

**TOWN OF WEDDINGTON
SPECIAL TOWN COUNCIL MEETING
MONDAY, AUGUST 19, 2013 – 5:30 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 19, 2013, with Mayor Walker F. Davidson presiding.

Present: Mayor Walker F. Davidson, Councilmembers Werner Thomisser, Pamela Hadley and Barbara Harrison, Town Planner Jordan Cook and Town Administrator Amy McCollum

Absent: Mayor Pro Tem Daniel Barry

Visitors: Liz Kovasckitz, Louis Mitchell, Marshall Edwards, Scott Cole, Elizabeth Deal Propst, Richard Propst, Bill Price, Ciera Choate, Michael Cannizzo, Ted Horne, Susan Horne, Jan Taylor, Dennis Taylor, Ed Howie, Steve Wellock, Ken Garside, David Patterson, Lindsay Patterson, Jack Parks, Scot Robinson, Jane Duckwall, Brad Gebert, Mike Sealy, Jerry McKee, Don Titherington, Bill Deter, Matt Milford, Anthony Burman and Harris Doulaveris

Item No. 1. Open the Meeting. Mayor Walker F. Davidson called the August 19, 2013 Special Town Council Meeting to order at 5:30 p.m. There was a quorum.

Item No. 2. Update from NCDOT Officials Regarding U-3467 (Rea Road Extension). Ms. Liz Kovasckitz, a consultant for Mulkey Engineers, gave the Council a brief synopsis of what has transpired since the Citizens Informational Workshop which was held on June 25. Ms. Kovasckitz advised that they were here at the request of the NCDOT Division Office to follow up on some items that were discussed at the workshop.

Mr. Louis Mitchell, NCDOT Division Engineer, stated, “We realize that this project is important to you. We did have a public workshop in the summer. It created a lot of questions. Previous Mayor Nancy Anderson reached out to people on our staff and said that we weren’t quite in sync with the vision that you had for the project. We felt that we needed to regroup and come back and give you a clearer picture of what the project entails, where it stands and the process that we must undergo to get it delivered. One key thing that has happened recently is the Governor introduced and passed legislation called the Strategic Mobility Formula. That piece of legislation will significantly effect how we do business moving forward. With that legislation there are some key dates for projects that were in our pipeline and a pretty clear designation of where our pipeline ends with our funding sources and then where we embark upon new funding sources.”

Mr. Mitchell introduced Marshall Edwards and Scott Cole also in attendance representing NCDOT.

Ms. Kovasckitz gave Council a copy of the handout that was presented at the workshop. She stated, “We did have a good turnout. We have gotten about a dozen written comments submitted at this point in time. We heard good feedback at the meeting. I felt like the overwhelming response was there was a clear desire to see the project take place although there were questions about the particulars and concerns from individuals having their property affected and points of clarification on the design aspects. The project is included in the draft 2013-2023 State Transportation Improvement Program as U-3467. It has part of its project limits within Wesley Chapel and part in the Town of Weddington. Altogether it is about 3.8 miles long. When we went to the workshop we did bring forward the preliminary alternatives. The purpose of

this workshop was to get out and get early public involvement and feedback as the project development process was getting initiated. We had taken two alternatives to the meeting. One was improving the existing which is pretty much a required study option as far as environmental agencies are concerned. We do coordinate closely with them throughout the project development process. The alternatives that were shown were some very preliminary generic corridor alignments that can be modified or shifted. The intent is to demonstrate that within this 600 foot wide corridor is the area in which a design would be located. The design itself would be much smaller than what the corridor limits were. It is a big study area. Right now we are doing environmental studies. We are finding what is out there on the ground currently and from that information we will further refine the alternatives and make some determinations and comparisons between the alternatives. Under the National Environmental Policy Act we have to determine what the impacts would be of the various alternatives and once the impacts are weighed and design issues are factored in and the benefits of the different alternatives are evaluated, then we would narrow down the alternatives and pick a preferred alternative. We are not there yet. We are still doing the studies and developing the alternatives. In the State Transportation Improvement Program this project is broken up into three phases – Phase A, B and C. Phase A constructs two lanes on four lanes of right-of-way and that phase runs from NC 16 to NC 84. Phase B constructs two additional lanes from NC 16 to NC 84. The initial right-of-way acquisition would be for the four lanes for that portion of that project. Two would be built first and then finally Phase C would be the widening of NC 84 where the new location would tie into Indian Trail-Waxhaw Road at the Wesley Chapel end of the project. Since the workshop, we have received additional information regarding the MUMPO alternatives that they looked at in the past. I have incorporated that into the mapping that was shown at the workshop. I have copies of that as well. What are you looking at on that map is the two alternatives that were shown at the workshop and we have overlaid now the information that we have received from MUMPO via the Town in yellow.”

Former Mayor Ed Howie – I was involved with this project from the very beginning. It was initially put together with cooperation with the State in February of 1994. In December 1997 MPO approved this project and put it in the Transportation Improvement Plan. It was not funded at that time. It was voted on and accepted.

Ms. Kovasckitz – I wish we would have had that information a little sooner. We have it now. The process worked and we have gotten information in hand. The other item that I would like to bring you up to speed on is the project schedule. We presented a schedule at the workshop but since that time there has been a look at how to accelerate the project’s schedule and there has been a recommendation for moving forward with that. We are hoping that we can by the end of this year have the preliminary design of the project in place by the end of 2013 and a workshop would follow in 2014 and the environmental assessment would stay on track with what it is doing now. That process just takes time and we would need to make sure that we do a full evaluation of all of the factors that are required in that process. The FONSI would take place in July 2015 and right-of-way acquisition would perhaps be able to be accelerated to September 2015 with it being let for construction for the initial phase of the project perhaps in December 2016. That schedule is subject to change. As Mr. Mitchell indicated, if it stays in with the new funding prioritization process that would be something that we would be able to do to accelerate the project.

Mayor Davidson - You have got to study to know where you want to put the road.

Ms. Kovasckitz - That is correct. We first determine the purpose and need of the project. We develop the preliminary alternatives and we do detailed environmental data collection and analysis, the public input process and through that process we then pick a preferred alternative. That will have further analysis and design on it and come back out to the public for a design public hearing.

Mayor Davidson - You have to have the proposal that you want to go with when you begin the process for acquiring the right-of-way. Have you started talking to the property owners? Do they have to sell to you?

Mr. Mitchell – As we work on this process and in selecting the corridor there are several things that we have to look at. We have to look at the impact on the human environment, the natural environment and the cost. We would come up with a preferred alignment. It does require some right-of-way to build the project. Right-of-way would be part of the conversation and I do know in this scenario there is a proposal for the alignment that MUMPO had adopted where there is the possibility of some right-of-way being given gratis. Because of both State and Federal requirements and in following those we have to make sure that all of our i's are dotted and all of our t's are crossed so we do not get into a situation where litigation could ensue and delay the project. When dealing with federal monies and property acquisition, there is a defined process for that. The federal process does allow for right-of-way to be granted gratis but there still has to be appraisals done on the property and the property owner has to have full disclosure. We would do a full appraisal of the land but the property owner could say that they defer the actual value of the land in order to help build the project. That is all part of the evaluation process when we look at the effects of the natural and human environment and the cost. If we get the right-of-way at a better cost then it does improve the cost benefit ratio for the project and alignment. We do know that there is an opportunity and prospects to develop some of the land in this area and we would like to talk about that but let's make it clear we the department can no way force that issue.

Mayor Davidson – You are going to do an appraisal first and that way if the property owner does give the land he knows the value of what he has given up.

Mr. Mitchell – In the federal process we have to do an appraisal.

Mayor Davidson – Does he have to sell to you?

Mr. Mitchell – If it is the preferred alignment and we have the endorsement by the local MPO to proceed with the project then NCDOT does have condemnation authority although we prefer not to go that route. If this project is for the public good, we do have condemnation authority.

Mayor Davidson - But that is not the tone right now and you have had good conversations with the property owner and in fact he may give some of the property away.

Mr. Mitchell – We have had conversations with the property owner in the past. We would like to sit down with the Town staff to talk about that more in depth. I do know that there are zoning implications and a lot of these processes have to run concurrently. We do understand that this project will be a connection to reroute some of the traffic to 485. We know the type of traffic this area experiences on a day-to-day basis.

Councilwoman Harrison – You were talking about the traffic analysis. What do you use to study that? For the last month, starting at Old Mill Road and going all the way to New Town Road it is backed up from 4:30 to 6:00 and it is all going to Waxhaw.

Mr. Cole – When we consider a project of this magnitude we do a traffic forecast and we have a design year that is typically 20 years out from the build year. We use the MUMPO Traffic Model that is currently in place. We get projected volumes for 20 years out and we design the roadway to accommodate those volumes. The problem that you are mentioning is more of a north to south problem on NC 16 and this is an east and west roadway that we are talking about it. I do not know that it will directly impact or benefit the north and south traffic. We would do some intersection improvements there

to accommodate the new connection to Rea Road Extension but there would not be significant improvements on Highway 16 north and south.

Councilwoman Harrison – So you do not look and see if new schools are being built or more houses are going in?

Mr. Cole – All that data is in the model.

Councilwoman Harrison – Two years that I have been going to MUMPO I have not seen that data.

Councilwoman Hadley – My question was about Providence Road as well, we live here and we see it and the questions that have been asked to me are why are we doing this before Providence Road is widened all the way to Waxhaw?

Mr. Mitchell – MUMPO is the organization that you voice your preferences and concerns and desires for the Town. I spoke earlier about the Governor's new Strategic Mobility Formula and in years past we used to operate under what we would call the equity formula. That program will come to a sunset in June of 2015. Right now MUMPO is going through a new process of ranking projects and it is going to be called the MTP. With that process the department is going to a new prioritization process which is going to be called SPOT 3.0 which will incorporate some of the recommendations from the MTP and it is going to help us get the projects and prioritize for this new SPOT 3.0. That will kick off in January of 2014. Since this project is after June of 2015 it will go into the ranking process as well as any other project that MUMPO and its members deem necessary to go into the process. This project was slated for 2016/2017 delivery but all of that is going to be relooked at right now. If it is the desire of the Town and the stakeholders to reprioritize then that may be the prevailing decision.

Councilmember Thomisser – Mr. Cook, how many houses do we have scheduled to go in Weddington at the current time?

Mr. Cook – Approved but not built - approximately 600.

Councilmember Thomisser – We are very thankful for the widening of Providence Road from 485 to Rea Road but everybody knows when you have four lanes of traffic merge into two lanes the traffic backs up on Highway 16 from Rea Road all the way past New Town Road. We want to make you aware of it. Has MUMPO been talking about anything beyond Rea Road?

Councilwoman Harrison – We are working on 2040 right now. There is a widening of Providence to New Town and there is another widening from Cuthbertson. There is no project on the books right now to widen all the way to Waxhaw.

Mr. Mitchell – We do not have a preferred route right now. We have to analyze several routes as well as no build as well in our scenarios. That is why it takes quite a while because as we look at these routes we have to look at the impact and costs and the traffic mitigation.

Mayor Davidson – This meeting is purely information. Is there anything that you are going to need from the Town Council?

Mr. Mitchell – As we get all of the facts and figures, we will have to come back to you. We will have to have additional conversations probably more on your staff level looking at the corridor. We do know that there is a developer that would like an alignment and we have to look at how that alignment will play out in the land development process and the zoning and land use that the Town desires as well. It may be that

the Council directs their staff and gives their guidance on this issue and how NCDOT's Transportation Plan enhances the land use that you desire.

Mayor Davidson – Are you suggesting a possible change in zoning?

Town Planner Cook – The property is zoned residential.

Mr. Mitchell – If one of the alignments fit better based on the zoning then you all can officially transmit those comments to both Liz, Marshall and myself and we can take those into consideration through the planning process.

Mayor Davidson – You would ask us to determine that during the process if the existing zoning is fine or if it needs to be changed.

Mr. Mitchell – It doesn't need to be changed. Here is what we would like from the Town through the process, if you have a preferred alignment you can simply designate that and let us know that and let us know that officially in writing.

Councilwoman Hadley – When we came to the workshop in June, this yellow road did not exist and that is what has been brought to your attention from previous Council?

Mr. Mitchell – That is correct. It was not in the documents that we showed you in June.

Mr. Matt Milford – I live in Stratford on Providence. Regardless of which path is taken my house is dead on at the intersection. There is definite concern on my behalf regarding the road noise. There is a creek that goes down behind my house. I have seen the flags go up and they have been washed away with all the rain. If the project moves forward will there be barriers for the neighborhoods that are aligned right next to the road so to protect some of our property values? I will be directly facing the intersection on two sides of my home.

Mr. Mitchell – We are also going through a transformation process with our impacts to properties from transportation improvement projects. If we did choose the new location it would place it in the category of a Type 1 project and for our Type 1 projects we do have to assess the impact. We always assess the impacts of air and noise particularly on our major interstate projects but with new alignment projects we will have to start studying those as well. There are some projects when I started my career at NCDOT I never envisioned that we would have noise walls on but depending on the outcome from the readings and the number of receptacles that we affect and if a wall shows a benefit for noise then we have to consider it. Noise impacts will definitely be a part of the conversation.

Mr. Jerry McKee – With the Governor's new plan, could this be kicked up to a higher year or would it stay where it is at now?

Mr. Mitchell – We are going to go through what we call a ranking process and I think MUMPO this week is going to get an early look at the Tier 1 and Tier 2 projects. From there the MTP plan then rolls into what we call a SPOT prioritization plan. With that plan we rank projects on State-wide basis, Regional basis and Division basis. I think this project is a regional project and the Governor's plan splits things up into three distinct pots – 40% of the monies will be spent on the statewide tier, 30% will be spent on regional and 30% split up 14 ways across the State. Since this is a regional project, the way those projects will be selected is 70% of the formula will be determined strictly by data. Another 30% of the score where MUMPO will determine 15% of it and then our division staff and board member will determine the

other 15%. With it being a regional project 70% of the data will be driven by a formula and certainly the growth in Union County will not hurt or suffer because there is certainly a lot of traffic in this area.

Former Mayor Howie - You need to do a rewind of this. This blue line hash mark that you see on your map was created in 1994 through the adoption of this Thoroughfare Plan. In 1997 a developer came to us and advised that he bought the land which is now Stratford on Providence. The Council at that time knew that hash mark existed and that it was running in the proximity of that property. We told the developer you are not going to develop that land until a decision is made with regard to the alignment of that proposed road. Rea Road and 485 did not exist at that time. We held that developer up in the design and development of Stratford on Providence for about six months to go through the alignment process. We got funding from the State and the Federal Government. The Town spent about \$4,000 on a \$50,000 project to get that alignment done. We hired Presnell who is a road engineering group to do the alignment. The Town facilitated with the property owner, the developer of Stratford and every property owner along the potential alignment from Rea Road to Providence Road all the way to Highway 84. The Town stayed out of those discussions. Presnell invited the property owners to come in and sit down and discuss alignment. This is what Presnell came up with in 1997 and the Town adopted on recommendation from Presnell after discussions with the property owners. The only question that Presnell came to us with was there was conversation about three different alignments and where it tied into 84. Presnell asked us to recommend to MUMPO one of those alignments. We recommended alignment C and that was adopted by MUMPO in December 1997. The only recommendation that the Town made to NCDOT or MUMPO with regard to this project is the recommendation for alignment C where it connected into Highway 84.

Former Mayor Nancy Anderson – In the words of Deputy Secretary Trogden, “Wow, Mayor sounds like they lost the file.” He has been down here three times – talking about the traffic circle and Rea Road and how we could get it moved along. We have a property owner before 2008 that was ready to build the entire road when he built his subdivision. That can no longer happen but he is willing to donate the right-of-way which is a huge chunk of a road. We had funding in place. It was not slated to start in 2016 it was 2014. When I was at the meeting in June without exception every single person that walked up to the table said, “2016 - when did that get pushed back?” Everyone there thought it was 2014. I refer to the Local Area Transportation Plan that Weddington, Marvin, Wesley Chapel and Waxhaw worked on together with MUMPO funding and contributions from the Town. Rea Road Extension was the number 1 priority for our region. There is an accommodation on here for Providence Road going all the way to Waxhaw’s Bypass. It was my understanding that this plan was adopted by MUMPO as our Regional Transportation Plan because it is such a problem to have Providence Road acting not only as the north/south corridor but now it also has to act as the east/west corridor. I have boxes of files on this issue if you care to look at it.

Mr. Bill Price – I am hearing a different story tonight. I was Mayor Pro Tem of the first elected Council of Weddington. I agree with Former Mayor Howie that we had meetings here all over the area. I attended all of these meetings discussing Rea Road Extension. Rea Road at that time ended at 485. There were plenty of heated arguments within the Town about where the proposed extension through here would go. It was voted on by the people here within the Town and the 4C alignment was selected. Everyone thought that was fine; but then here within the past five years that is not the case.

Mr. Mitchell – Certainly as I said earlier if the Town has a preferred alignment that they would like us to know about we would certainly appreciate that feedback. We have not predetermined the alignment but we have to go through this process as far as federal funding. I know you all know of a small project called the Monroe Connector. We certainly do not want the same fate for this project as the Monroe Connector being tied in a contentious spiral. There are entities that watch to ensure that NCDOT follows the process and that any time that we not follow that process then they use that as an opening or gateway

to say that that this project is not worthy or legit because we did not follow our own rules or guidelines in terms of delivering a project. Not to put any work aside that has been done by previous elected officials or citizens but we have to consider alternatives to complete the federal process. We also have to evaluate not building the project at all. I would hope that this project does not go into litigation. It does appear that everything that we are doing is up to everyone's interpretation and everyone's desires. I just want to make sure that we do it right so we will not have to delay this project and deliver something that would help with the traffic.

Councilmember Thomisser – Do you have any idea what the difference in funding will be in 2015 versus now?

Mr. Mitchell – This new process kind of takes some of the subjective criteria out of it definitely on the State level. It is 100% data driven on how we fund the projects. On the regional level it will be 70% data driven and at the division level it will be 50% data driven. We are trying to make smart investments and we call it strategic investments with the resources that we have. We are trying to place the resources in the correct location. In doing that we hope that it will drive the economy and it brings more to the pot for everyone. We also are forced to make a change in how we look at roads. Our traditional funding sources are primarily the gas tax. Vehicles now because of café standards are changing. When we have F150 trucks that get 25 MPG then it changes the amount of times that we go to the gas pump. As vehicles get more efficient we go to the pumps less which means less revenue. We are having to reprioritize where those dollars go. I think there are going to have to be additional conversations because vehicles are going to get better and better. We are trying to be smarter and smarter on where we invest the transportation dollars.

Item No. 3. Adjournment. Councilwoman Harrison moved to adjourn the August 19, 2013 Special Town Council Meeting. All were in favor, with votes recorded as follows:

AYES:	Councilmembers Thomisser, Hadley, and Harrison
NAYS:	None

The meeting adjourned at 6:38 p.m.

Walker F. Davidson, Mayor

Amy S. McCollum, Town Clerk