

**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, FEBRUARY 8, 2010 - 7:00 P.M.
MINUTES**

The Town Council of the Town of Weddington, North Carolina, met in a Regular Session at the Weddington Town Hall, 1924 Weddington Road, Weddington, NC 28104 on February 8, 2010, at 7:00 p.m. with Mayor Nancy D. Anderson presiding.

Present: Mayor Nancy D. Anderson, Mayor Pro Tem Daniel Barry, Councilmembers Werner Thomisser, Robert Gilmartin 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: Bill Price, Matthew Morse, Walker Davidson, Scott Buzzard, Todd Johnson, Barbara Harrison, Pat Harrison, Steve McLeod, Larry Almond and Chief Dave Banick.

Item No. 1. Open the Meeting – Invocation and Pledge of Allegiance. Mayor Nancy D. Anderson called the February 8, 2010 Regular Town Council Meeting to order at 7:04 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.

Attorney Anthony Fox asked to add to the agenda the following: Consideration of Approval of the Decision in the Matter of Application 03-09 for a Conditional Use Permit by Union County for a Water Tower.

Councilmember Werner Thomisser asked to remove from the Consent Agenda Item 6.D. - Call for a Public Hearing to Consider Proposed Text Changes to Section 58-57 (B-2 Shopping Center District), Section 58-60 (MX Mixed-Use Conditional District) and Section 58-61 (E-D Educational District) of the Code of Ordinances and move this item to New Business for further discussion.

Councilmember Robert Gilmartin moved to amend the agenda as discussed above. All were in favor, with votes recorded as follows:

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

Item No. 3. Public Hearing.

A. Public Hearing on Question of Annexation Pursuant to G.S. 160A-31 – Voluntary Annexation Request from Cecil and Carolyn Turner and Michael David Turner for Property Located on Potter Road. Mayor Anderson opened the public hearing to consider a voluntary annexation request from Cecil and Carolyn Turner and Michael David Turner for property located on Potter Road. The Town Council received the following memo from Town Administrator/Clerk Amy McCollum and a map of the area:

The governing body of a municipality may annex by ordinance any area contiguous to its boundaries upon presentation to the governing body of a petition signed by the owners of all the real property located within such area.

Staff received petitions from Cecil E. Turner, Carolyn Y. Turner and David Michael Turner dated September 23, 2009 requesting voluntary annexation of their property located on Potter Road. The petitions were certified on January 11, 2010 by the Town Clerk as being signed by all owners of real property lying in the area described in accordance with G.S. 160A-31. Information regarding the property is as follows:

Owner(s)	Parcel #	Parcel Size
Cecil E. Turner Carolyn Y. Turner	07-135-065C	.34 acres
Cecil E. Turner Carolyn Y. Turner	07-150-001D	1.14 acres
Cecil E. Turner Carolyn Y. Turner	07-135-065F	.61 acres
Michael Turner	07-135-065E	2.05 acres

If approved, the ordinance may be made effective immediately or on any specified date within six months of adoption of the ordinance. When a municipality annexes an area regulated by the county, the county zoning and planning regulations and powers of enforcement shall remain in effect until the municipality has adopted regulations for the area or a period of 60 days has elapsed following the annexation, whichever is sooner. If approved, the next step will be to assign the appropriate zoning. The Town Planner and Planning Board would provide a recommendation on this at their next regularly scheduled Planning Board Meeting.

Councilmember Thomisser questioned why the Turners wanted to be annexed.

Staff advised that the Turners did not advise them of why they were requesting annexation into the Town of Weddington.

Councilmember Jerry McKee – Do these parcels have houses on them?

Town Administrator/Clerk McCollum showed on the map where the two houses were located.

Councilmember McKee – Attorney Fox, have you looked at this to make sure that there will be nothing that can hurt this Council in the future?

Attorney Fox – This is a petition for voluntary annexation. It is upon Council to decide whether or not it wants to exercise its legislative authority to accept this annexation. What is required by the statutes for voluntary annexation is that you have a petition signed by 100% of the owners of the property and the property must be contiguous to the current limits of the Town which they are seeking to be annexed into. The statutes do not talk about motivation as to why the people want to be annexed. The Town, if it were to approve this annexation, could make the annexation effective for a certain point in time. The statutes also say that once it is annexed into the Town then the Town applies its zoning within 60 days of the effective day of the annexation. Town Planner Cook could decide as to this parcel whether it is appropriate to continue it as R-60 zoning which seems to be in blue here or to apply an R-40 or some other zoning classification to this property.

Mayor Anderson – The property is unusually shaped with the current configuration of the lots.

Attorney Fox – You could condition upon the property owner to recombine the lots.

Mayor Pro Tem Daniel Barry questioned if staff had visited the site?

Staff advised that they had not been to the site.

Councilmember McKee requested that Jordan Cook walk the property to make sure that there are no problems with the property. Councilmember McKee questioned if the Turners were aware of the ordinances of Weddington?

Staff answered that they have not given a copy of the ordinances to the Turners.

Councilmember McKee recessed this hearing until the March Town Council Meeting to allow staff to perform a site visit of the area. All were in favor, with votes recorded as follows:

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

Item No. 4. Public Comment. Walker Davidson - This coming May WCWAA will present the State with a solution to its floodplain problem. There is a possibility that the Town Council will be asked to give taxpayer money to help pay for the solution. Since 2004 the Town Council has given at least \$161,000 to WCWAA. I am opposed to the Town giving any more taxpayer money to WCWAA without further investigation into other solutions to the organization's financial problems. I would like the Town Council to consider a few things. *Fact* - Optimist Park is not a public park. Part of the park is owned by the Optimist Club. Part of it is owned by WCWAA. No part of Optimist Park is owned by the Town of Weddington. *Fact* - I have verified with the President of the Optimist Club and the President of WCWAA that due to the terms of the liability insurance policy the citizens of Weddington are not allowed to use Optimist Park unless they are participating in a WCWAA event. *Fact* - Approximately 2,600 families are listed as WCWAA participants. About half of them live in Weddington. *Fact* - The Town of Weddington does not collect property taxes on Optimist Park, but the park receives fire protection and law enforcement services. I am not suggesting that this should change. I am merely pointing it out to show that the Town and its citizens are already subsidizing the park. I would like the Town Council to consider the following questions. *Question* - Why can't WCWAA cover its costs through its existing revenue sources that include user fees, apparel sales, concession sales, company sponsorships, fundraisers, donations from alumni families, and \$55,000 per year from Union County taxpayers? *Question* - What will happen if WCWAA receives no more money from the Town of Weddington? *Possible Solution* - It is not my intent to come here and complain about an on-going problem. I would like to offer you an alternative solution. I would like the Town Council to assign the Parks and Recreation Advisory Board the task of working with WCWAA to develop an alternative solution to the funding problem, a solution that focuses on WCWAA's ability to raise its own funds. The Parks and Recreation Advisory Board is responsible for advising and making recommendations to the Town Council on all matters relating to the establishment, maintenance, and operation of recreation programs for the Town and its inhabitants, and to carry out other duties as may be assigned by the Town Council. I have submitted my application to Amy to serve on the Parks and Recreation Advisory Board. I am willing to give my time and effort to this process. I believe that adjustments can be made to WCWAA's business model that will make it a financially viable non-profit organization. Thank you for listening and thank you for serving on the Town Council.

Mr. Steve McLeod – I am with Weddington Associates. I am here to request direction on a driveway that NCDOT is proposing go behind the Weddington Town Hall. NCDOT has stepped up to the plate and they have committed to putting a stop light on Highway 16 and to put a driveway behind the shopping center. I understand that NCDOT is waiting for direction from the Town Board before proceeding with this driveway. We very much believe that the driveway is still critical and we are here to do anything that we can do to support the Town. It is across Town property so it is only at your advice and consent that it can

go in. A year ago we spent time and brought in the Town's Transportation Planner and we came before you with several alternatives and we are willing to do whatever we can do or what the Town would like us to do. We think it is critical to have it happen while NCDOT is out here working on this project. We are in agreement in giving Mr. Treske access to the shopping center to improve connectivity.

Item No. 5. Approval of Minutes.

A. December 14, 2009 Regular Town Council Meeting. Councilmember McKee moved to approve the December 14, 2009 Regular Town Council Meeting minutes. All were in favor, with votes recorded as follows:

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

B. January 14, 2010 Continued Town Council Meeting. Councilmember McKee moved to approve the January 14, 2010 Continued Town Council Meeting minutes. All were in favor, with votes recorded as follows:

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

Item No. 6. Consent Agenda.

A. Consideration of the Renewal of the Waybridge Construction Trailer. The Town Council received the following memo from Town Planner Jordan Cook along with the application and a map:

John Wieland Homes requests an extension for a temporary construction trailer located on Lot 25 in the Waybridge/Eaglechase Subdivision.

General Information

- A renewal for the temporary construction trailer is required per *Section 58-13 (4)* of the *Town of Weddington Zoning Ordinance*.
- The applicant is required to apply for a renewal every year (12 months).
- The first permit was approved by Town Staff in 2005 for a one year period. In 2006 Town Staff gave a one year extension.
- Every extension after the initial two years must be approved by the Town Council.
- *Section 58-13 (4)* of the *Town of Weddington Zoning Ordinance* states that three or more lots must be remaining to grant the extension. The Waybridge/Eaglechase Subdivision currently has 19 lots remaining, therefore complying with the *Town of Weddington Zoning Ordinance*.

Staff has reviewed the application and submitted documents and finds the Construction Trailer Renewal Permit Application is in compliance with the *Town of Weddington Zoning Ordinance*.

Councilmember Gilmartin moved to renew the Waybridge Construction Trailer. All were in favor, with votes recorded as follows:

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

B. Consideration of the Renewal of the Lake Forest Preserve Construction Trailer. The Town Council received the following memo from Town Planner Cook along with the application and a map:

Orleans Homebuilders requests an extension for a temporary construction trailer located on Lot 189 in the Lake Forest Preserve Subdivision.

General Information

- A renewal for the temporary construction trailer is required per *Section 58-13 (4)* of the *Town of Weddington Zoning Ordinance*.
- The applicant is required to apply for a renewal every year (12 months).
- The first permit was approved by Town Staff in 2005 for a one year period. In 2006 Town Staff gave a one year extension.
- Every extension after the initial two years must be approved by the Town Council.
- *Section 58-13 (4)* of the *Town of Weddington Zoning Ordinance* states that three or more lots must be remaining to grant the extension. The Lake Forest Preserve Subdivision currently has 141 lots remaining, therefore complying with the *Town of Weddington Zoning Ordinance*.

Staff has reviewed the application and submitted documents and finds the Construction Trailer Renewal Permit Application is in compliance with the *Town of Weddington Zoning Ordinance*.

Councilmember Gilmartin moved to renew the Lake Forest Preserve Construction Trailer. All were in favor, with votes recorded as follows:

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

C. Consideration of Resolution of Consideration Identifying Areas as Being Under Consideration for Annexation. The Town Council received the following memo from Town Administrator/Clerk McCollum along with a map:

Please find attached a map showing areas that the Town has identified as areas for possible future annexation. The original Resolution and Map identifying this area was adopted in 1998. It is recommended that the Town adopt this Resolution every year. By adopting the Resolution, it allows the Town in the future to proceed with involuntary annexation of these areas without having to wait one year before the annexation would become effective. Approval of this Resolution and map only helps to facilitate future annexations.

This is further information from Bill Duston of COG regarding Resolution of Considerations (ROC):

Adoption of an ROC does not necessitate notification to affected and/or adjacent property owners. There is no obligation for a community to actually go forward with an annexation if an ROC is adopted. If an ROC is adopted and is not renewed within the initial two-year period post adoption, the ROC is null and void. Having an ROC in place does not preclude another community from adopting a Resolution of Intent (ROI) in any portion of the ROC territory. The advantage for a community to have an ROC adopted and kept in place is that once the initial one-year waiting period is met, a community can at any time thereafter adopt a ROI and formally begin annexation proceedings. Without an active ROC in place (i.e., one that has been in place for at least one year), there will be a one year hiatus in the effective date of an adopted annexation ordinance.

Councilmember Gilmartin moved to approve R-2010-01 identifying the area described herein as being under Consideration for Annexation.

RESOLUTION OF CONSIDERATION

TOWN OF WEDDINGTON

**A RESOLUTION IDENTIFYING THE AREA DESCRIBED HEREIN AS BEING UNDER
CONSIDERATION FOR ANNEXATION
R-2010-01**

BE IT RESOLVED by the Town Council of the Town of Weddington:

Section 1. That pursuant to G.S. 160A-37 (i), the following area is hereby identified as being under consideration for future annexation by the Town of Weddington, under the provisions of Chapter 160A, Article 4A, Part 2 of the General Statutes of North Carolina.

All properties within the boundaries as shown on the attached map are incorporated by reference.

Section 2. That a copy of this resolution shall be filed with the Town Clerk.

Section 3. This resolution shall remain in effect as provided by G.S. 160A-37(i).

Adopted this 8th day of February, 2010.

Adopted: June 8, 1998

Renewed: May 8, 2000

Renewed: April 8, 2002

Renewed: March 8, 2004

Renewed: February 13, 2006

Renewed: January 14, 2008

Renewed: January 12, 2009

All were in favor, with votes recorded as follows:

AYES: Councilmembers Thomisser, Gilmartin, McKee and Mayor Pro Tem Barry

NAYS: None

D. Call for a Public Hearing to Consider Proposed Text Changes to Section 58-57 (B-2 Shopping Center District), Section 58-60 (MX Mixed-Use Conditional District) and Section 58-61 (E-D Educational District) of the Code of Ordinances (Public Hearing to be held March 8, 2010 at 7:00 p.m. at the Weddington Town Hall). The item was moved to New Business.

Item No. 7. Consideration of Public Hearing.

A. Consideration of Annexation Ordinance - Voluntary Annexation Request from Cecil and Carolyn Turner and Michael David Turner for Property Located on Potter Road. Consideration of this item was recessed until the March Town Council Meeting.

Item No. 8. Old Business.

A. Discussion of Transportation Options to Reach Consensus on Weddington Corners Transportation Plan including Future Street Lighting Plans. The Town Council received the following memo from Town Administrator/Clerk McCollum:

I have included in your packet a map showing proposed street lighting placement along Highway 84 and 16. I have also included drawings of proposed street lights that were developed by Bizzell Design at the request of the Town and the original Downtown Development Committee. In 2008, Bizzell was proposing 25 of the street lights at preliminary pricing of \$69,000, including installation.

Scott Buzzard and I met with John Underwood and Rick Baucom with NCDOT regarding the process for street lighting or the placement of conduit for future street lighting. Mr. Baucom advised that he has received clarification on NCDOT's role in the construction process. According to Division Engineer Barry S. Moose, they can request Scurry Construction to provide pricing to install all conduit as required by Weddington's lighting plan. The remaining work to install foundations, poles, lights, meter bases, etc. will be the responsibility of the Town of Weddington. We have a price of \$1,200 to \$1,600 from Bizzell Design to develop a conduit plan to be used by Scurry Construction.

I also spoke with Finance Officer Gaylord about the possible funding for street lights. We did have in our preliminary budget \$75,000 for this project but \$45,000 was reallocated for the Downtown Plan Project consulting and the remaining \$30,000 has subsequently been earmarked to help finance the additional funding that Council approved for the Providence VFD. Leslie advised that there is money in the budget to have the conduit plan completed. The Town Council would have to appropriate money from the Fund Balance if they decided to do the entire project before next budget year.

Items to be discussed:

- Is the Town Council in favor of installing street lights as proposed on the map?
- Does the Town want to proceed with allowing Bizzell to complete the conduit plan?
- Does the Town want to proceed in getting price estimates from Scurry on the installation of the conduit?
- Does the Town Council want staff to proceed in contacting Union Power about the installation of the lights, meters, transformers, etc.?

The Town Council also received a copy of the following:

- Map showing proposed Light Pole/Street Light Placement
- Diagrams showing pictures of the decorative lighting, street signs and gateway markers

Town Planner Cook - At the January 14, 2010 Town Council Meeting, the Town Council tasked Mayor Anderson and me to look at the proposed connector road behind the Shopping Center and Town Hall and to determine the best location for that road. Mayor Anderson and I did get together and sat down and began looking at the location of that road. As we sat down and looked at that, this plan and road has a lot of other legs to it. It became really a Weddington Corners Transportation Plan. It is much more than just a single road. It impacts Town Hall's driveway, these offices, it spawned into something a lot bigger. At that time Mayor Anderson and I felt like we really needed to bring that back to the Town Council and to discuss that as a whole. After that meeting, the Mayor met with Barry Moose with NCDOT and discussed our findings and he told her at that time he wanted to wait to get a Resolution from the Town Council on how we wanted to proceed with that proposed connector road. As you know at the January 14 Town Council Meeting when we brought this up, Attorney Fox brought up some concern about the actual process of moving forward with this road. The shopping center is a Conditional Use Permit. Any change to their site plan requires an amendment to that CUP. Therefore if the Town Council as a whole is involved in planning or designing any part of that road the Town Council would have to relieve its duties to the Board of Adjustment to make the actual voting decision and consideration on this road. That led to the next question. Would it be possible to rezone the shopping center, WAC and everything that is currently B-1 and B-2 to the M-X District? What that would do would be any kind of amendment to the shopping center or anything else would now become a legislative decision. It would be the conditional

zoning process. The Town Council could openly discuss the road issue and everything in the future. Tonight it would be premature to talk about the design of the road because we cannot talk about the design until we talk about the process. If you decide not to go forward with the M-X zoning then you are saying it will remain a Conditional Use Permit.

Mayor Anderson – I went to see Barry Moose and said that we are trying to connect all of the parcels within the shopping center so that they have good access. We do not have any specific recommendations. He said he would not work on this until the Town approves it in the form of a Resolution because there has been so much discussion back and forth. He was reluctant to work on it until he receives guidance from the Town Council.

Attorney Fox – The issue is how do we deal with Council involvement and input into a process that is so restricted by a Conditional Use Permit/Quasi-Judicial Hearing. I do believe that if you are to rezone to a zoning classification that includes conditional zoning then you make it a legislative process. You could probably come up with the creation of a new district that is not M-X that is defined by the uses at the Shopping Center and make that a conditional zoning process as well. The next option that I thought about even if you retain the Conditional Use Permit process is that the applicant could come before the Council as a part of its application with a variety of options for a road to be connected to the site to help achieve the ability of having Council to have some flexibility. If the application included a variety of options and if there were members of the public that wanted to speak in opposition to any one of the options they would have been informed that the application did include the possibility of these other types of approvals and they could have developed their opposition in a quasi-judicial setting.

Mayor Anderson – If one of the driveways goes across Town Hall property, can we make a decision on that?

Attorney Fox – The Town's property is not governed by a CUP approval. So if the Town, out of this process, was to allow for a road across a portion of its property then the Town in affect would be granting the applicant some type of right of use over that property in that approval. You can do that. You can grant an easement over your property.

Mayor Anderson – Would that be a temporary or permanent easement?

Attorney Fox – The Town could place any reasonable conditions the Council would want to add. The shopping center would need an amendment of their site plan to show a road coming in there. The amendment would be adding another entrance/exit to their property and thereby require a modification of the approval that they have.

Mayor Anderson – It is your opinion that there will be no conflict of interest with the Town making this decision even though it could likely cross our property?

Attorney Fox - You are struggling with do you keep it as a CUP process with a quasi-judicial hearing. If you keep it at that, are you so restricted that whatever the applicant brings forward then you have to say yes or no to that with no flexibility. One of the things that we are talking about now is still under a CUP process. The applicant could choose to provide to this Council a number of options where it would like to amend its CUP as it relates to its property. They would then have to go on someone else's property to connect that driveway to something else. That is not a CUP process. That is not governed by the quasi-judicial proceeding. That is on them and the State to figure that part out. The Mayor asked if that driveway shown in the configuration comes on and will require the use of the Town's property is that a conflict of interest by the Town approving that cut. I cannot answer that out of the blue. It is certainly a valid question to raise. I do believe that if you divorce the approval of the amendment to the CUP based

on the four factors for making a decision on the best location for that driveway is and if the driveway happens to exit the site at the direction of the Town and then ultimately they have to get the approval of the Town for that sliver to come across - can I defend it, yes, but it is a valid question.

Mr. McLeod – Our CUP would only say that there could be a driveway that exits here on our property. Then we have to come outside of that CUP process and come back to the Town and ask for an easement. We think it is a temporary easement and we are fine with that. We think the Town property will be developed one day. My CUP does not include your property. My application is just on my property to put a stub 20 feet long in and say that it can go to Weddington-Matthews Road. Then we would have to show you two to three alternatives and get your concurrence to allow the easement across your property.

Mr. Scott Buzzard – The Council could put a map on the table and have input but instead of Council having the decision that would go to the Board of Adjustment. It would just go to a different body.

Attorney Fox – The Council has not given that Board the authority.

Councilmember McKee – It has always been the Town Council's objective to get out of the CUP process to get to legislative matters where we can talk about it.

Mayor Pro Tem Barry – Mr. McLeod, do you have a preference whether you stay in a CUP or whether you move to an M-X District?

Mr. McLeod – I prefer the M-X District, it is nice to have a conversation.

Mayor Pro Tem Barry moved to instruct staff to move forward with the rezoning of currently zoned B-1 and B-2 parcels to M-X as a Town initiated rezoning and to authorize that any necessary text amendments be drafted for this request. All were in favor, with votes recorded as follows:

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

Mr. Buzzard – Amy and I sat down with John Underwood and Rick Baucom with NCDOT to find out where we stood with future street lighting and whether or not we want to have some sort of lighting and area that designates Weddington. It has always been noted there would be cost savings to have the project done in conjunction with the 84 and 16 widening projects. We thought it would be a good idea to figure out where we needed to be and what to do. NCDOT wants input from the Town. We are trying to find out whether or not the Town Council is in favor of having street lighting now or would you prefer to end the process altogether. If it is something that the Town is still looking at, the next step that we would have to take would be to come up with a conduit plan. We have a price from Bizzell Design of \$1,200 to \$1,600 to develop that plan. There is no reason to do that if the Council does not want to do street lights.

Mayor Anderson – Besides the aesthetic appeal of the street lights, there are some safety issues with it such as better lighting as you are walking down the sidewalk. Decorative street lighting has been known to create a traffic calming effect and makes people slow down.

Mr. Buzzard - NCDOT has requested that the street lighting be placed on the back side of the sidewalk instead of being between the sidewalk and the road.

Councilmember McKee – I am not in favor because we do not know what the other costs will be such as running the wiring, transformers, power boxes, etc. We could run into thousands of dollars more and in

this economic condition it would not be prudent to be putting up lights that have never been in Weddington anyway. I do not see any use for them.

Councilmember Thomisser discussed the additional yearly cost of the electricity associated with the street lighting.

Mayor Pro Tem Barry moved to instruct staff to get the conduit plan developed at a cost not to exceed \$1,800. The vote is as follows:

AYES: Councilmembers Thomisser, Gilmartin and Mayor Pro Tem Barry
NAYS: Councilmember McKee

B. Consideration of Approval of the Decision in the Matter of Application 03-09 for a Conditional Use Permit by Union County for a Water Tower. The Town Council received a copy of the proposed decision. A copy is attached to the minutes as an exhibit. Attorney Fox reviewed the decision with the Town Council. Mayor Pro Tem Barry moved to approve the decision drafted by the Town Attorney. All were in favor, with votes recorded as follows:

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

Item No. 9. New Business.

A. Discussion of Town Retreat Agenda. Mayor Pro Tem Barry advised that he and Mayor Anderson had been meeting with an outside facilitator who will be working with the group on March 5 and 6 at the Firethorne Country Club. A “Meet and Greet” reception with Weddington citizens is planned on March 5 from 5 to 7 p.m. and then a dinner with Council and Spouses at 7:30 p.m. He stated, “We will do some work on relationship communication styles with a fair amount of work on the agenda as submitted including some time with our Attorney on quasi-judicial training at his request. We will also go through a two-year goal setting plan.”

The Town Council received a list of proposed agenda items for the retreat.

B. Report from February 1, 2010 Union County Board of County Commissioners Meeting – Mayor Pro Tem Daniel Barry. The Town Council received a copy of the agenda from the February 1, 2010 Union County Board of County Commissioners Meeting. Mayor Pro Tem Barry gave a brief update on this meeting.

C. Call for a Public Hearing to Consider Proposed Text Changes to Section 58-57 (B-2 Shopping Center District), Section 58-60 (MX Mixed-Use Conditional District) and Section 58-61 (E-D Educational District) of the Code of Ordinances. Councilmember Thomisser asked who put this item on the agenda and what was the rationale for doing this.

Town Planner Cook stated, “Our engineer Bonnie Fisher was going through our code and notified us that there are stormwater management requirements and guidelines in our B-1 zoning district and for some reason it has been overlooked and not included in our B-2, M-X and E-D Districts. She recommended that we put those in there. It is pretty much a housekeeping item.”

Councilmember McKee moved to call for a public hearing to consider proposed text changes to Sections 58-57, 58-60 and 58-61. The public hearing is to be held March 8, 2010 at 7:00 p.m. at the Weddington Town Hall. All were in favor, with votes recorded as follows:

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

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

- The LARTP was presented to the TCC (Technical Coordinating Committee) on January 7th and will be presented to the Union County Board of Commissioners in March. The LARTP Thoroughfare Plan will then be presented to the TCC again for their endorsement. After the TCC has endorsed the LARTP, it will be added to the CTP (Comprehensive Transportation Plan formerly the Thoroughfare Plan) and then added to LRTP (Long Range Transportation Plan) next year.
- The denial letter for the 156 foot Elevated Water Storage Tank Conditional Use Permit Application is currently being reviewed by Town Attorney Anthony Fox.
- Union County Public Schools are currently performing the abatement work on the two houses located on the school property on Cox Road. After this abatement work is completed, Providence Volunteer Fire Department will burn the houses.
- NCDOT will remove a portion of the median along Hemby Road at the entrance of the Providence Forest Subdivision. NCDOT will closely monitor the safety of this intersection after the median has been removed. If traffic volumes or crashes increase at this intersection, the median will be reconstructed to prohibit left turns out of the Providence Forest Subdivision.
- The owner (Robert Bachelor) of the Beulah Church Road house provided an update on January 15, 2010. The following has taken place:
 - All electrical and plumbing work has been roughed in and inspected.
 - All mechanical equipment has been roughed in and inspected.
 - The new slab and all framing has been completed and inspected.
 - Brick has been applied to the exterior of the home and the front deck is near completion.
 - The homeowner expects to have the Certificate of Occupancy by March 22, 2010 and moved in by the end of March.
- Town Attorney Anthony Fox is currently reviewing the following proposed Text Amendments (several of these will be on the February 22 Planning Board agenda): Bonds and Letters of Credit, Mother-in-Law Suites (Accessory Structures), Stormwater Management Checklist, Essential Services and Temporary Signage.

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

- Accounts Payable Update from Kim Woods – Per direction from Daniel Barry, Leslie has checked with Tinsley and Terry regarding the possibility of making some online payments versus writing a check and having two signatures. NC Treasurer guidelines do not recommend online bill pay for routine accounts payable. In addition all check distributions must state that the check has been duly appropriated and online bill pay does not allow for this. There is also an internal control issue regarding segregation of duties. There is a possibility of designating a certain dollar amount and

under to be signed only by the Finance Officer. This is something that could be discussed at the Town Council Retreat.

- Work on the next newsletter is currently underway and should be mailed to residents in February.
- Staff is requesting applications for the vacant seat on the Parks and Recreation Advisory Board. Notice will be sent to the Town's Constant Contact List, the newsletter and posted on the website.
- Per direction given at the January 14, 2010 Continued Meeting, a thank you letter to the Downtown Committee was mailed last week. A copy is attached to this update.
- Per Steve McLeod, construction on the entrance sign for the Weddington Corners Shopping Center will begin on February 8 and will be completed by February 15.
- Our lawn provider has been contracted to assist with the removal of snow and ice at Town Hall for any future weather events.
- The 2010 Council Retreat is scheduled for March 5 and 6 at the Firethorne Country Club.
- Members of the Town Council, Planning Board and Staff are planning to attend planning training to be conducted by Bill Duston of COG on February 24 from 6:30 to 9:00 at the Museum of the Waxhaws.
- Training has been scheduled for all Councilmembers to take the required two hour ethics training.
- Thank you to Deputy Ron Honeycutt for his work on our new Alarm System program for the Town.
- Sam Leggett will be reviewing another possible Minimum Housing Issue at the corner of Twelve Mile Creek Road and Highway 84.
- WCWAA – Consistent with our prior communications, we held a meeting with Union County and are proceeding next with a meeting with the Optimist Park. We will update the Council after this meeting.

Item No. 12. Public Safety Report. Deputy Ron Honeycutt stated, "On January 7, 2010 we had a young lady make a 911 call off of Bounty Court. It is in Providence Woods. The road is partially Union County and partially Mecklenburg County. The county line goes right down between several properties. You have the front of the houses in Mecklenburg County and back yards in Union County and you may even have in some instances where the front of the yard is in Mecklenburg County and the houses are in Union County. This creates quite a dilemma. When she called 911 there was a discussion with the 911 operator that she did not live in Mecklenburg County. The time delay in this situation was not life threatening. Because the properties are divided by the county line there is a lot of confusion with the 911 centers with who exactly is supposed to respond. With that said, we will always respond to these houses whether they are in Union or Mecklenburg. There has to be something that can be done. We are going to address each one of these addresses and put notes in our CAD system to make sure it is addressed and to make sure that Union County and Mecklenburg County have instructions in their CAD system regarding this situation."

Weddington Deputies – 356 Calls

The Town Council also received a report showing what reports were actually filed during the month of January.

Providence VFD

Monthly Call Responses

Union County	Fire: 24	EMS: 15	Total: 39
Mecklenburg County	Fire: 9	EMS: 0	Total: 9
Monthly Total: 48			

Monthly Training Hours

Fire- (Total Hours): 93.5	In house: 54.5	On-Line: 39
EMS- 132 Hours		

Run Times

6A-12N: 31% 12n-6P: 29% 6P-12M: 30% 12M-6A: 10%

Run Data:

Avg. Turnout: 1 min. 40sec.

Avg. Response Time: 4 min. 42 sec.

Avg. On Scene Time: 26 min. 30 sec.

Avg. Members On Scene: 4 members

Providence responded to the following significant events:

1/9/10 Structure Fire 13917 Hardwood Pl., Assist Matthews FD

1/9/10 Structure Fire 5408 Parkwood School Rd., Assist Mineral Springs FD and Waxhaw FD

1/10/10 Structure Fire 221 Moorefield Dr., Assist Stallings FD

1/13/10 Structure Fire 3716 Fox Run Rd., Assist Stallings FD

1/14/10 Brush Fire Col. Beatty Park, Mutual Aid with Charlotte FD

1/14/10 Vehicle Fire 3700 Forest Lawn Dr.

1/14/10 Gas Leak Providence Rd & New Town Rd., Assist Wesley Chapel FD

1/21/10 Structure Fire 8026 Weddington Downs Dr., Assist Wesley Chapel FD

Significant Events:

Providence FD has completed the Union EMS training to begin using COBRA airways on EMS calls.

PVFD and Monroe FD will be the first Fire Departments to use this equipment.

The Town Council also received the January 2010 Income and Expense Budget Performance and Balance Sheet for the Providence VFD.

Item No. 13. Transportation Report. Mayor Anderson advised that Stallings Mayor Lynda Paxton is the new Vice-Chairman of MUMPO.

Mayor Anderson reported that she attended a Board of Transportation Meeting in Raleigh this past week. She stated, "Barry Moose is willing and ready to assist the Town but he needs guidance from the Town about how to proceed with our downtown. I have a meeting scheduled with Deputy Jim Trogon and Mayor Pro Tem Barry to talk specifically about Rea Road and what can the Town of Weddington do to keep that on track and moved up. In 1994 that road was ranked number 66 on the 2015 plan. Somehow we are now 101 on the 2035 plan."

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

A. Finance Officer's Report. The Town Council received the Revenue and Expenditure Statement and the Balance Sheet for 1/1/10 to 1/31/10.

B. Tax Collector's Report. Monthly Report – January 2010

Adjust Under \$5.00	\$(31.59)
Interest Charges	\$1,483.22
Releases	\$(454.69)
Pay Interest and Penalties	\$(195.93)
Balance Adjustments*	\$(11.68)
Overpayments	\$(41.13)
Refunds	\$792.24

Taxes Collected:	
2009	\$(90,720.78)
2008	\$(384.38)
As of January 31, 2010; the following taxes remain Outstanding:	
2001	\$9.18
2002	\$89.53
2003	\$210.27
2004	\$290.19
2005	\$343.54
2006	\$290.22
2007	\$1,648.07
2008	\$11,468.67
2009	\$59,229.32
Total Outstanding:	\$73,578.99

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

Item No. 15. Council Comments.

Councilmember McKee gave a brief update regarding recent Governance Committee Meetings. He advised that at this time the Committee was leaning towards two district representatives and five members at large but nothing has been finalized as of yet. The Committee hopes to have this issue on the 2010 ballot for consideration.

Mayor Anderson reported that the National Guard unit has returned home. She also advised that the Town had received a letter from the Waxhaw Farmer's Market asking if the Town would be interested in having the Mobile Market in the Town on Wednesdays. Mayor Anderson gave this information to Town Planner Cook for further review.

Mayor Anderson stated that Weddington High School has been recognized for having the highest graduation rate in the State and Weddington Middle School for the highest end of grade testing scores for public schools in the State.

Item No. 16. Adjournment. Councilmember Gilmartin moved to adjourn the February 8, 2010 Regular Town Council Meeting. All were in favor, with votes recorded as follows:

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

The meeting adjourned at 9:43 p.m.

Nancy D. Anderson, Mayor

Amy S. McCollum, Town Clerk