

**TOWN OF WEDDINGTON
SPECIAL TOWN COUNCIL MEETING
MONDAY, OCTOBER 28, 2013 - 4:00 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 October 28, 2013, with Mayor Pro Tem Daniel Barry presiding.

Present: Mayor Pro Tem Daniel Barry, Councilmembers Werner Thomisser, Pamela Hadley and Barbara Harrison, Town Attorney Anthony Fox, Town Planner Jordan Cook and Town Administrator Amy McCollum

Absent: Mayor Walker F. Davidson

Visitors: Todd Alexander, Bill Deter, Dorine Sharp, Scott Robinson, Jane Duckwall and Ciera Choate

Item No. 1. Open the Meeting. Mayor Pro Tem Daniel Barry called the October 28, 2013 Special Town Council Meeting to order at 4:02 p.m. There was a quorum.

Item No. 2. Discussion with NCDOT Officials Regarding Road Issues and Changes in the Process for NCDOT Road Additions within the Weddington Municipal Limits. Town Planner Jordan Cook stated, "The Town received a letter dated September 25, 2013 from Lewis Mitchell who is the Division Engineer. It states that NCDOT will no longer take over subdivision streets in Union County. I know this is happening throughout Union County. I did talk with Mr. Mitchell during a TCC Meeting and he informed me that Union County was the last County really in the State that was doing this practice. This is effective immediately. If these roads in these subdivisions are not at the punch list stage or later, then they are not going to be NCDOT maintained streets. Tonight we can start gathering information on how to proceed. Text amendments will also be needed to be made in our Code of Ordinances."

Councilwoman Barbara Harrison – Right now how many subdivisions do we have that this will affect immediately?

Town Planner Cook – Probably close to 20.

Mr. John Underwood – I did not bring a list. We do not have but a handful that are in the punch list phase. I am District Engineer for this County. In doing some additions to the system Mr. Mitchell questioned my petitions to him and asked why we continue to add roads in municipalities in Union County. I advised him that it has been the practice that we have followed for a number of years and I was shown to do it this way 18 years ago and that is the way we continued to do it. We have a large urban area to manage for NCDOT. It was pointed out that we are doing things that really did not go along with our policy statewide. Every municipality in Union County got the letter. We had a unique situation in my opinion here because we do have a lot of smaller towns that have seen tremendous growth. My counterparts do not have to face this challenge because those municipalities are larger in size and maybe have been established longer and they have been accepting roads. I have some information from the Powell Bill program that can be shared as well.

Councilwoman Harrison – Does that also pertain to storm drains?

Mr. Underwood – It would include every aspect of that internal roadway system. It would include anything right-of-way to right-of-way which would include the storm drainage system.

Councilwoman Harrison – We do not get Powell Bill money.

Mr. Underwood – I understand that. There are a handful of municipalities in the County that do not charge the 5 cents tax on 100 that you have to charge to qualify for Powell Bill. We realize that there is going to be growing pains that will go along with this transition. That is one reason that I am trying to go out and meet with Councils and try to be a resource. A lot of people have been referring to this as a new policy but it is not really a new policy but something that we have not been following here in the County.

Councilwoman Harrison – Does that mean going forward any new subdivision would not really have to get anything from NCDOT?

Mr. Underwood – You would have to get a driveway permit approval from us as long as you want access to a NCDOT highway. We still do concurrent reviews on roadways. We would not be the sole reviewer or ultimate approver of a set of plans.

Mayor Pro Tem Barry – We either have the choice of leaving the subdivision roadways subject to the HOA or developer or the municipality takes it over. If we apply for Powell Bill Funds to do that then do we take over everything?

Mr. Underwood – No. NCDOT is not saying that. I can get you a list of road mileage that we maintain in your jurisdiction. Anything that exists on our system we are not asking the municipality to take that from us. We are asking you to take anything that is proposed today and that has not got to that punch list phase.

Mayor Pro Tem Barry – Just by taking Powell Bill Funds does not mean you take over maintenance of those roadways?

Mr. Underwood – We still maintain a large amount of roads in other municipalities – Stallings, Indian Trail and Waxhaw and they have always received Powell Bill funding and we still maintain roads in their jurisdictions. It does not require you to take over those roads. Powell Bill Funding is based on population and road miles maintained. There is a formula that determines how much you can get reimbursed per year but you have to have certain things in place to qualify.

Attorney Fox – The Town may want to have Jordan or someone do an inventory of what streets are available for maintenance and what would be the yield from that from a Powell Bill reimbursement to evaluate what dollars you are getting as a consequence for maintaining. This would also require some type of inspection and assessment of the quality of the road infrastructure before you assume that responsibility. There are regulatory amendments that would be required under your ordinances that deal with roads because our ordinance currently requires them to be built to NCDOT standards and dedicated to the municipality and the State. The Town will only accept those that are built to NCDOT standards. We have not exercised the acceptance but we normally require that as a condition of the plat. I would suggest that you still want to require a certain level of construction as a part of your regulatory and subdivision approvals. It still may be a NCDOT standard. You still may want the developer to offer them for acceptance but you do not have to accept them. You can have that ability.

Mr. Underwood – From my experience I have seen municipalities have more stringent paving standards than NCDOT actually has.

Councilwoman Harrison – I met with several Mayors and Councilmembers several weeks ago on this. Stallings has State roads and private roads. They will tell you that they do not get enough money from the Powell Bill to maintain everything. I base this on my own personal experience but how many people are going to call the Town Hall regarding potholes, dead animals, and a storm drain being backed up? It all becomes something that we have

to deal with. It is the whole liability thing and all of them are in some type of state of what are we going to do about this?

Mr. Underwood – There are a lot of municipalities that have routinely accepted maintenance of roads. Again they have not seen the growth that this area has. When I started as a District Engineer seven years ago Indian Trail maintained seven miles of roadway and at the time we kept saying you really needed to start maintaining these roads because they were requiring things in their zoning which went against what NCDOT policy allowed. Through working with their Town staff and as they grew and got organized I think they maintain over 60 miles of road now. That is an example of how they went through the process, did an assessment of all those roads in their Town even if NCDOT was maintaining or not and they came up with a priority and phased approach of how they were going to accomplish adding these roads.

Councilwoman Hadley – Is there going to be a revaluation of the rate that the Powell Bill funding is based on?

Mr. Underwood – I did have a conversation today with the Powell Bill Coordinator for the State and she said she was carrying information to December's Board of Transportation Meeting for them to start looking at how money is dispersed out to municipalities. Currently how you receive funding is based on 75% population and 25% road miles maintained. To us it makes more sense to base how much funding you receive on how many road miles you maintain. There may be some changes in how the formulas/fund balances are calculated. If you look at how funding comes out for a residential subdivision road, municipalities receive more money per mile than NCDOT does to maintain those roads. We have an aging infrastructure out there with subdivision roads and we really do not have a mechanism in place to provide routine maintenance to it.

Councilwoman Harrison – What is the lifespan of a road?

Mr. Underwood – If we accept the road today for maintenance, unless a utility ruptures it could be 30 years before we come back into that subdivision - easily 20 years.

Mayor Pro Tem Barry – What is the actual life span?

Mr. Underwood – If they are constructed according to our specifications I do not know why you could not get 15 to 20 years out of these roads. It is great to do preventive maintenance. We do not have the amount of manpower or funding to provide a level of services expected in a lot of these subdivisions. It is my feeling that the communities can give it that detailed attention that it sometimes needs.

Councilwoman Harrison – When you say effective immediately – do we have any kind of grace period?

Mr. Underwood – It is very common to review a set of plans, approve it, go through the driveway access permit approval and five years later get a petition for addition. It is not something that happens immediately. We realize that you are not prepared to take over roads in the system and that is why we are going to continue to be a resource for inspection. A punch list is NCDOT's final inspection to make sure all repairs are completed. Once we issue a punch list that developer has 90 days to complete that. A gated community is the responsibility of the HOA. We will not allow a gate on a DOT maintained highway. There are provisions written into Powell Bill and you can transfer that up to 20 years depending on the amount. I believe that 10 is the first cutoff and then 20. It depends on how large the municipality is.

Mayor Pro Tem Barry – My concern is the liability that is moving to us. I don't mind paying money now as long as we are allowed to continue to maintain a reserve balance to offset that liability balance.

Mr. Underwood – There are different stipulations on how long you can hold it. You get reimbursed once a year.

Mayor Pro Tem Barry – We are going to have to spend money in the future and if we have to take this on I want to set up a fund that positions us to pay for that. We are shifting the economic burden to the municipal tax payer. Impending financial obligations associated with taking care of the roadways is not offset at all by the Powell Bill Funding formulas and that is the stress that Weddington Town financials are going to have 10 years from now.

Town Planner Cook – Mr. Mitchell thought it was illegal for the Town to make the HOA take over the streets. You have subdivisions that choose to be private but can the Town dictate that to the developer?

Attorney Fox advised that he was not sure.

Mayor Pro Tem Barry –We could say all future developments have to be gated.

Chairman Dorine Sharp – Do not see why you could not.

Attorney Fox – You have public safety concerns attached to that as well.

Chairman Sharp – My concern is enforcement of traffic laws in a subdivision where the neighborhood maintains the roads. Can our deputies enforce traffic laws in a subdivision where the roads are private but are not gated?

The deputy in attendance advised no.

Councilwoman Harrison – Speed limits are not enforceable in my neighborhood because it is gated.

Mayor Pro Tem Barry – We need to know where NCDOT is stopping. We would probably contract out the work and USI could build a maintenance schedule for us and what that would cost. We need to look at what the Powell Bill allocation would be and then we will have to build a financial proforma that correlates those two things and project forward.

Attorney Fox reviewed the bonding process through the Town.

Mayor Pro Tem Barry – There could be a neighborhood where one phase is NCDOT and one is maintained by someone else.

Mr. Underwood advised that Indian Trail would be a good resource for the Town.

Councilwoman Hadley - What you are saying is what you maintain now you would continue to maintain?

Mr. Underwood – There is no guarantee. When we make a shift like that there would be some provisions put in place. It would just be shifting the burden on someone else. We cannot afford to maintain them. We are still reviewing and approving and inspecting developments in unincorporated Union County.

Mr. Underwood advised that he will have his staff do a detailed description of the miles being maintained by NCDOT. He stated, “If we are actively engaged with the developer with repairs in the addition process we are going to honor that obligation and add to our system. There are a small number of those.”

Councilmember Thomisser asked Mr. Underwood to discuss the advantages and disadvantages of receiving Powell Bill funding.

Mr. Underwood – If you are going to be in the road maintenance business then you should take advantage of Powell Bill.

The Council discussed the conditions surrounding the approval of the bridge in Bromley and Chairman Sharp felt that the appropriate language was added to the plat to deal with that situation.

Town Planner Cook will begin to work with NCDOT on the developments that are not yet State maintained and which ones will be moving on to State maintenance and those which will not be accepted and to create some type of revenue estimate from Powell Bill funds to see what is coming at us so we can match our financial liabilities to our revenue stream recognizing that Powell Bill funds fluctuate.

Mr. Underwood – We will have no problem with doing a concurrent review with Bonnie Fisher but it is really not my intent to give a formal approval like we did in the past. We realize that there will be a period of time where you guys need time to get up to speed. Inspection services could be passed onto the developer.

Town Planner Cook advised that he has sent a copy of the letter to all active developers within the Town.

Councilwoman Hadley discussed the situation in her neighborhood where Phase I has not been taken over by NCDOT but Phase 2 may.

Mr. Underwood – We would not have an issue with that as long as two government issues were providing maintenance.

Chairman Sharp – Conservation subdivisions may have fewer miles of roadways to maintain but you would have the same number of homes and taxpayers but less upkeep in that type of subdivision. The Council may want to look at that to see if you want to encourage more conservation subdivisions to reduce the amount of asphalt. We have yield plans to show the difference.

Councilwoman Harrison advised that she would be interested in reviewing.

Item No. 3. Adjournment. Councilwoman Hadley moved to adjourn the October 28, 2013 Special Town Council Meeting. All were in favor, with votes recorded as follows:

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

The meeting adjourned at 5:00 p.m.

Daniel Barry, Mayor Pro Tem

Attest:

Amy S. McCollum, Town Clerk