be able to exit the shopping center and make a left or right onto Weddington-Matthews Road. This driveway will allow full access in and out of the shopping center. There were some concerns at the last meeting about cut through traffic using this driveway to gain access through the shopping center. We believe that we have designed this driveway to prohibit that. There will be a No Left-Hand Turn sign and a Do Not Enter sign on the island facing out. This island will prohibit people from making that turn. If there appears to be a problem in the future that people are using this as cut through, we can also add speed bumps. The island that will be at the entrance will only allow vehicles that are on Weddington-Matthews Road that are heading southbound to make a right turn into the shopping center. No vehicles on Matthews-Weddington Road heading north will be able to make a left. There were some concerns about trucks using this access. We designed the driveway so only passenger car vehicles will be allowed. Truck deliveries will not be able to use this entrance. We have shown these plans to the District Engineers for NCDOT and they support this connection. They are in favor of having an additional route out of the shopping center acknowledging that the widening and the subsequent medians along 84 and 16 will make it difficult for individuals leaving the shopping center. There was some concern about the impact that this driveway would have to the existing intersection of 84 and Matthews-Weddington Road. We have placed it approximately 420 feet north of that intersection. We feel that it is more than enough room so that any vehicles waiting at that intersection will not come back and affect the driveway operations.”

Mayor Anderson expressed concern over the loss of trees and buffer with the proposed plan.

Mr. Saur - Is there a desired distance from the trees that the Town would like to see with this road?

Town Attorney Anthony Fox questioned whether this driveway access would need to be an amendment to the Conditional Use Permit for the shopping center.

Mayor Anderson asked if the Council was in favor of exploring this matter. She stated, “We all recognize that the shopping center needs help at least temporarily until we get the whole downtown situation figured out. I think our businesses are suffering. We were looking for alternatives.”

Councilmember Price advised that he preferred this plan over the original plan that was presented.

Mr. Saur – This design was meant to have the least impact on the Town’s property.

Councilmember Jerry McKee - If they take out the pine trees, are they willing to plant other trees?

The Council agreed to consider proceeding with the sketch that was presented but asked Mr. Saur to investigate the Conditional Use Permit for the shopping center. The Town Council asked that this item be placed on the agenda for the April Town Council Meeting and possible conditions to be considered are replanting of trees if the buffer is removed and restoration of the pavement when the road is removed in the future.

B. Consideration of Parks and Recreation Advisory Board Appointments. The Town Council received the following memo from Town Administrator/Clerk Amy McCollum:

The following appointments need to be made:

- Two individuals to the Downtown Development Committee
- One individual to the Parks and Recreation Advisory Board

The Town Council received copies of applications to be considered.

Councilmember Price questioned why the rest of the Council had a problem with him not appointing his people yet.

Councilmember Smith - We would like to have a cohesive group that is all on the same page.

Councilmember Price - The rumors that I have heard is the committee is on the same page. I have talked with probably 20 people and none of them want to be put in that situation of being the lone dissenter to where this committee is heading. A new survey needs to be sent out before the committee continues. Someone that wants to be on the Downtown Committee pretty much believes we should have a downtown. I do not think that is the majority of the people in the Town and that is who we are supposed to be representing. I hope you would agree to do another survey and find out what the majority of the people in the Town want.

Councilmember Smith - I am sorry if you feel like these committees are rigged. I can guarantee you that they are not. Everybody is free to say and think what they want. We are going to chart a course of the majority. One of the things that we discussed is a survey. We have had months to get appointments made.

Councilmember McKee - The problem with waiting is the person that comes on board will be behind and will have to get educated on the things we have already discussed. I do not care who is on it. We want all input. I would like to change the committee from 12 people to 10.

Councilmember Price - I ask for another month.

Councilmember Smith moved to delay consideration of Items 5 B and C until the April Town Council Meeting and if appointments are not made at that time that the Committee be reduced from 12 members to 10. All were in favor, with votes recorded as follows:

AYES:	Councilmembers Smith, Price and McKee
NAYS:	None

C. Consideration of Downtown Development Committee Appointments. This item was discussed above.

Item No. 6. New Business.

A. Presentation by Dave Cable, Executive Director of the Catawba Lands Conservancy – Carolina Thread Trail. Mr. Dave Cable stated, “Thank you for your support of the Conservancy and of what we try to do. I am here to talk about the Carolina Thread Trail which is an initiative to interconnect trails and conservation area in a 15 county region. This is an invitation to communities to participate in self-determining where their trails are going to go and what those trails will be used for. This project came out of a Voices and Choices effort. There was a discovery process to determine what environmental initiative the foundation would invest in for the region. What came out of that was land conservation because they saw it as a tangible benefit to the community and would benefit the land, air and water to benefit our quality of life. The Thread Trail was born out of that discovery process. We tried to look at other trail projects in the country to come up with what was required to be successful. We knew we need to have a vision and we had to have leadership and funding. We were fortunate to get some initial private

funds to allow us to do that due diligence work. The Conservancy is acting as the lead agency for this project. The project is a public-private funding model whereby we are trying to raise 25 million dollars. We have raised about 16 million dollars. We are giving grants to the communities who are interested in participating to go through a planning process to figure where their trails should be and how they will be used. The only stipulation with those grants is that they have to talk with their neighbors to ensure creativity. We are trying to get Resolutions of Support passed. That is the purpose of my presentation tonight. I ask for you to adopt a Resolution of Support for the concept of this project. This is a summary of the communities and organizations that have actually adopted the Resolution of Support. We are not asking for money or even a firm commitment - just acceptance of the concept and that the community would benefit over time. We have respect for the land and land ownership. This is not about taking property. It is a patient long term plan that the community self-determines to create interconnected trails, greenways and conservation areas.”

Councilmember Price - Does the trail go through an established subdivision or only through undeveloped property? A few years ago we talked about greenways in Weddington and we had a room full of neighborhoods that were adamantly against a trail coming through their neighborhoods.

Mr. Cable – We want to get ahead of the development. Developers know that it helps with the marketability of their developments. Number one amenity is trails and greenways. I understand the difference between going through an existing development as compared to having a plan for people knowing what they are buying into.

Councilmember Smith moved to approve Resolution R-2009-02:

**TOWN OF WEDDINGTON
RESOLUTION OF SUPPORT
CAROLINA THREAD TRAIL
R-2009-02**

WHEREAS, the Town of Weddington is committed to maintaining and enhancing quality of life for its citizens and recognizes that the Carolina Thread Trail will contribute to quality of life by weaving together communities via a regional network of trails and greenways eventually connecting fifteen counties and millions of citizens; and

WHEREAS, many communities in our region have taken a lead in planning and/or building local trails and greenways, and those efforts can be greatly enhanced by being connected to a larger regional network of trails; and

WHEREAS, trails and their green buffer areas will help improve the quality of the air we breathe by preserving trees and vegetation and by promoting non-motorized transportation, and will enhance the quality of our water through natural buffers and mitigation of storm water run-off; and

WHEREAS, trails and greenways provide key amenities to neighborhoods and safe areas for our citizens and children to travel, exercise, play and connect with nature away from heavily trafficked areas; and

WHEREAS, trails have significant impact on the economic viability of the region through increased levels of tourism, enhanced property values, added jobs related to the construction of and along the trail, as well as enhanced ability to attract and retain businesses to the region due to improved quality of life; and

WHEREAS, trails and greenways are freely accessible community assets offering opportunities for recreation and exercise to everyone, including children, youth and families, and provide safe places for people to experience a sense of community and create stronger social and family ties; and

WHEREAS, there is no second chance to protect the Carolinas' great resources in this unique way for our children, grandchildren and great grandchildren, and the cost of these invaluable resources will only increase in the future; and

WHEREAS, private funding is available to communities from the Carolina Thread Trail for planning and construction of regional trails, and this private funding will leverage public funding from federal, state and various sources.

NOW, THEREFORE, BE IT RESOLVED THAT the Town of Weddington supports the Carolina Thread Trail and is committed in concept to working with neighboring communities and with the Carolina Thread Trail to plan, design and build a system of trails that will connect our communities, people and special regional points of interest for years to come.

Adopted this 9th day of March, 2009.

The vote is recorded as follows:

AYES:	Councilmembers Smith and McKee
NAYS:	Councilmember Price

The Town Council also received the following:

- A document outlining Frequently Asked Questions
- Concept Map

B. Presentation by Rebecca Yarbrough with Centralina Council of Governments on CONNECT Regional Vision and Action Agenda. Ms. Rebecca Yarbrough stated, "COG is a voluntary association of local governments. We have no enforcement ability. We do everything by collaboration and people working together on those things that they care about. We have over 400 years of staff experience. Some of the things that we work on are aging, workforce development, issues of good governance and planning. Some of the things that we are involved in now are air quality, transportation planning, management services, stormwater partnership and economic development. I am here tonight to talk about CONNECT. We want to update you and formally invite you to the table and ask that you adopt a Resolution showing your endorsement of this effort. The "we" is COG, the Catawba Regional Council of Governments and the Charlotte Regional Partnership. Our region currently has 2.5 million people. We are expecting, even with the economic downturn, another 1.5 over the next 20 years. That is a lot of growth. If we are going to absorb that kind of growth and keep the kinds of communities we want, we need to have a plan on how that is going to be managed. We are the largest metro area in the country that does not have any agreed upon framework on how we want to work together and the kinds of things that are important to us. We looked at all of the adopted planning documents including Weddington's plans, and the plans of a number of other Towns and Counties all over the region in terms of what they wanted for their community and then we put together what they all had in common. From that long list, we had a Task Force to come up with six core values. We would like to get broad agreement on these core values. That would provide us a framework to go forward. The first core value is sustainable well-managed growth. How do we absorb growth by planning together and working with our neighbors? One of the things that we are committed to in this region and is recognized as a best practice is that you have to provide choice. Communities can choose all sorts of different development options. I do not want you to think CONNECT is trying to

encourage Weddington to be something that Weddington does not want to be. CONNECT is to try to help Weddington be the best it can be through regional processes. The next core value is safety, health and environment. We are focusing on our open space work through collaboration through the Conservancy. We are also looking at a couple of critical issues for this region. One is water quality and water supply to make sure that we have enough. We are looking at air quality. We are in deep trouble now with our air quality. We may run the risk of losing our federal transportation funds. We want to use CONNECT as a vehicle to help communities look at what kind of mix of jobs and housing they want. We are looking at how we create a multi-modal system for transportation that gets people to where they want to go. We have the idea of early workforce preparation starting in the early years helping kids to understand different careers and that there is dignity in every job. We need collaboration among the jurisdictions. There are ways that we can speak together on those things that we are all in agreement about. We make up 20% of the state's population. This is a voluntary effort. We want to encourage you to be active in helping to shape what those items are and to appoint a staff person as a liaison for information flow. There is no cost."

The Town Council felt that the Town Planner would be the staff liaison for this project and asked that consideration of this matter be delayed until he started work with the Town and was able to provide input.

The Town Council also received the following documents:

- Vision and Action Agenda
- CONNECT Governance for Action Agenda Implementation
- CONNECT Game Plan
- CONNECT Organization Chart
- Map Showing Greater Charlotte Bi-State Region
- Various CONNECT Brochures
- CONNECT Executive Summary
- CONNECT: The Core Values
- Letter from Al Sharp
- A copy of the proposed Resolution for consideration

C. Appointment of Jordan Cook as Town Planner. Councilmember Smith moved to appoint Mr. Jordan Cook as Town Planner subject to the administration of the Oath of Office. All were in favor, with votes recorded as follows:

AYES:	Councilmembers Smith, Price and McKee
NAYS:	None

D. Consideration of Reduction of Road Performance Bond – Eirlys Subdivision. The Town Council received the following memo from Town Administrator/Clerk McCollum and a copy of a letter dated February 11, 2009 from Bonnie Fisher, P.E., Senior Engineer with US Infrastructure.

Per the attached letter from Ms. Bonnie Fisher, US Infrastructure, please consider reducing the road performance bond for the Eirlys Subdivision to \$7,500.00. The developer will need to provide a road maintenance bond in the amount of \$3,895.10. The Town is currently holding \$93,741.68 for this subdivision.

USI conducted a field review of the Eirlys subdivision on January 29, 2009 to verify the satisfactory completion of construction activities for the purpose of reducing the developer's performance bond amount. Our inspection found that all roadway and drainage items have been completed. We recommend that an amount of \$5,000.00 be allowed to cover the costs for removal of existing erosion control check

dams, which must stay in place until the site is completely stabilized. Therefore, the amount of \$5,000.00 x 1.5 = \$7,500.00 is the recommended amount for the performance bond for this subdivision.

Also, a roadway maintenance bond should be established, equal to fifteen percent of roadway base and pavement costs (see attached engineer's estimate). Therefore, the amount of \$25,967.30 x 0.15 = \$3,895.10 is recommended.

Councilmember Smith moved to approve the reduction of the road performance bond for the Eirlys Subdivision from \$93,741.68 to \$7,500. Also the developer will need to provide the Town with a maintenance bond in the amount of \$3,895.10. All were in favor, with votes recorded as follows:

AYES:	Councilmembers Smith, Price and McKee
NAYS:	None

E. Consideration of Reduction of the Water and Sewer Letter of Credit – Devonridge Subdivision.

The Town Council received the following memo from Town Administrator/Clerk McCollum and a copy of a letter dated April 28, 2008 from Mike Garbark, Assistant Director with Union County Public Works:

Per the attached letter from Mike Garbark, Assistant Director from Union County Public Works, please consider reducing the water and sewer letter of credit for the Devonridge Subdivision from \$429,017.00 to \$61,270.40.

The record map for the above mentioned subdivision has been reviewed by this department and found to be satisfactory. Water and sewer plans for this subdivision have been approved by both Union County Public Works and NCDNR. Water was approved under serial #06-00466, dated April 19, 2006. Sewer was approved under permit # WQ0030099, dated April 11, 2006.

The letter of credit recommendations to retain \$61,270.40 as outlined in our letter dated November 21, 2007 for this map is still requested.

Developers are requested to notify builders as lots are developed, that water meters will not be set if sewer cleanouts, water boxes, valves or their appurtenances have been damaged or improperly positioned. Water meters will not be set if concrete driveways have been located over meter boxes and their appurtenances. Arrangements for these repairs or modifications must be made prior to requesting meters to be set.

The developer is responsible for all locates needed during construction until such time that a residence is fully occupied on any particular street.

Councilmember Smith moved to defer consideration of the reduction of the water and sewer letter of credit for the Devonridge Subdivision until the April Town Council Meeting to receive further clarification from Union County on what is still pending. All were in favor, with votes recorded as follows:

AYES:	Councilmembers Smith, Price and McKee
NAYS:	None

F. Appointment to the Union County Commissioner Governance Advisory Committee. The Town Council received the following memo from Town Administrator/Clerk McCollum, a copy of a letter dated February 12, 2009 from Assistant County Manager Matthew Delk and a copy of the Proposal:

Attached is a copy of the Proposal for the Union County Commissioner Governance Advisory Committee. The County Commissioners have approved this proposal to create a Union County Commissioner Governance Advisory Committee. The Commissioners charged the Committee to research and craft proposals regarding the governance structure of the Commissioners. The proposal anticipates that the Committee will organize, meet and investigate proposals to change or maintain the Commission Governance structure.

The Committee will consist of 25 members, with one member from each municipality. The Town may appoint an elected official or a resident of the Town. Ten members of the Committee will be appointed from unincorporated areas of Union County.

Please consider appointment of an individual to this Committee. Let me know if you have any questions. Thank you.

Councilmember Price moved to appoint Councilmember McKee to the Union County Commissioner Governance Advisory Committee. All were in favor, with votes recorded as follows:

AYES:	Councilmembers Smith, Price and McKee
NAYS:	None

G. Consideration of Proclamation – Armenian Martyrs Day. Councilmember Price moved to approve Proclamation P-2009-01:

**TOWN OF WEDDINGTON
PROCLAMATION
ARMENIAN MARTYRS DAY
P-2009-01**

WHEREAS, between 1915-1923, 1.5 million Armenian lives were taken in the massacre of the Ottoman Turkish Government between 1915 and 1923; and

WHEREAS, the Armenian Genocide was the first genocide of this century; and

WHEREAS, the lack of penitence and reproach for these murderous crimes has made it easier for other governments around the world to commit similar crimes; and

WHEREAS, civilization's failure to uphold each human life as sacred and precious deadens consciences and makes acceptable what is in fact, reprehensible, thereby removing the barrier that should prevent a society from perpetrating the evils of genocide; and

WHEREAS, as a community, we must stand against the individual and mass taking of human life; and

WHEREAS, the official, internationally recognized anniversary of the commencement of the Armenian Genocide atrocities is April 24.

NOW, THEREFORE, I, Nancy D. Anderson, Mayor of the Town of Weddington, North Carolina do hereby proclaim April 24, 2009 as

“ARMENIAN MARTYRS DAY”

in Weddington, North Carolina, and commend its observance to all citizens.

WITNESS my hand and the official Seal of the Town of Weddington this 9th day of March, 2009.

All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Price and McKee
NAYS: None

Item No. 7. Update from the Town Administrator/Clerk. The Town Council received the following update from the Town Administrator/Clerk:

- Our new Zoning Administrator/Town Planner, Jordan Cook, will begin work on March 16, 2009.
- Parks and Recreation Advisory Board will meet again on March 23, 2009 at 6:00 p.m. here at the Town Hall. They are planning a Litter Sweep Event to be held on May 2, 2009 beginning at 9:00 a.m. at the Town Hall. They are planning some type of “Community Day” event to be held in June.
- Union County Managers/Clerks Meeting will be held here at the Town Hall on Thursday, March 12, 2009.
- LARTP Meeting to be held Thursday, May 12, 2009 here at the Weddington Town Hall.
- Please let me know if the Town or Council would like to sponsor a team to participate in the Literacy Council Spelling Bee. The Bee will be held on Thursday, April 30, 2009, at First Baptist Church in Monroe and will be made up of 20 teams of three adults each. The evening will begin with a hotdog supper at 5:30 p.m. The fee to enter a team in the Bee is \$300.
- The Retreat is scheduled to be held March 27 and 28 at the Firethorne Country Club. Please begin emailing any agenda items that you have. I would like to have two councilmembers to work with me on the development of the agenda.
- We are getting prices on removing the berm on the Town’s property at the request of the Parks and Recreation Board.
- March 16, 2009 (7:00 p.m.) – Public Hearing on the Petition to Close a Portion of Lochaven Road and the Dam.
- The Town has not received word from John Dorman or the Attorney General’s Office regarding the Optimist Park issue and their opinion over who should have jurisdiction over the pending violations.
- Jordan Cook will be meeting with representatives on March 18 from the Chesterbrook Academy on pending violations with their Conditional Use Permit that was granted by the Town.
- Any budget items need to be given to Leslie Gaylord before the retreat so that a preliminary budget can be prepared.
- Another Board of Adjustment Hearing is scheduled for March 23, 2009 regarding the property located on Beulah Church Road. The property owner has failed to comply with the order issued by the Board.
- Sam Leggett, our Code Enforcement Officer, is handling another minimum housing issue for the Town for a potential violation located on Weddington-Matthews Road between Amanda and Michelle Drive.

Item No. 8. Public Safety Report.

Providence VFD.

Monthly Call Responses:

Mecklenburg County	Fire: 4	EMS: 5	Total: 9
Union County	Fire: 23	EMS: 5	Total: 28
Monthly Total	50		

Chief Eric Wheeler: No significant fire or EMS incidents occurred during February of 2009 even with the winter weather that was received. Providence VFD is currently finalizing our budget for FY 09-10 and will provide a copy to the Town once finalized. As in previous years, we are forecasting a significant deficit and if the Town is able to assist us in meeting our financial needs, it would be greatly appreciated and I am happy to meet with any member of Council or Staff to discuss.

Wesley Chapel VFD – 109 calls in January

Weddington Deputies – 375 calls in February

Item No. 9. Transportation Report. Mayor Anderson reported that the next MUMPO Meeting is this month.

Item No. 10. 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 February 1, 2009 to February 28, 2009.

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

Adjust Under \$2.00	\$3.45
Balance Adjustment	\$(176.92)
Pay Interest and Penalties	\$(544.82)
Refunds	\$474.88
Taxes Collected:	
2007	\$(85.37)
2008	\$(27,276.75)
As of February 28, 2009; the following taxes remain Outstanding:	
2001	\$9.18
2002	\$89.53
2003	\$201.15
2004	\$282.05
2005	\$422.92
2006	\$900.12
2007	\$2,320.16
2008	\$37,221.43
Total Outstanding:	\$41,446.54

Per G.S. 105-369(a) attached is a listing of all taxpayers owing taxes for the current fiscal year which are liens on real property.

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

Item No. 11. Council Comments. Mayor Anderson advised that she appreciated the work done by the Parks and Recreation Advisory Board and the Downtown Development Committee.

Item No. 12. Adjournment. Councilmember Smith moved to adjourn the March 9, 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 9:09 p.m.

Nancy D. Anderson, Mayor

Amy S. McCollum, Town Clerk