

**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, JUNE 14, 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 June 14, 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: Janice Propst, Scott Buzzard, David B., Ella Virginia Matthews, Bill Price, John Wasylyk, Sam Lowe, Larry Almond, Bob Rapp, Bonnie Wojcik, Walker Davidson, Gary Kemp and Dick Smith.

Mayor Nancy Anderson offered the Invocation prior to the opening of the meeting.

Item No. 1. Call to Order. Mayor Anderson called the June 14, 2010 Regular Town Council Meeting to order at 7:11 p.m.

Item No. 2. Pledge of Allegiance. Mayor Anderson led in the Pledge of Allegiance.

Item No. 3. Determination of Quorum/Additions or Deletions to the Agenda. There was a quorum.

Mayor Pro Tem Daniel Barry moved to add under Old Business the following:

- Discussion and Consideration of Granting a Temporary Easement to the Weddington Corners Shopping Center

The vote on this motion is as follows:

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

The motion failed since the vote was not unanimous.

Town Administrator/Clerk McCollum asked that the following item be added to the agenda under New Business:

- Consideration of Approval of a Cost Sharing Agreement with Union County for Retaining a FEMA Consultant

Councilmember Robert Gilmartin moved to approve the agenda with the one addition noted by Ms. McCollum. 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. 4. Public Hearings.

A. Public Hearing to Consider Polivka Land Use Plan Amendment and MX Rezoning. The Town Council received a copy of the Conditional Zoning Application. Town Planner Jordan Cook advised the Council that the applicant has requested to move this public hearing to the August 9 Town Council Meeting.

Councilmember Jerry McKee questioned the reason for the continuation.

Town Planner Cook - They wanted to address comments that the Planning Board made and they felt that they needed two additional months to do that. They are responding to public input and the Planning Board's comments.

Councilmember McKee moved to continue the public hearing to consider the Polivka Land Use Plan Amendment and MX Rezoning to the August 9 Regular Town Council Meeting and that this matter was not to be continued again. He stated, "This has been going on for 2 ½ years. Every time it is put off, it costs the Town and staff time and money."

The vote on Councilmember McKee's motion is as follows:

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

B. Public Hearing to Review and Consider Proposed Text Changes to Article VIII – Board of Adjustment. Mayor Anderson opened the public hearing to consider proposed text changes to Article VIII. The Town Council received a copy of the proposed text changes. A copy is attached to the minutes as an Exhibit.

Town Planner Cook - This is a housekeeping item. The Board of Adjustment recently updated their Rules of Procedure. The Rules of Procedure in this Article VIII were developed and written in the 80's and there has been no updating of them since then. We felt that it was time due to recent law changes. Our Board of Adjustment Attorney Bill Brown and I have been involved in working on these for the last four to five months. After reviewing the document today with the Mayor, we did notice one thing that we wanted to receive your input on. Look at Section 58-234 under Variance Application Procedure, Item No. 4 - that paragraph deals with the variance notification process for the posting of the property and sending out notifications to adjacent property owners. The very last sentence says, "Failure to mail notices or to post notices shall not invalidate any action taken with regard to the variance application." It seems like that sentence could be taken out of the text.

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

C. Public Hearing to Review and Consider Proposed Text Changes to the B-1 and B-2 Zoning Districts. Mayor Anderson opened the public hearing to consider proposed text changes to the B-1 and B-2 Zoning Districts. The Town Council received a copy of the proposed text changes. A copy is attached to the minutes as an Exhibit.

Town Planner Cook - This is creating a B-1 (CD) and B-2 (CD) zoning district. B-1 and B-2 is shown in red on the map. We are creating a legislative or conditional district from the current B-1 and B-2. This is the first step. Once this B-1 (CD) and B-2 (CD) text is adopted, then we can go in and rezone the current

B-1 and B-2 to B-1 (CD) and B-2 (CD). That would allow anything that goes on at the Shopping Center to be legislative. It will not actually be rezoned to M-X. It will be B-1 (CD) and B-2 (CD). All of your development standards and design criteria will match what M-X is and moves away from the quasi-judicial process.

Town Planner Cook read the following sentence to the Town Council: All permitted uses located in the B-1 (CD) District shall have a maximum gross floor area of 3,000 square feet. He stated, "That is a small footprint that will help to prevent big box buildings but it will also prevent such things as indoor recreational centers.

Councilmember McKee - Why can you not do away with that 3,000 square feet language?

Mayor Anderson - What about libraries? They are clearly larger than 3,000 square feet. Is there an exception for government buildings and things like that?

Town Planner Cook - I do not think so. It was not actual uses it was accessory to buildings. We do have a maximum height of 35 feet. Do we want to touch on that as well? We have Section 58-15 that talks about the maximum height of buildings and what type of exceptions are included. We could include indoor recreational facilities and a library in that as well. The whole point of the max footprint and max height is to prevent the big box store. We also added Stormwater Management and some other language that was recommended by our Town Engineer. The Mayor brought up a situation where a developer comes in and does everything according to our code and there still is a problem on an adjacent property owner's property. What kind of remedy is there for that situation? At this point in our code there is not a remedy. If something is affecting an adjacent property owner and they followed our code and did everything that the Town and our Town Engineer required, there is nothing that we can do at this point. The Town Engineer and I are looking into some language to be able to help with that type of problem.

Mr. Richard Smith - I chose Weddington because of its lack of retail. I have watched many communities destroy themselves with nothing but residential tax. The amount of 3,000 square feet is very small. Your businesses will go to Wesley Chapel. They will take their dollars somewhere else and your town will be supported by nothing but residential houses and soon you will not exist because your residents will move out because your taxes are so high.

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

D. Public Hearing to Consider Amending the Land Use Plan for Parcels 06150058, 06150059 and 06150059A. Parcels 06150058 and 06150059A to go from "Traditional Residential" to "Business" and Parcel 06150059 to go from "Residential Conservation" to "Business". Mayor Anderson opened the public hearing to consider amending the Land Use Plan for Parcels 06150058, 06150059 and 06150059A. The Town Council received a copy of a map showing the location of the parcels and a copy of the Future Land Use Map.

Town Planner Cook - The three properties are the Matthews Property, Spittle Property and the Treski Property that are all located in the general downtown district. This is considering changing the Land Use Plan for these properties from their residential status to a business status. At a later date, these properties could be rezoned to M-X when a developer comes in with a site specific plan. What we are doing is the first step in the two-step process. The way our zoning code is written you cannot rezone to M-X unless your property has a business classification in the Land Use Plan.

Councilmember Thomisser - Have any of these applicants or owners come to you with a plan?

Town Planner Cook – No, not with a plan.

Mayor Anderson – I believe that all of the owners have come to Councilmembers individually and spoken to them about it and have all expressed interest.

Mayor Pro Tem Barry - This is being instigated by the Town of Weddington.

Town Planner Cook – Correct.

Mayor Pro Tem Barry - If a property owner had called you and said I want to a build a bank, what is the process that they would go through today to make that happen?

Town Planner Cook - They would first be required to have a Land Use Plan change because of the way that our code is written they would not be able to apply for this M-X rezoning. There is no written application. The Land Use Plan is the Town's long-term vision. This is not a zoning change.

Attorney Fox - All this does is amends the Land Use Plan, which is a guide for you. The legislature amended the zoning laws about a year and a half ago that requires you to make the finding that is consistent with the Land Use Plan. This does not affect the zoning of this property and the use and the scope of the use that exists there. In order to do that they would have to come before you with an M-X rezoning request and part of that process requires that they also present to you a site specific development plan. It does not mean that they have the right to develop the property as business. It only changes their Land Use Plan classification.

Ms. Ella Virginia Matthews - I am a lifelong resident of the Town of Weddington. I have resided at the property right behind the Town Hall for 81 years. I own this property with my sister-in-law, Ruth Matthews, who has lived in the Lake Park Nursing Home for almost eight years due to a stroke. I am here because the Town is considering rezoning our property to business. I would like to request that you move forward and rezone our property to a business use. Living here has become more and more difficult over the years with the increase in noise and congestion at the commercial property behind us. In the late night or early morning hours, we hear trucks pull up to the loading docks at the Harris Teeter and on the weekends we hear the large sweeper clean the parking lot in the middle of the night. Last year, a young man from Wadesboro used the back alley between the Shopping Center and our home to walk in on our property, break the glass on our back door and rob us. He just did not take our television, jewelry and possessions; he also took away our peace of mind. We do not feel safe living here anymore in the middle of the downtown congestion. Please vote to rezone our property for its real commercial mixed use value and hopefully soon at 81 years young I can move to a more quiet peaceful area of our Town.

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

E. Public Hearing to Consider the Proposed Budget for Fiscal Year 2010-2011 and to Set the Tax Rate. Mayor Anderson opened the public hearing to consider the proposed budget for fiscal year 2010-2011 and to set the tax rate. The Town Council received a copy of the proposed budget for Fiscal Year 2010-2011. A copy is attached to the minutes as an Exhibit.

Finance Officer Leslie Gaylord – We had a budget work session a few months ago and over the course of the last few council meetings we finalized a proposed budget. It is a 3-cents tax rate with revenues of \$1,159,750, expenditures at \$1,223,250 and a fund balance appropriation of \$63,500. The main reason for the appropriation would be transportation expenditures.

Councilmember Werner Thomisser – Later on in the meeting, we will be discussing the conduit for future street lighting. Does this budget include that cost?

Finance Officer Gaylord - There is currently no money for the conduit in this budget. There is \$130,000 for transportation expenditures. If you would want to do the conduit, you could potentially reallocate that money and maybe just rather than designating it as a specific line item that when it comes time to spend it on either Rea Road or the conduit you could pull that from that money but it would have to be approved by the Town Council.

Councilmember Thomisser - What if we wanted to do the lighting, banners and monuments?

Finance Officer Gaylord - If that were your option, you would have to adjust this budget now or amend it later when you had a more specific amount and time frame for when you are going to do that. If you amend your budget, it would have to come out of fund balance. There are no revenues to cover any additional expenditure.

Mayor Anderson – Do we have any money left over from this fiscal year?

Finance Officer Gaylord – The projected revenues over expenditures is approximately \$40,000. Gateways are in the budget at \$30,000.

Mr. Walker Davidson - After looking at the proposed budget along with the fund balance, I would like to ask the council to consider a tax rate of zero cents for FY 2010-2011. The Town of Weddington has run a budget surplus for quite a few years. This has resulted in a very large fund balance relative to the Town's operating budget. The proposed budget will tax Weddington citizens another \$550,000. The Town already holds \$2.6 million in cash in its fund balance. I believe the Town Council has more than enough money to pay the Town's operating expenses for the next year.

Cash Balance Beginning = \$2,600,000
Library = -\$250,000
DOT = -\$115,000
Other Designated Capital Projects = -\$205,000
Operating Deficit at \$0.00 tax rate = -\$643,750
Cash Balance Ending = \$1,386,250

I would just like you to consider this question. Should you collect \$550,000 from the people when all you are going to do with the money is put it in a bank account that earns very little interest? I believe people should be free to spend their own money. I am asking you to consider the impact on the Weddington community of putting \$550,000 back in the control of the people of Weddington. Over the last year I have heard many people come to this council and ask for money. And why shouldn't they? As the famous bank robber Willie Sutton said, "Go where the money is and go there often." \$550,000 could help each one of the causes I have heard discussed before this council. Here are the ones I can remember. You can probably think of others. I want to be clear here. I am advocating giving the people a chance to decide on their own if they want to use their own money toward these items.

Item 1. People could choose to spend their money at the Weddington Corners Shopping Center and by doing so support the Shop Weddington Corners campaign that is currently being financed with taxpayer dollars.

On the Town web site it says:

SHOP WEDDINGTON!!

Due to the economic downturn and the widening of Highway 16 and Highway 84, many of the Town's local business owners have seen a decrease in activity and sales. Please familiarize with the local businesses and let's do our part by supporting them.

The Town newsletter includes a full page of advertising for businesses from Weddington Corners. The taxpayer paid for the printing and distribution costs of these ads. If the Town Council is going to tax the people to pay for advertising for Weddington Corners, then the council might as well give the people some more money to spend at the shopping center.

Item 2. I know the families in Wellington Woods who are struggling to pay for their county water connections would appreciate the tax break to help them pay for the costs of their water connections.

Item 3. There are people who would like to use their money to support WCWAA.

Item 4. Weddington High School Fitness Center

Item 5. Weddington Elementary Basket Fundraiser

Item 6. Catawba Land Conservancy

Item 7. Providence Fire Department

Item 8. Union County Council on Aging

There are also a few items that have not been mentioned in Town meetings that could benefit from the money.

Item 1. I am sure members of the Weddington Church would like to use their money to help pay off the Family Life Center debt.

Item 2. I am sure that the people living in the Walden at Providence neighborhood would like to use their money to help fix their roads.

Item 3. People facing foreclosures

Item 4. People who have lost their jobs

I realize the zero tax rate scenario is one that has not been given much attention. However, I am encouraged by some of the Councilmembers' comments in the past regarding tax rates. Councilmen Daniel Barry and Werner Thomisser both ran campaigns advocating conservative spending practices and low taxes. In 2008 there was discussion of cutting the tax rate due to the large fund balance, the increased revenue expected from the county's revaluation of property values, and the expected \$80,000 in additional revenue from the involuntary annexation. During these discussions in 2008 Councilman Robert Gilmartin said, "I have no problem in cutting taxes. Fundamentally, smaller governments stay out of the way." Mayor Anderson said, "We do not have to collect taxes this year and we would be fine." Councilman Jerry McKee said, "If we did cut taxes, I would never raise taxes on anything as long as I am in office. I think that we should use our Fund Balance and do something that is positive. I will never vote to raise taxes. I cannot go along with a decrease and in the future do an increase." The tax rate stayed at \$0.03 that year and the fund balance climbed another \$333,352. I am glad Mr. McKee made these comments. They are honest and principled. "We should use our fund balance and do something that is positive." I just listed 12 items that I think are positive for our community. I hope you will agree. Mr. McKee's second comment could well be the main issue here. If the Town Council decides to make this year's rate zero, what should the rate be next year? No one on the Town Council wants to be associated with a tax increase. I will leave each of you to deliberate over the point of what is more important, the Weddington community or your own political legacy. I will promise you that if spending remains flat, I will not accuse you of raising taxes next year to meet the cost of financing the essential services provided by the Town. Thank you for listening and thank you for serving on the Town Council.

Mayor Anderson – I remember a conversation in previous years where we were told that we could not go to a zero cents budget.

Finance Officer Gaylord – We cannot levy a tax and not collect it. We can levy a zero cent tax.

Mayor Anderson – So we cannot have a rebate or a holiday. We just set the tax rate at zero and that is legal.

Mr. Sam Lowe – Why do you not reduce the three cents to a one or two cents tax rate? That would be a lot easier to swallow instead of putting more money in the bank. I know there are better rates than what the bank pays you.

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

Item No. 5. Approval of Minutes.

A. May 10, 2010 Special Town Council Meeting. Councilmember Thomisser moved to approve the May 10, 2010 Special 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. Public Comment. Mr. Gary Kemp - The activities that I am going to be talking about pertain to a 67 ½ acre property that has substantial frontage along Huntington Road. Exactly one month ago today, the WHI Land Clearing Company unloaded bulldozers and other equipment. The 67 ½ acres is zoned R-CD and has been for sale for an extended period of time. The land clearing has been taking place and is ongoing as we speak. You can come out as early as 6:30 a.m. and you will be able to hear it. In addition to the clear cutting of the land, all vegetation including the 100 year old trees on this property are being cut. Our neighborhood has been putting up with excruciating noise, mud and dust. There is impact on the FEMA Floodplain that runs through the middle of that property. I continue to be amazed at the lack of notification and planning that is required in order to clear 67 ½ acres of land in Weddington. One month ago I naively started calling officials at the Town, Union County and the State of North Carolina. I started out asking - Where is the plan? If this is a piece of property that is zoned R-CD and is being clear cut I naively thought that someone would have a development plan or a reforestation plan. There is no plan or commitment to what that piece of ugly land is going to look like. Is it the last ditch effort to squeeze the last dollar by the owner of that property before foreclosure? Will the land continue to sit there as an eyesore and as an attractive nuisance for every dirt bike and ATV owner in the surrounding area? Will 67 ½ acres be reforested? I support property rights and property planning to protect our town and its people.

Mr. Richard Smith – As I look at this map there is more green area on here than there are yellow and I am led to believe that those trees that are in that green area are about to be raped as the ones are that are behind my house. I also live backed up to Huntington. I watched for 40 years in Florida where I was a contractor where mistakes were made. They finally realized that the developers were really cleaning their clocks. They put in now to where you cannot farm, put a grove, or build anything without leaving a certain tree. There are seven trees that you are not allowed to touch. If you have to move it because it is in a building then you will transplant it. If it dies you have to plant two. You have to have a certain amount of grass area. With what you have to develop here, you certainly need to take the time now to put something together. No one wants to develop now. Pay attention to this young lady and increase some of this commercial here to help with your taxes. I love this city. Don't let it become nothing but a

residential community and when the developers come set down your guidelines and make them adhere to them.

Mr. David B. – I live on Whispering Oaks and have been experiencing the destruction of the land. The County is not going to do anything. The whole idea of what took place on that land is insane and it is going to be a serious detriment to Weddington really forever. Right now nothing else can be hooked up to sewer and anything that was going to be done with that land would still have to be well and septic which would mean one acre lots. Nobody is going to buy one acre plus lots of barren land with power lines over them. What could have been \$500,000 to \$1,000,000 houses in a beautiful wooded planned development is utterly destroyed and I do not see any hope in turning it into anything worthwhile. Without planning and without having the guts to say, “If you want to develop in Weddington, this is how it is going to be.”

Ms. Bonnie Wojcik – My husband bike rides all over Weddington and he came home last week and this was the big subject. I could not believe what I was hearing. He stopped to ask the people what was going on and they said they were getting ready to plant pine trees. This is a terrible thing to happen. Trees are so important. We all know that they provide beauty, cleanse the air and help prevent runoff. We are a community and we have to care about each other and our environment. We should not let something like this go by. We need an answer to it.

Item No. 7. Consent Agenda.

A. Call for Public Hearing to Consider Proposed Text Changes to Section 46-45 – Final Major Submission Plat and Review (Public Hearing to be held July 12, 2010 at 7:00 p.m. at the Weddington Town Hall). The Town Council received a copy of the proposed text change. Mayor Pro Tem Barry moved to call for a public hearing to consider proposed text changes to Section 46-45. The public hearing is to be held July 12, 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

B. Consideration of Budget Amendment for Fiscal Year 2009-2010. Mayor Pro Tem Barry moved to approve the following Budget Amendment for Fiscal Year 2009-2010:

**TOWN OF WEDDINGTON
 PROPOSED BUDGET AMENDMENT
 FOR FY2009-2010**

	ORIGINAL BUDGET	PROPOSED AMENDED
Revenues		
Ad Valorem Tax	561,500	585,000
State-Collected Revenues	492,500	540,500
Zoning and Subdivision Revenues	22,500	10,650
Other Revenues	31,500	35,000
Total Revenues	1,108,000	1,171,150
Appropriation from Fund Balance	20,000	0

Total Revenues and Appropriation from Fund Balance	1,128,000	1,171,150
Expenditures		
Administrative Expenditures	322,250	315,750
Planning & Zoning Expenditures	281,575	298,575
General Government Expenditures	524,175	556,825
Total Expenditures	1,128,000	1,171,150

All were in favor, with votes recorded as follows:

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

Item No. 8. Consideration of Public Hearings.

A. Consideration of Polivka Land Use Plan Amendment and MX Rezoning. This public hearing was continued until the August 9, 2010 Regular Town Council Meeting.

B. Consideration of Ordinance Adopting Text Changes to Article VIII – Board of Adjustment.

Mayor Pro Tem Barry moved to approve Ordinance O-2010-08 adopting text changes to Article VIII with the removal of the following sentence from the text:

- Failure to mail notices or to post notices shall not invalidate any action taken with regard to the variance application.

All were in favor, with votes recorded as follows:

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

A copy of Ordinance O-2010-08 is attached to the minutes as an Exhibit.

C. Consideration of Ordinance Adopting Text Changes to the B-1 and B-2 Zoning Districts.

Mayor Pro Tem Barry moved to approve Ordinance O-2010-09 adopting text changes to the B-1 and B-2 Zoning Districts with modifying 3,000 square feet to 10,000 square feet.

Councilmember Gilmartin - Who knows what number would be right based on the desires of the development?

Mayor Pro Tem Barry amended his motion to remove the entire sentence in the text change dealing with square footage in B-1 (CD). All were in favor, with votes recorded as follows:

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

Town Planner Cook will begin work on dealing with the maximum building height concerns.

A copy of Ordinance O-2010-09 is attached to the minutes as an Exhibit.

D. Consideration of Amending the Land Use Plan for Parcels 06150058, 06150059 and 06150059A. Parcels 06150058 and 06150059A to go from "Traditional Residential" to "Business" and Parcel 06150059 to go from "Residential Conservation" to "Business". Councilmember Thomisser moved to amend the Land Use Plan for Parcels 06150058, 06150059 and 06150059A. He stated, "I have a problem with the process and feel like we are putting the cart before the horse. I cannot support this."

Councilmember McKee - Just changing the Land Use Plan does not change the hurdles that someone would have to overcome in order to develop this property from residential to commercial. It is just one step out of the way.

Councilmember Thomisser - No one has appeared before this Council with any concrete idea or plan for what they want to do with this property.

Mayor Anderson - I would suggest that the reason why they have not done that is because their feeling is it is a huge amount of expense on their part to go through all of those hoops and a long process and it will be rejected. The Treski property is crucial for the entire transportation piece to work and for the light to go in at the Weddington Activity Center. I would request or entertain of the Council a friendly amendment that you would at least consider to change the Land Use Plan for 06-150-059A.

Councilmember Thomisser amended his motion to approve the amendment of the Land Use Plan for Parcel 06-150-059A to go from Traditional Residential to Business. All were in favor, with votes recorded as follows:

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

E. Consideration of Ordinance Adopting the Budget for Fiscal Year 2010-2011 and to Set the Tax Rate. Mayor Pro Tem Barry moved to approve the budget as presented and to set the tax rate at 3 cents. He stated, "The question that I have is regarding the three or four infrastructure issues that DOT has lobbed at us. The first is the maintenance of the roadway landscaping once NCDOT transfers that over to us sometime in the fall. They only mow them twice a year. If we want anything fancier, we would have to do it ourselves."

Finance Officer Gaylord - It is not in the budget.

Mayor Pro Tem Barry - Do we have any idea of what that is going to be? At the meeting last month, Barry Moose talked about putting the traffic circle out here.

Finance Officer Gaylord - That is not in there either.

Mayor Pro Tem Barry – Is there anything in there for Town Hall landscaping and irrigation?

Finance Officer Gaylord answered yes.

Mayor Anderson - We got the preliminary draft last Friday and it appeared we were going to be having a circle here. It will be a little more money for landscaping and some money for maintenance. Barry Moose said that generally speaking when a Town upgrades instead of them coming and mowing with a rough cut bush hog they send us a check to help with that expense. We do not have any idea of the estimate for that cost. We just do not have enough information right now.

Councilmember Thomisser – Would Mayor Pro Tem Barry accept a friendly amendment to set the tax rate at 2.5 cents per \$100?

Finance Officer Gaylord - Instead of \$63,000 appropriation you would be looking at a \$200,000 appropriation.

Mayor Anderson – It is true we do have a surplus in our bank account but we have been planning to spend that when this road got finished. We have known that we were going to do upgrades and streetscapes. I know that it is sticker shock but it is money that we have been planning for and saving. We have beautiful neighborhoods and people want to drive down beautiful landscaped roads.

Mayor Pro Tem Barry - I will accept the friendly amendment. We can spend \$200,000 as quickly as we can give it back to the taxpayers.

Councilmember Gilmartin - I am for smaller government and a low tax rate. I am fearful not for reelection but that we are going to have some potentially large expenses coming on board due to our Closed Session. I am still comfortable with 3 cents.

The vote on the motion is as follows:

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

Mayor Anderson broke the tie by voting against the motion. The motion failed.

Councilmember Gilmartin moved to approve Budget Ordinance O-2010-10 and to set the tax rate at 3 cents.

**TOWN OF WEDDINGTON, NORTH CAROLINA
2010-2011 GENERAL FUND BUDGET ORDINANCE
O-2010-10**

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

Section 1. The following amounts are hereby appropriated in the General Fund for the operation of Weddington Government and its activities for the fiscal year beginning July 1, 2010 and ending June 30, 2011, according to the following summary and schedules:

SUMMARY

<u>FUND</u>	<u>ESTIMATED REVENUES</u>	<u>FUND BALANCE APPROPRIATION</u>	<u>TOTAL APPROPRIATION</u>
General	\$1,159,750	\$63,500	\$1,223,250

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

<u>GENERAL FUND</u>	<u>AMOUNT</u>
Administrative	\$ 324,040

Planning & Zoning	333,300
General Government	<u>565,910</u>
TOTAL APPROPRIATIONS – GENERAL FUND	<u>\$1,223,250</u>

Section 3. It is estimated that the following General Fund Revenues and Fund Balance Appropriations will be available during the fiscal year beginning July 1, 2010 and ending June 30, 2011 to meet the foregoing General Fund appropriations:

<u>REVENUE SOURCE</u>	<u>AMOUNT</u>
Ad Valorem Taxes	\$ 584,750
State-Collected Revenues	552,500
Zoning and Subdivision Revenues	11,000
Other Revenues	<u>11,500</u>
TOTAL REVENUE GENERAL FUND	<u>\$1,159,750</u>
APPROPRIATION FROM FUND BALANCE	<u>\$ 63,500</u>

Section 4. There is hereby levied for the fiscal year ending June 30, 2011 the following rate of taxes on each (\$100) assessed valuation of taxable property as listed as of January 1, 2010 for the purpose of raising the revenues from current year’s property tax as set forth in the foregoing estimates of Revenues, and in order to finance foregoing appropriations:

GENERAL FUND	<u>\$0.03</u>
--------------	---------------

Section 5. The Finance Officer is hereby authorized to transfer appropriations within a fund contained herein under the following conditions:

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

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

Adopted this 14th day of June, 2010.

All were in favor, with votes recorded as follows:

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

Item No. 9. Consideration of Addition to the Agenda. Mayor Pro Tem Barry moved to add to the agenda under Old Business to discuss and consider a temporary easement across the Town’s property to access Weddington Corners Shopping Center. All were in favor, with votes recorded as follows:

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

NAYS: None

Item No. 10. Old Business.

A. Consideration of Approving the Installation of Conduit for Future Street Lighting in the Downtown Area. The Town Council received a copy of the May 26, 2010 Special Downtown Committee Meeting minutes as information. Downtown Chairman Scott Buzzard read the following information from the May 26, 2010 Special Downtown Committee Meeting minutes:

Mr. Steele moved to recommend to the Town Council to spend up to \$45,000 to install conduit as specified on the plans from Bizzell Design only if the Town Council believes that they will move forward within the next five years to install the actual street lighting. Vice-Chairman Smith seconded the motion, with votes recorded as follows:

*AYES: Taylor, Stone, Pace, Steele, Emerine and Vice-Chairman Smith
NAYS: None
ABSTAIN: Thomisser*

Mr. Steele felt that installation of the lighting in conjunction with the completion of the finishing of the widening would make a great impact and liked the idea in concept but needed to know whether the Town had the resources to move forward on that before making a recommendation.

Vice-Chairman Smith moved to recommend to the Town Council the immediate implementation of a streetscape plan (street lights, landscaping, monuments) in conjunction with the completion of the Highway 16 widening contingent upon available funding. The Committee feels that the streetscape plan will help create a sense of community, boost existing commercial and would have a calming effect on traffic coming through Wedddington. Mr. Dudley Stone seconded the motion, with votes recorded as follows:

*AYES: Taylor, Stone, Pace, Steele, Emerine and Vice-Chairman Smith
NAYS: None
ABSTAIN: Thomisser*

Councilmember Thomisser moved to approve the installation of future street lighting along with the Town markers and banners but not to do the street signs at this time.

Finance Officer Gaylord advised that the Town markers were budgeted.

Mayor Anderson - Would Council consider hanging baskets instead of banners?

Mayor Pro Tem Barry - I think we charge the Downtown Committee with the specifics.

Mayor Anderson - If we tell them to buy banners, they will buy banners.

All were in favor of Councilmember Thomisser's motion, with votes recorded as follows:

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

B. Consideration of Resolution Requesting NCDOT Abandon and Release Maintenance of Valley Run Drive, Walden Trail and Landsbury Drive in the Walden at Providence Subdivision. Mayor Pro Tem Barry moved to approve Resolution R-2010-08:

**TOWN OF WEDDINGTON
RESOLUTION REQUESTING NCDOT ABANDON AND RELEASE MAINTENANCE OF
VALLEY RUN DRIVE, WALDEN TRAIL AND LANDBURY DRIVE IN THE WALDEN AT
PROVIDENCE SUBDIVISION
R-2010-08**

WHEREAS, there are both public and private roads in the Walden at Providence Subdivision;
and

WHEREAS, representatives from the Walden at Providence Subdivision and its Homeowners Association presented information at the April 12 and May 10 Town Council Meetings regarding the condition of their roads and has requested the Town Council to consent to NCDOT's abandonment and release of Valley Run Drive, Walden Trail and Landsbury Drive back to the Walden at Providence Homeowners Association; and

WHEREAS, the residents at Walden at Providence had Froehling & Robertson, Inc. perform a pavement evaluation and assessment of the roads in their neighborhood and it was determined that the roads are experiencing structural distress in several areas; and

WHEREAS, the residents at Walden at Providence and their Homeowners Association has represented that they have the financial capability of making the necessary repairs to their roads and they have provided that 10% of all future homeowners' dues collected each year will be set aside for the sole use of maintaining all roads within Walden at Providence;

NOW THEREFORE BE IT RESOLVED THAT the Town of Weddington consents to the North Carolina Department of Transportation releasing and abandoning Valley Run Drive, Walden Trail, Landsbury Drive from NCDOT's maintenance obligation and transferring future maintenance obligations to the Walden at Providence Homeowners Association.

Adopted this 14th day of June, 2010.

All were in favor, with votes recorded as follows:

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

C. Consideration of Ordinance to Repeal Annexation Ordinance O-2010-01 for David Michael Turner, Cecil E. Turner and Carolyn Y. Turner on Potter Road. Mayor Pro Tem Barry moved to adopt Ordinance O-2010-03:

**TOWN OF WEDDINGTON
AN ORDINANCE TO REPEAL
ANNEXATION ORDINANCE NO. O-2010-01
O-2010-03**

WHEREAS, on September 23, 2009, pursuant to N.C. Gen. Stat. § 160A-31, David Michael Turner, Cecil E. Turner and Carolyn Y. Turner ("Petitioners"), owners of real property located in an unincorporated part of Union County, North Carolina, petitioned the Town of Weddington for annexation of Union County Tax Parcels 07-135-065E, 07-135-065C, 07-150-001D, 07-135-065F ("Petition"); and

WHEREAS, on March 8, 2010, the Town Council of the Town of Weddington, North Carolina voted unanimously to adopt “An Ordinance to Extend the Corporate Limits of the Town of Weddington, North Carolina, David Michael Turner, Cecil E. Turner and Carolyn Y. Turner, Potter Road” (“Annexation Ordinance No. O-2010-01”) to annex into the Town the real property identified in the Petition and owned by Petitioners, subject to the Petitioners recombining Union County Tax Parcels 07-135-065E and 07-135-065C and recombining Union County Tax Parcels 07-150-001D and 07-135-065F; and

WHEREAS, subject to the above condition being met, the effective date of Annexation Ordinance No. O-2010-01 is September 8, 2010; and

WHEREAS, on March 29, 2010, the Petitioners submitted a written request to the Town to withdraw the Petition as a result of the anticipated fees and expenses associated with the recombination; and

WHEREAS, during discussions with the Town following Petitioners’ March 29, 2010 request to withdraw, Petitioners have stated their intention to not meet the condition contained in Annexation Ordinance No. O-2010-01; and

WHEREAS, the Town has determined that the condition in Annexation Ordinance No. O-2010-01 will not be met, that the Petitioners no longer seek annexation by the Town, and that it is in the Town of Weddington’s best interest to repeal and rescind Annexation Ordinance No. O-2010-01 prior to its effective date.

NOW, THEREFORE, BE IT ORDAINED, that the Town Council of the Town of Weddington hereby repeals and rescinds its March 8, 2010 Annexation Ordinance No. O-2010-01, this rescission to be effective immediately, and said Annexation Ordinance shall have no force or effect, either on September 8, 2010, or at any other time thereafter.

Adopted this 14th day of June, 2010.

All were in favor, with votes recorded as follows:

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

D. Discussion and Consideration of a Temporary Easement across Town of Weddington Property for the Access to Weddington Corners Shopping Center. Mayor Pro Tem Barry – I move that the Town of Weddington provide the necessary temporary easement for the installation of a rear entrance to Weddington Corners Shopping Center across Town Property. This easement shall be used for a driveway connection from the rear of Weddington Corners Shopping Center to Weddington-Matthews Road. The driveway is to be built at the supervision and cost of NCDOT. With the completion of the driveway, its maintenance will become the responsibility of Weddington Corners Shopping Center. Included in this project NCDOT will connect the current Town Hall Driveway down the hill to Weddington Corners Shopping Center. In consideration for the easement Weddington Corners Shopping Center agrees to work with the Town of Weddington to provide screening to the loading dock area. In addition Weddington Corners agrees to provide to the Town of Weddington _____ \$ _____ to enhance the landscaping project for the rear of Town property which would be abutting the new driveway. I have had conversations this week and the end of last week with Weddington Corners Shopping Center. They are desperate and we are running out of time with NCDOT. Barry Moose is on vacation. I spoke with John Underwood with NCDOT and they need a resolution from us allowing them to do that. The most

important part of it is temporary. Temporary means that all they are planning to do is push the dirt out of the way and lay some gravel and asphalt. According to Weddington Corners as soon as the Treski development were to occur, they are going to push through under an agreement already existing with Treski to get access to the northern entrance and for consideration there they have allowed the Treski engineers to engineer for that new building using access to Weddington Corners water, sewer and electric facilities which are already in the ground behind the shopping center. He threw out \$30,000 for the easement for landscaping. He said late to me this afternoon on the telephone – “I am really in a bad spot and I need to get this done. Tell me what you need and if I can’t do it, I will not do it.” We need to figure out what is reasonable. It is a temporary easement.

Councilmember Thomisser – I do not want to see the loading docks of Harris Teeter and based on what you just said are we going to lose any trees or are they going to replace any trees?

Mayor Pro Tem Barry – NCDOT engineers are going back to our property line to figure out 20 feet from the property line where they can put that road. If you go stand out there you are standing in a briar thicket. We walked it and we are going to probably lose those pine trees but those are scrub trees. They will end up planting something better. Jerry has articulated to me several times that I do not want to sit here and stare at the loading docks from the shopping center. I am not sure that there is any planting you can do to fix that but he is willing to manipulate the back of that building. At the end of the day you will be staring at the back of the shopping center. We can plant whatever we want back there. For three or four years you are going to look over the top of it at the back of the shopping center. There is no egress onto Providence Road heading south from the shopping center. It is an enormous challenge that they have. As some of us have talked about over the last couple of weeks, do we want to deal with a temporary easement over maybe 10 years or do we want to deal with an empty shopping center? I do not think anybody wants to see Harris Teeter fold and pull out because they are not going to find a major tenant to occupy the space. Government does not need to be in the business of sustaining business but we do not want to be in the business where we are putting the bullet in one.

Councilmember Thomisser- Mayor Anderson, are you comfortable with this?

Mayor Anderson – I am comfortable with it. I believe that I have a solution to spare those trees back there to put the road where it needs to be. It may come a couple of feet more this way but if we have our screening there I believe that we are willing to go with that. Little bit less grass for us but way prettier trees. I do have a question about the temporary easement thing. We talk about connecting the upper tier and our parking here. It is now permanent for us - that is our new driveway.

Mayor Pro Tem Barry – That road is only permanent to the degree that we do not ever close it. The easement exists at our will. We have asked them to attach it to our driveway and push our driveway down to the bottom of the hill.

Mayor Anderson – So we are going to push ours to the bottom of the hill and not curving around the edge?

Mayor Pro Tem Barry – Their engineers have to draw that.

Mayor Anderson – I know but we have to be careful about that. It may be a permanent driveway for us which is also okay. I think a good site planner/engineer can easily fix all of that.

Mayor Pro Tem Barry – According to my conversation with the Union County District Engineer this morning temporary and easement are the most important words that can go into this motion. Both of

those mean that we can instruct them or hire a contractor to rip it out if we do not like it or we have found other avenues to allow that to happen.

Attorney Fox – Assume that we have a draft easement agreement that would be satisfactory to us for execution by Weddington Corners which will give the right to use this area, the area needs to be defined with certain conditions. One of the other things that we want is the ability to require them to relocate the easement upon certain notification from us and to maintain it. The other issue that I heard and am not clear about it is regarding the compensation of about \$30,000.

Mayor Pro Tem Barry – What he said was that he would help us out with the landscaping.

Attorney Fox – The question I have is does the \$30,000 take into account for the landscaping costs or is the landscaping in addition to that amount?

Mayor Pro Tem Barry – He said to me on the phone that I know you are going to start on a landscaping plan for the back of the Town Hall. I will throw \$30,000 to help you with the landscaping since it is going to abut up against the new road.

Mayor Anderson – Werner, to answer your question about if I am comfortable with this. This is “D” day. We are out of time. The weather is not perfect but we are going to launch anyway. I say that we go at least \$50,000 extra dollars plus landscaping it plus the \$50,000 is for our yard and I say that we ask them to put in their own lights that go in front of their property. Let them buy the lamp posts that go in front of their property because if they were building it now that would be a condition.

Mayor Pro Tem Barry – From the May minutes with Barry Moose he stated, “It is something that we can build and give back to the shopping center as a driveway. We can also build if the Town will support a connector road from the driveway allowing us to utilize part of the driveway to get to the upper tier of the shopping center.” Nancy, you said \$50,000, and landscape the road, plus \$50,000 for our yard plus how many lamp posts are in front of their property.

Councilmember McKee – When this thing was originally brought up a couple of years ago about extending this driveway here there was concern from the staff about coming in and out of Town Hall plus other people doing business here at Town Hall. There is going to be heavy traffic coming down this driveway. From a safety standpoint, it is going to take out some of this parking over here because people are not going to want to park and walk across the road. There is a safety consideration for tying into this driveway down here.

Town Administrator/Clerk – It was Mary Jo at the time that expressed her concern at the Council Meeting.

Councilmember McKee – I want to see the final plans again before we approve it. They had a set of plans from their private engineer that was designed to keep tractor trailers from pulling in and out of there. I think we need to see to final plans of the road and where they are going to do landscaping on the road that goes in there.

Mayor Pro Tem Barry – I think that the landscaping is going to be left up to the Downtown Committee.

Councilmember McKee – I am talking about on their road.

Mayor Pro Tem Barry – They are giving us the money to...

Councilmember McKee – They are giving it to us to do it on our green area and not on the side of the road.

Mayor Pro Tem Barry – They are going to be taking more than 20 feet because they wanted to run right up the property line so they did not encroach up against our back yard but you are saying you want to put it on this side of the pine trees. Let's not get bogged down with the details here. We want to work with NCDOT engineers with the final design of the road and grant them the easement with the following conditions: \$50,000, landscaping on the road and payment of the lamp posts that is on their property, and we approve the final design of the roadway by working with NCDOT engineers.

All were in favor, with votes recorded as follows:

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

Item No. 11. New Business.

A. Consideration of Release of the Union County Public Works Guarantee- Potters Creek Estates

II. The Town Council received the following memo from Town Administrator/Clerk Amy McCollum:

The Town is currently holding \$14,261.89 for water performance for Potters Creek Estates II. Please see the attached letter dated May 28, 2010 from Mr. Mike Garbark, Assistant Director with Union County Public Works, advising that they have inspected the materials and workmanship of the water and sewer distribution systems and find the project to be in substantial compliance and intent of the approved plans and specifications and recommend the release of the water performance money back to the developer.

Councilmember Gilmartin moved to release the Union County Public Works Guarantee for the Potters Creek Estates II Subdivision. All were in favor, with votes recorded as follows:

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

B. Consideration of Approval of Urban Forester Interlocal Agreement. The Town Council received the following memo from Town Administrator/Clerk McCollum and a copy of the Urban Forester Interlocal Agreement is attached to the minutes as an Exhibit.

Please find attached the draft Urban Forester Interlocal Agreement between Union County and municipalities. Since 2006, Union County has received grant funding from the North Carolina Department of Environment and Natural Resources to help pay for an Urban Forester position for Union County. This grant funding will be discontinued after June of 2010. The Urban Forester has provided a number of services to municipalities within Union County including ordinance development, site visits, professional consultation and technical plan review. The agreement also lists a number of other services that have been offered by this position.

The term of the agreement shall begin on July 1, 2010 and shall continue until June 30, 2011. Union County estimates that the direct costs of this position including salary and benefits for 2010-2011 will amount to \$60,671. Weddington's portion of Union County's expenses for the position is \$2,356.60. If a municipality participating under this Agreement requests a service or a level of service that the Urban Forester thinks is above the standard level of services provided to all municipalities, he/she will consult the Union County Manager as to whether the services requested should be considered premium services. The Union County Manager will receive the recommendation from the Urban Forester regarding the proposal for premium services, and will determine whether the Urban Forester is capable of fulfilling the

request. If the Union County Manager determines that the services requested are premium services and that the Urban Forester is capable of providing the services, the Union County Manager shall negotiate a price for the premium service with the requesting municipalities.

Councilmember Gilmartin moved to approve the Urban Forester Interlocal Agreement. All were in favor, with votes recorded as follows:

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

C. Discussion of NCDOT Small Project Funding Sources – Councilmember Werner Thomisser.

The Town Council received a copy of the Small Project Funding Sources PowerPoint presented by Mr. Barry Moose at the May 19, 2010 MUMPO Meeting. Councilmember Thomisser reviewed with the Town Council. Councilmember Thomisser stated, “We are not talking about Rea Road. We are talking about extra pockets of money that is available and the key is to identify where those things are in Weddington and get on the list.”

D. Update from May 12, 2010 CCOG Meeting – Councilmember Werner Thomisser. The Town Council received a packet of information from the May 12, 2010 Centralina Council of Governments Meeting. Councilmember Thomisser reviewed with the Town Council.

E. Discussion of the Landscaping of Town Hall Property – Councilmember Jerry McKee. Councilmember McKee advised that he is working with an individual that is developing a landscape plan for the Town Hall. He advised that the plan will cost approximately \$400 or \$500.

F. Discussion and Possible Direction Regarding Proposed Town of Waxhaw 20,000 Square Foot Library – Councilmember Werner Thomisser. Councilmember Thomisser - Most of you are aware that within the next 60 days representatives from Waxhaw Town Council will present a contract to the Union County Board of Commissioners for a 20,000 SF Library. They are going to supplement with Town money and also with some land. The Union County Capital Improvement Project for FY 2011-2012 shows \$3.6 million for the Waxhaw Library. FY 2012-2013 shows \$2 million for a total of \$5.6 million. That is going to come from all of Union County taxpayers including us. The County is 700 million dollars in debt. They are paying approximately 52 million dollars a year to service that debt. What is wrong with this library? The number one reason is population. The total population for Weddington, Wesley Chapel and Marvin is 21,815. The total population for Waxhaw and Mineral Springs is 5,975. If you build two 20,000 square foot libraries, the construction cost is \$12.4 million and the operating cost is \$1.9 million. If you build a 40,000 square foot library, it costs \$9.7 million to build. You save \$2.7 million in construction costs but the biggest savings of all is in operating costs. In this particular scenario there is a savings of \$700,000 in operating costs. The trend is for larger libraries. Mecklenburg County has already closed four small libraries and twelve others are on the chopping block. We have a Western Union County Coalition that just started where we could work together on the location for the library so that all of the population can use it. I move that the following resolution be sent to the Union County Commissioners: Resolved that the Weddington Town Council is opposed to the construction of a 20,000 square foot library in Waxhaw and that the Union County Board of County Commissioners strategically locate a library in the area of Western Union County where 78% of the population resides which is Weddington, Wesley Chapel and Marvin.

Mayor Anderson - I do not believe that you can compare the Mecklenburg County system to Union County. We have a plan that was adopted 15 years ago that said we would have only five regional libraries in Union County. If you look at the map there is a whole lot of Union County south of Waxhaw. I believe that Waxhaw and the Weddington/Wesley Chapel/Marvin area both need their own library. I

am not opposed to Waxhaw having a library. I am opposed to Waxhaw having a library and our area not having one. I do not think one in the middle will service us both for 20 years. I agree that we need to vote for our fair share. We do have 78% of the population. If we are going to take an official position I would ask that they say keep the plan that they have on the books that was adopted 15 years ago but delay a decision on building those until we are in better financial shape.

Councilmember Thomisser, Mayor Anderson and Town Administrator/Clerk McCollum will work on the drafting of the Resolution.

All were in favor of the motion, with votes recorded as follows:

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

Mayor Anderson – I am in favor of the current adopted plan showing two regional libraries on this end of the county and not a super regional.

G. Consideration of Approval of a Cost Sharing Agreement with Union County for Retaining a FEMA Consultant. Attorney Fox – The total expenditure of the Town is limited to 50% of the consultant’s total costs or \$10,000, whichever is less.

Mayor Anderson - I am concerned that there is no end in sight.

Attorney Fox - This is where you are comfortable with at this point and time. If you see and evaluate where it is going they will have to come back to you to get to another level and you would have more information at that time. All we are saying is that we are partnering with you at this point and see where we go.

Mayor Pro Tem Barry - I think the \$10,000 sends an appropriate message. It says that we are not turning our backs on the issue or the park.

All were in favor, with votes recorded as follows:

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

Attorney Fox - This is a claim that we are dealing with that is protected by attorney-client privilege. This was an action item that had to be done out of Closed Session.

Mayor Pro Tem Barry asked that Attorney Fox work on preparing a Press Release on behalf of the town regarding this matter.

Item No. 12. Update from Town Planner. The Town Council received the following update from Town Planner Cook:

- The Polivka MX Rezoning Application and Land Use Amendment will be on the August 9, 2010 Town Council agenda for Public Hearing and Consideration. It was originally scheduled for the June 14, 2010 meeting.
- All municipalities participating in the Carolina Thread Trail had a kick-off meeting with the Trust for Public Land (hired consultant) on May 6th. There will be four Listening Sessions in July

located throughout Union County. The Town of Weddington will host one of these Sessions at the Weddington Swim and Racquet Club on Monday, July 19 from 6-8pm.

- Union County is in the beginning stages of developing their Water and Sewer Master Plan. I met with Union County and their consultant (Black & Veatch) on Wednesday to discuss some of Weddington's issues and concerns regarding water and sewer. The consultant will be back in the next 2-3 months for more meetings.
- The property owner at parcel 06096016 on Huntington Drive is currently harvesting the timber on their 67 acre lot. The entire 67 acres will be harvested minus a 20'-30' creek buffer that runs through the middle of the property. I have had about 8-10 residents call me about this and I have assured them that the property owner has received permission and permits from the NC Forest Service as well as Union County and other entities. I have talked with Tom Huffman at WHI Land Clearing, Beth Plummer with the NC Forest Service Water Quality Division, Andy Cranfill with the NC Forest Service, Urban Forester David Grant and Bonnie Fisher with USI about this project and have been assured that the property owner complies with all requirements and has obtained all permits. Forest Rangers from the NC Forest Service have been to the site 4-5 times this week and will continue to monitor the harvesting.
- I have received an application for the Final Plat for the Anney Subdivision. The project is currently scheduled to be on the June 28th Planning Board agenda.
- Mr. Cecil Turner (Potter Road Annexation) stated that they would be interested in being annexed by Weddington if he did not have to comply with the conditions (lot line recombination) previously placed on them. I have asked Mr. Turner to fill out another voluntary annexation application and we would start back from square one as Anthony suggested at the last Council meeting. The original annexation application will need to be repealed at the next Town Council meeting.

Item No. 13. Update from Town Administrator/Clerk. The Town Council received the following update from Town Administrator/Clerk McCollum:

Please bring your calendars to the meeting to plan a Town Council Work Session to be held in the next few weeks.

Plan to come to Weddington Night (July 31, 2010) at the Charlotte Knights. More information can be found on the website. Tickets can be purchased on the lower level at \$9.00. Mayor Anderson will be throwing out the first pitch at the game.

We have contacted the Weddington Schools to get on their newsletter and email lists for upcoming events. Any events will be forwarded to the Town Council.

There is a vacant seat on the Downtown Committee. Would the Town Council like to use applications on file that have been submitted for other Committees for this vacancy? If so, this item can be placed on the July Town Council agenda.

The newsletter was mailed out to residents on Friday.

The Town Hall suffered damage from the storm on Sunday night. Several modems, monitors, the alarm system, computers were damaged. The necessary paperwork will be filed with our insurance company for reimbursement.

Pending Issues:

- COG is planning to start within the next two weeks on the review of the annexation area of interest for the Town.
- June 16, 2010 – Town Hall Day – Nancy and Werner are attending on behalf of the Town.
- NCDOT – Waiting on paperwork regarding the reduction of the speed limit on Weddington-Matthews Road.
- NCDOT – Waiting on paperwork regarding reduction of speed limits in neighborhoods as recommended by the Weddington Deputies.
- NCDOT – Advised that they will have median installed at Tilley Morris by July 1.
- WCVFD – Waiting on them to do their environmental inspection of house located at the corner of Highway 84 and Twelve Mile Creek Road
- PVFD – Waiting on them to set date for CPR class

Item No. 14. Public Safety Report.

Providence VFD

Monthly Call Responses –

Union County – Fire: 15 EMS: 14 Total: 29

Mecklenburg County - Fire: 5 EMS: 1 Total: 6

Monthly Total: 35

Monthly Training Hours-

Fire- (total Hrs): 140 In house: 135 On-Line: 5

EMS - 43

Run Times:

6A-12N: 11 % 12n-6P: 31 % 6P-12M:44 % 12M-6A: 14 %

Run Data:

Avg. Turnout: 2 min. 15 sec.

Avg. Response Time: 4 min. 25 sec.

Avg. On Scene Time: 16 minutes

Avg. Members On Scene: 5.5 members

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

5/10/2010: 3645 Pleasant Plains Road Assist Station 20 with a Brush Fire

5/21/2010: Beulah Church Road and Waxhaw-Indian Trail Road, Assist Station 26 with a 10-50, 4 people entrapped

5/26/2010: 5625 Potter Road - Assist Station 20 with an RV fire.

The Town Council also received the Income and Expense Budget Performance and Balance Sheet for PVFD for May 2010.

Wesley Chapel VFD – April (114 Calls)

Union County Deputies – 341 Calls.

Item No. 15. Update from Finance Officer and Tax Collector.

A. Finance Officer’s Report. The Town Council received the Revenue and Expenditure Statement and the Balance Sheet for May 1, 2010 to May 31, 2010.

B. Tax Collectors Report. Monthly Report - May 2010.

Adjust Under \$5.00	\$4.98
Discoveries	\$166.07
Interest Charges	\$205.74
Pay Interest and Penalties	\$(825.47)
Refunds	\$87.71
Taxes Collected:	
2009	\$(11,895.85)
2008	\$(424.70)
As of May 31, 2010; the following taxes remain Outstanding:	
2001	\$9.18
2002	\$89.53
2003	\$199.83
2004	\$159.59
2005	\$320.66
2006	\$241.52
2007	\$606.95
2008	\$6,972.32
2009	\$15,128.54
Total Outstanding:	\$23,728.12

Item No. 16. Council Comments. There were no Council Comments.

Item No. 17. Adjournment. Mayor Pro Tem Barry moved to adjourn the June 14, 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 10:42 p.m.

Nancy D. Anderson, Mayor

Amy S. McCollum, Town Clerk