

**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, SEPTEMBER 13, 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 September 13, 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 Bobby Sullivan, Town Planner Jordan Cook, Finance Officer Leslie Gaylord and Town Administrator/Clerk Amy S. McCollum.

Absent: None

Visitors: Bill Price, Joyce Helms, Sharon Sanders, Brent Sanders, Jim Weiland, Stephanie Belcher, Sue Fitch, Walker Davidson, R. H. Douthwaite, Barbara Harrison, Pat Harrison, Judy Jones, Barbara Abrams, Scott Buzzard, Dorine Sharp, Union County Public Works Director Ed Goscicki, Joyce Helms, Phyllis Pincus, Lorri Elliott and Helen Harris

Mayor Nancy D. Anderson led in a prayer prior to the opening of the meeting.

Item No. 1. Call to Order. Mayor Anderson called the September 13, 2010 Regular Town Council Meeting to order at 7:05 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 approve the agenda with the following amendments:

- Town Administrator/Clerk Amy McCollum requested that the Town Council move the Report from the Weddstock Committee up on the agenda before the public hearing because one of the presenters had to catch a flight tonight. Councilmember Werner Thomisser requested to move Council Comments up to immediately following Public Comments.

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. Report from Weddstock Committee as Requested by Council at the August 2, 2010 Special Town Council Meeting. The Town Council received a packet of information from the Weddstock Committee:

Ms. Stephanie Belcher – I am a resident of the Town of Weddington and am also the Vice-Chairman of the Parks and Recreation Advisory Board. Behind me are the members of the Weddstock Planning Committee. They have asked me to present the project summary and the budget presentation on their behalf. The Parks and Recreation Advisory Board’s Mission is to provide recreational programs to enrich

the quality of life for residents, visitors and future generations. Keeping that in mind, Weddstock was conceived around the idea of free music events combined with kid friendly activities for the residents of Weddington during the summer months. Weddington has not had an event in a while. The theory was that multiple events would build on themselves and we would gain momentum and attendance. The focus and atmosphere was community, a safe place to gather, enjoy summer activities and it was not about raising money.

Financial assumptions around these events were that it was going to be low cost and it could be developed for an estimated cash cost of \$18,000. A four part series would truly cost between \$60,000 and \$70,000. We felt that 25% to 30% would be covered through cash and 70% to 75% would be covered through in-kind donations. Kids First has run many events and that is the typical ratio that they have seen when they run an event. In early June, we had an initial sponsorship interest of \$18,000 including \$2,000 from the Town of Weddington. The actual cash sponsorships came in at \$10,500 again including the Town of Weddington. Two very large sponsor donors fell through at the last minute and that put everything off plan and off budget. Additionally there was an expectation that by selling beer and wine, if there were overages in the costs above the \$18,000, that we would be able to use the profit from that. The beer and wine was sponsored by Kids First. After all costs were covered, the idea was that any money that was made on that concession would be for the charity. Beer and wine sales were significantly lower than projected with only approximately \$800 after the first two weeks. The projection was closer to \$1,500 per week. We were short \$7,500 on the cash sponsorships. The kids' area budget was the \$2,000 from the Town of Weddington. We actually ended up doubling those costs because we had much higher attendance rates from younger children. In weeks 2, 3 and 4 we had to add more activities for the kids. The \$2,000 that the Town covered paid for the inflatables that we had at the event. We needed arts and crafts, games, prizes and sports equipment and that was not part of the original budgeting plan. Recognizing that we were going off plan and budget, some adjustments were made for weeks 2, 3, 4. Specifically, we started asking for donations for parking and for the kids' area. The first week the kids' area was free. Raffles and auctions were also added along with water and soda sales. The attendance was approximately 4,000 people. Overall cash generated at the events either donated or spent was \$6,771. Overall cash expenses totaled \$21,961 with overall cash donations at \$8500 in private sponsors, \$2,000 from the Town of Weddington and then we asked for additional money from the Town. The value of the in-kind donations was almost \$70,000. During the event there was an actual \$1,325 donated directly to Kids First. There were approximately 3,285 volunteer hours spent to plan and run the events for the four weeks.

Ms. Belcher discussed several worksheets that were presented to the Town Council. She advised that the total cash income was \$26,271; total in kind donations was \$95,923; profit for Kids First was \$4,300 with direct donations of \$1,325 for a total of \$5,635 in proceeds. Ms. Belcher stated, "The cost to the Town per event was \$2,750 or \$2.75 per attendee. Attendees spent an average of \$1.64. They came for music and fun and did not buy a lot to eat or drink. There was fantastic participation from the High School and Middle School."

Councilmember Werner Thomisser – The \$11,000 given by the Town was used to run the event and not as a donation to Kid's First?

Ms. Belcher – That is correct.

Councilmember Thomisser – What have you learned?

Ms. Belcher – In a perfect world, a little more time to get the cash sponsorships and a much higher level of Town commitment of leadership and participation in the design and planning would be great. From

my perspective, if we think we want to have a Town and a community, you cannot get it for free and the Town needs to know they have to spend money on it. There was something for everyone.

Councilmember Thomisser – If it was held after school started, would we have more people?

Ms. Belcher – The committee felt that summer would get a better draw than fall and spring. As a parent whose kids play sports, I have no life from August 23 through June. The committee felt that they would lose attendees because we would be competing with football or soccer games.

Councilmember Thomisser – One event versus four events?

Ms. Belcher - You try something and you learn from it. I think the committee could go multiple ways on this. Not four but possibly two or three or just one all day event. Whatever it is it has to have the draw and branding to get everyone in. The idea was let's create a brand or something and then build momentum on it.

Councilmember McKee - If you were to do this next year, when would you actually start planning it? Many people felt that it was rushed and a lot of last minute stuff was done.

Ms. Belcher – We could start easily eight to ten months in advance. It would be less stressful. It gives more time to develop the cash and a backup plan if the cash sponsorships fall through.

Mr. Scott Buzzard – At our next Parks and Recreation Advisory Board Meeting, we will start talking about this. We can start now getting input from the Council.

Councilmember Thomisser – I did have the opportunity to go to every single event and I want to compliment the ladies that were involved with this. They worked very hard.

Item No. 5. Public Hearings.

A. Public Hearing to Consider Proposed Text Changes to Section 46-76 (l) of the Weddington Code of Ordinances – Connection to Public Water Lines (Continued from August 9, 2010). Mayor Anderson opened the public hearing to consider proposed text changes to Section 46-76 (l).

Remove from Section 46-76 (l). Make new section:

Sec. 46-78. Connection to public water lines

If county or municipal water lines are located within one-half mile of a subdivision of ten to 39 lots, or one mile of a subdivision of 40 lots or more, where the distances are measured along the roadway to the nearest edge of the property, then the developer must connect to these lines to provide water service and fire protection for the subdivision. Extensions to the County water system shall be made in conformance with the policies and procedures set forth in the current Union County Water and Sewer Extension Policy as approved by the Board of County Commissioners and Town of Weddington.

There may be times when the County cannot issue new water permits due to lack of available capacity. If a Developer is denied permits for this reason, the Town may allow the use of individual domestic wells to serve a proposed development provided that the Developer still installs water lines to County specifications as initially approved for fire flow only. The Developer shall be responsible for proving to the Town that capacity is not available. A determination of what capacity is available and whether to allow the use of individual domestic wells shall lie within the sole discretion of the Town.

The proposed water lines must still meet all the requirements of the Union County Water and Sewer

Extension Policy including providing fire flow protection to the development and taps and meter boxes for each developable lot. If the County and Town approve these plans then the use of wells may be approved as an interim measure until such time as water capacity becomes available.

As a condition of approval of the proposed development, the Developer or property owner shall require these lots with domestic use wells connect to the County system at such time as the County indicates water capacity is available. Individual wells to be converted to irrigation use at the property owners expense provided such conversion is in conformance with the Union County Building Code and Union County Water and Sewer Specifications. The Developer and/or property owner shall be responsible for any fees and charges from the County as a condition of connection to the County water system.

The use of community wells for domestic needs is discouraged and will only be allowed if the water system is built to Union County Water and Sewer Specifications. The system must be capable of meeting the water needs of the community including domestic, irrigation and fire flow requirements and an agreement exists with the County for: 1) the conditions under which the system becomes part of the County system and 2) an arrangement is made with the County to tap into the County system for working fire hydrants according to the County specifications.

Town Planner Cook – Section 46-78 is brand new. If you look at the text that is not underlined, that actually used to be part of Section 46-76. It was a couple of sentences at the end of a long section and did not stand out at all. This is a topic that we discussed at the Planning Retreat in March. The language that you see underlined is language that the Planning Board, Attorney, Union County Public Works Director and myself have worked on for the last several months. This language gives developers another option when water capacity is not available. The language allows the developer to dig a well but also to install water lines in the subdivision just for fire protection when the capacity is not available. Once capacity is available the developer or homeowner must connect to Union County water and those wells can continue to be there but those wells can only be used for irrigation systems. The Planning Board did give this a favorable recommendation. Our Attorney is working on an Interlocal Agreement now.

Mayor Pro Tem Barry - What is the purpose of the Interlocal Agreement?

Town Planner Cook - The purpose of that agreement is to give both parties a guarantee if we have a developer to put in water lines that Union County is going to provide the water to that subdivision. It is a blanket of security for both parties to know that everything that it says in the code is going to be followed through by the developer, the Town and the County.

Mayor Pro Tem Barry - Is that binding the County to provide water?

Planning Board Chairman Dorine Sharp - The way it was explained to me by our Attorney is when the capacity becomes available he wants the homeowners to have some sort of mechanism in place for how they will connect so they do not get a letter stating that they must connect within 30 days or we are going to start billing you right away. He wants to actually detail how this connectivity is going to be put in place when the water does become available.

Mayor Anderson - This is the installation of dry lines awaiting County water?

Union County Public Works Director Ed Goscicki – These would not be dry lines. These lines would be fully charged with water in the lines. The lines would have to be constructed to county standards, turned over and then owned and operated by Union County Public Works. We are not going to allow anyone to hook up to them until capacity is available. This would provide fire flow protection. Hydrants would be charged and water in the lines. Fire flow does not create a demand on the system unless there is a fire.

This proposal only deals with the situation we are in right now. We are in a capacity shortage for water which we are trying to get ourselves out of.

Councilmember McKee - Is it going to be a deed restriction that when water is available that it is mandatory to hook on or can people stay on their wells if they so wish?

Ms. Sharp - I believe our Attorney advised that it would be a deed restriction. Ms. Sharp read the following statement from the text: *As a condition of approval of the proposed development, the Developer or property owner shall require these lots with domestic use wells connect to the County system at such time as the County indicates water capacity is available.*

Councilmember McKee - Individual wells to be converted – is that up to the homeowner? Should you not put in there that it may be converted? It does not seem that the language gives them an option.

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

B. Public Hearing to Consider Proposed Text Changes to Section 58-15 of the Weddington Code of Ordinances - Height Exemption. Mayor Anderson opened the public hearing to consider proposed text changes to Section 58-15:

Sec. 58-15. Height exemption.

The maximum height as indicated in the various districts may be exceeded for specific uses as provided in the following: roof structures not intended for human occupancy, such as skylights, transmission or television towers, stairways, water tanks, ventilating fans, air conditioning equipment or similar equipment, steeples, spires, belfries, cupolas, ~~or~~ chimneys **or indoor gymnasiums**, may exceed the maximum allowable height as provided in any of the zoning districts.

Town Planner Cook - A couple of months ago, the Town Council asked that I add indoor gymnasiums to the list of height exemptions. The maximum height in the Town is 35 feet. The items listed here are the ones that are permitted to exceed that 35 foot height requirement. The Planning Board gave this a favorable recommendation as well.

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

Item No. 6. Public Comment. Ms. Joyce Helms - In the late 40's, my dad had a gas and grocery store just up Providence Road. He had a jukebox and was happy for young people to hang out there. In the late 60's, when we moved down here and built a house, we had the elementary school on the site where the church is now. There were events that brought the community together at various times. I keep hoping that the Town Council will allow some development that improves community. At this point it is easier for me to go to Wesley Chapel to shop. What happened to the access to Weddington-Matthews Road? When we heard about Weddstock, Gerald and I went by and had a hot dog and realized how much hard work was required by the Andersons and the other people that were involved. Thank you to the committee and all those who were involved to make for such a nice family event. Concerning strawberries, I have not asked Nancy but I imagine she is going to plant more strawberries because she could not meet the demand this year. To Mr. Davidson, I hope you can find a better way to enlarge your notoriety than by criticizing the Mayor.

Ms. Barbara Harrison – This is not about the charity. It has never been about the charity. What I would like to know is how does the Town of Weddington get a favorable audit report when money is approved without any financial details? Will an audit now be done to ensure that the \$11,000 that was given was

given appropriately? How was this particular charity picked to run this event? The first couple of emails that I got about this event said that this was a charity event not a Weddington event. When I was here on August 2, they said that they were excited because they had people to volunteer. In 2007, 2008 and 2009 I volunteered and every year I was turned down. Again, I just want to understand how these things happen.

Ms. Phyllis Pincus – I live in Weddington Heights. The latest subtitles for Weddstock seem to be Eight Moms and a Farm. All of the advertising that went out for Weddstock said all proceeds will go to Kids First. To most of us it felt like a fundraising event. I went along with Davidson and some others to contribute to make sure that Kids First did not lose any money. Why was there a need for Weddstock? Does 4,000 attendees (assuming that they are all from Weddington) constitute a success? Before we have more events like this, I hope that we can spell it out a little more clearly on what is expected of the taxpayer and from any organizing group.

Item No. 7. Council Comments. Councilmember Thomisser – The access road will run behind the Animal Hospital to Weddington-Matthews Road. That should be completed by November 1. I have heard comments relative to the spending of taxpayers' dollars. This morning I called a Professor at the School of Government at UNC Chapel Hill and I asked her whether governing boards and municipalities could legally use tax proceeds to pay for community events. The answer is yes. G.S. 160A-209 provides a list of activities that municipalities may expend tax dollars to support without receiving specific voter approval. Among the authorized activities are "parks and recreation" activities and events. Recreation is defined very broadly by G.S. 160A-352 to include "activities that are diversionary in character and aid in promoting entertainment, pleasure, relaxation, instruction, and other physical, mental, and cultural development and leisure time experiences." The expenditure of tax dollars according to the UNC School of Government is absolutely legal.

Councilmember Gilmartin – Barbara, volunteer again and I assure you, you will not be turned down. I am sorry you were. Someone asked why we were doing Weddstock. I think that over the past seven years one of the gnawing issues that continuously comes to us is having a sense of place and nobody gets together. Most here believe that it is a fundamental vision and desire of this Council to draw the community together. I believe that we need this. It is critical for the community. It was a short time to get to where they got to. We are already going to start planning to make sure that it is not coming from taxpayers' pockets going forward. We decided to spend taxpayers' money because we believed that it served the greater good. It is going to be a lot smoother next time. It was deemed a success from everyone that I spoke with. I believe that it brought the community together. These women deserve a standing ovation. I am going to help guide it next year.

Mayor Pro Tem Barry - To the folks that organized it, I want to thank you personally. My greatest concern in the process was the speed with which it was rushed. It was rushed because we were running out of time. We had motivated citizens and it was pulled off without a hitch. You are to be commended.

Councilmember McKee - Since I have been on the Council, we have talked about doing this and nothing ever got done but finally some people stepped up to the plate. The only objection I had was serving beer and wine at a kids' orientated event. Otherwise I consider it a big success. I hope that they plan another event. I applaud it and I support it 100%.

Mayor Anderson – I would like to say thank you to Sharon and Company who worked on this event. You are welcome at my farm anytime. Joyce, I want to reassure you that the exit road is coming in and we will be addressing that in our transportation report tonight. Regarding Providence Road, we are on the home stretch. Thank you for your patience. I know it is difficult to get into the shopping center. Please

keep patronizing our local businesses. They are struggling. Keep shopping Weddington. The projected completion date is November 15.

Councilmember Thomisser – One of the citizens asked how was it that Kids First got picked. I would like them to explain how they were picked.

Mayor Anderson - They picked us. Two of their board members are on our Parks and Recreation Advisory Board and they have the networking in place to make it happen and they were not the only charity that was there.

Ms. Sharon Sanders – I am the Volunteer Director of Kids First. We tried to involve all of the schools. I am also on the Town’s Parks and Recreation Board. I volunteered my services to plan this event just like I do at the middle and high schools. Kids First has probably done 50 events in Mecklenburg and Union Counties for the last 20 years. At those events we have gotten alcohol permits and we provided volunteers and every event that we do it states that a portion of the proceeds benefits the charity. I chose to help and got my charity involved.

Item No. 8. Consent Agenda.

A. Call for Public Hearing - Review and Consideration of Text Amendments to Chapter 38, Article II of the Weddington Code of Ordinances – Planning Board (Public Hearing to be Held October 11, 2010 at 7:00 p.m. at the Weddington Town Hall). Councilmember Gilmartin moved to call for a public hearing to consider proposed text amendments to Chapter 38 of the Weddington Code of Ordinance. The Town Council received a copy of the proposed text change. The public hearing is to be held October 11, 2010 at the Weddington Town Hall at 7:00 p.m. All were in favor, with votes recorded as follows:

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

B. Consideration of Ordinance Declaring to Enact Speed Limits within the Wedgewood Subdivision. Councilmember Gilmartin moved to adopt Ordinance O-2010-13:

**TOWN OF WEDDINGTON
 MUNICIPAL DECLARATION TO ENACT SPEED LIMITS
 O-2010-13**

BE IT ORDAINED by the Town of Weddington Town Council that the speed limit modification on the following described portion of the State Highway System Street be adopted:

SPEED LIMIT	ROUTE	DESCRIPTION
25	SR 2539	Subdivisionwide – Wedgewood Subdivision (Wedgewood Drive) from SR 1340 (Deal Road) eastward for a distance of .74 mile
25	SR 2540	Subdivisionwide – Wedgewood Subdivision (Ironwood Drive) from SR 2539 (Wedgewood Drive) northeastward for a distance of .13 mile
25	SR 2569	Subdivisionwide – Wedgewood Subdivision (Whisperwood Court) from SR 2539 (Wedgewood Drive) southward for a distance of .18 mile

Adopted this 13th day of September, 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 Release of Letters of Credit for the Bromley Subdivision. The Town Council received the following memo from Town Administrator/Clerk Amy McCollum:

Per the attached letters received from Mike Garbark of Union County Public Works, please release the following letters of credit for the Bromley Subdivision:

Letter of Credit Number	Amount	Purpose
9511411723 00005 – Map 2	\$32,042	Water and Sewer Maintenance
9511411723 00009 – Map 3	\$25,589	Water and Sewer Maintenance
9511411723 00013 – Map 4	\$12,756	Water and Sewer Maintenance
9511411723 00026 - Map 5	\$6,907.80	Water and Sewer Maintenance
9511411723 00021	\$11,191	UCPW requested bond for the water/sewer to Lot 121

The Town Council received a copy of letters from Mr. Mike Garbark with Union County Public Works advising that they had inspected the materials and workmanship of the water and sewer distribution systems which have been installed in the Bromley Subdivision and they are in substantial compliance and intent of the approved plans and specifications and recommended release of the current letters of credit for this project.

Councilmember Gilmartin moved to release the above stated letters of credit for the Bromley Subdivision. All were in favor, with votes recorded as follows:

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

D. Consideration of Resolution Requesting Delaney Drive, Highbury Place, Bromley Drive and Fernhurst Terrace in the Bromley Subdivision be Added to the State Maintained Secondary Road System. Councilmember Gilmartin moved to approve Resolution R-2010-15:

**NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
REQUEST FOR ADDITION TO STATE MAINTAINED SECONDARY ROAD SYSTEM
TOWN OF WEDDINGTON, NORTH CAROLINA
R-2010-15**

**North Carolina
County of Union**

Road Description: Delaney Drive, Highbury Place, Bromley Drive and Fernhurst Terrace in the Bromley Subdivision in the Town of Weddington in Union County, North Carolina.

WHEREAS, the attached petition has been filed with the Town Council of the Town of Weddington, Union County, requesting that the above described roads, the location of which has been indicated in red on the attached map, be added to the Secondary Road System; and,

WHEREAS, the Town of Weddington is of the opinion that the above described roads should be added to the Secondary Road System, if the roads meet minimum standards and criteria established by the Division of Highways of the Department of Transportation for the addition of roads to the System.

NOW, THEREFORE, be it resolved by the Town of Weddington of the County of Union that the Division of Highways is hereby requested to review the above-described roads, and to take over the roads for maintenance if it meets established standards and criteria.

Adopted this 13th day of September, 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. Approval of Minutes.

A. July 12, 2010 Regular Town Council Meeting. Mayor Pro Tem Barry moved to approve the July 12, 2010 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. August 2, 2010 Special Town Council Meeting. Mayor Pro Tem Barry moved to approve the August 2, 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. 10. Consideration of Public Hearings.

A. Consideration of Ordinance to Adopt Text Changes to Section 46-76 (I) of the Weddington Code of Ordinances – Connection to Public Water Lines. Mayor Pro Tem Barry moved to approve Ordinance O-2010-14 which reflects the change noted by Councilmember McKee during the public hearing:

**AN ORDINANCE TO DELETE SECTION 46-76 (I) AND
ADD SECTION 46-78
OF THE CODE OF ORDINANCES
OF THE TOWN OF WEDDINGTON
O-2010-14**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT SECTION 46-76 (I) BE DELETED AND SECTION 46-78 OF THE CODE OF ORDINANCES BE ADDED AS FOLLOWS:

Sec. 46-78. Connection to public water lines

If county or municipal water lines are located within one-half mile of a subdivision of ten to 39 lots, or one mile of a subdivision of 40 lots or more, where the distances are measured along the roadway to the

nearest edge of the property, then the developer must connect to these lines to provide water service and fire protection for the subdivision. Extensions to the County water system shall be made in conformance with the policies and procedures set forth in the current Union County Water and Sewer Extension Policy as approved by the Board of County Commissioners and Town of Weddington.

There may be times when the County cannot issue new water permits due to lack of available capacity. If a Developer is denied permits for this reason, the Town may allow the use of individual domestic wells to serve a proposed development provided that the Developer still installs water lines to County specifications as initially approved for fire flow only. The Developer shall be responsible for proving to the Town that capacity is not available. A determination of what capacity is available and whether to allow the use of individual domestic wells shall lie within the sole discretion of the Town.

The proposed water lines must still meet all the requirements of the Union County Water and Sewer Extension Policy including providing fire flow protection to the development and taps and meter boxes for each developable lot. If the County and Town approve these plans then the use of wells may be approved as an interim measure until such time as water capacity becomes available.

As a condition of approval of the proposed development, the Developer or property owner shall require these lots with domestic use wells connect to the County system at such time as the County indicates water capacity is available. Individual wells may be converted to irrigation use at the property owners expense provided such conversion is in conformance with the Union County Building Code and Union County Water and Sewer Specifications. The Developer and/or property owner shall be responsible for any fees and charges from the County as a condition of connection to the County water system.

The use of community wells for domestic needs is discouraged and will only be allowed if the water system is built to Union County Water and Sewer Specifications. The system must be capable of meeting the water needs of the community including domestic, irrigation and fire flow requirements and an agreement exists with the County for: 1) the conditions under which the system becomes part of the County system and 2) an arrangement is made with the County to tap into the County system for working fire hydrants according to the County specifications.

Adopted this 13th day of September, 2010.

All were in favor, with votes recorded as follows:

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

B. Consideration of Ordinance to Adopt Text Changes to Section 58-15 of the Weddington Code of Ordinances – Height Exemption. Councilmember McKee moved to approve Ordinance O-2010-15:

**AN ORDINANCE TO AMEND SECTION 58-15
OF THE CODE OF ORDINANCES
OF THE TOWN OF WEDDINGTON
O-2010-15**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT SECTION 58-15 OF THE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

Sec. 58-15. Height exemption.

The maximum height as indicated in the various districts may be exceeded for specific uses as provided in the following: roof structures not intended for human occupancy, such as skylights, transmission or television towers, stairways, water tanks, ventilating fans, air conditioning equipment or similar equipment, steeples, spires, belfries, cupolas, chimneys or indoor gymnasiums, may exceed the maximum allowable height as provided in any of the zoning districts.

Adopted this 13th day of September, 2010.

All were in favor, with votes recorded as follows:

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

Item No. 11. Old Business. There was no Old Business.

Item No. 12. New Business.

A. Discussion of the Future of the Providence Fire Department Relative to the Recent Fire Study Recommendations. Councilmember Thomisser – I was approached by two members of the Providence VFD Board of Directors with an idea. We have some options regarding the recent fire study. Providence VFD is under utilized. The fire study has recommended merging Wesley Chapel VFD and Providence VFD together. They did not give specifics on how to do that. An option that is being presented tonight is thinking outside of the box to discuss what if Weddington has its own municipal fire department. It would mean redrawing of the lines. Mileage and response time is what it is all about. I know that we have several members of the fire department present tonight. Ms. Lorri Elliot is going to present a PowerPoint Presentation to the Council tonight. She is a Registered Nurse and she also volunteers at the Providence VFD and is one of the newest board members.

Ms. Elliot- This was truly my idea and conception and Councilmember Thomisser was nice enough to listen to me. I do want to say that I am not representing the Providence VFD.

The Town Council received the following PowerPoint Presentation:

**Town of Weddington Alternate
Fire Coverage Proposal
September, 2010**

Historical Prospective

- Providence Fire Department was established in 1954 to cover the rural areas of both Mecklenburg and Union Counties
- The Fire Service was provided by all Volunteers who responded from home or work whenever they were available

Present Day

Providence Volunteer Fire Department

- Handles 25% the service area of the Town of Weddington and a small portion of Mecklenburg County (nine streets). That should change in 2012.
- Under utilized because of present service boundaries
- Operates under the Fire Fee for the area of coverage
- Able to have 24 hour coverage secondary to subsidizing from the Town of Weddington
- Combination Paid staffing and Volunteer Department

- Training Combination/Volunteer Model

Model of the Training Volunteer/Combination Department (Providence VFD Employment Structure Model)

80% paid staff and 20% volunteer.

Providence Volunteer Fire Department Financials Today

Mecklenburg County	\$87,500
Union County	\$21,600
Weddington	\$216,300
Collected Fees Total:	\$325,400

Fire Fees:	\$98,924
Donations:	\$5,500
MEDIC:	\$12,000
Total Income:	\$456,824

Total Income:	\$456,824
Total Expenses:	\$517,367
Difference:	-\$60,543

PVFD Financials 2011

- Fire Fee is now \$82.75 per household
- This will bring the new total to: \$98,924.00 with the present district boundaries.

PVFD=WVFD

WHY Maintain your own Fire Department:

- Control of your own destiny
 - Have the Volunteer/Combination Model continue.
 - Have State Certified Firefighter Classes to recruit more Volunteers.
 - State your expectations of response times
 - Protect your community.
 - Control Cost

Weddington Volunteer Fire Department 2011

- Hire a Part-Time Chief who will maintain the present Volunteer/Combination Model
- Extend the Fire District Lines
 - Increase revenues
 - Increase Calls
 - Increase Volunteers
 - Decrease or eliminate subsidy from Weddington

Weddington Volunteer Fire Dept 2011

•Increased District: from 25% to 75-80% of Weddington
(A map was included in the packet of this area)

Weddington Volunteer FD

- Increased Revenue:

	PVFD	WVFD
Present Day Total Income:	\$456,824	
Projected Income:		\$528,842

Weddington VFD

WVFD	75 – 80% increase in Response Area
Fire Fee - \$82.75	\$287,242
Fire Tax - \$.02	\$296,850
Fire Tax - \$.04	\$593,700

Weddington VFD

	PVFD Present	WVFD Projected
Weddington Contribution	\$216,300	\$100,000
Fire Fee	\$98,924	\$287,242
Total Income:	\$456,824	\$528,842
Total Expenses:	\$517,367	\$517,367
Difference:	-\$60,543	\$11,475

Worst case scenarios:

- Wesley-Chapel takes over Providence
 - Everyone is now on Fire Tax
 - Weddington Town Council has little input
 - Response times increase
 - Level of training for Fire Fighters decreases
 - Cost per household remains the same
- Providence Volunteer Fire Department continues:
 - Increasing costs for personnel
 - Decreased training
 - Lack of control of product received

Councilmember McKee - My objective is to expand the boundaries because Providence does not have a big enough boundary and my second thing is to get rid of double taxation. If Weddington takes over the fire department, what happens to all of the equipment, land and buildings? Does that become property of the Town of Weddington?

Ms. Elliot answered yes.

Mayor Anderson - That is really complicated.

Mr. Bill Price – Several years ago when this discussion was brought up, Mr. Pat Beekman who was the Homeland Security Director at that time made a comment here at this Town Hall that Weddington could not establish a fire department because it did not control the water supply which was a North Carolina

State Law. I would like Council to verify this. It is my understanding that the County Commissioners and the Insurance Commission determine the boundaries of a fire district.

Council thanked Ms. Elliott for her presentation.

B. Discussion and Consideration of Developing a Public Safety Committee. Mayor Pro Tem Barry stated, “Back in January, the Town Council pursued a motion for supplemental funding for the Providence VFD and at that time during the Public Comment Section of that meeting Barbara Harrison commented about the need to come up with a comprehensive approach to public safety. I was reminded at a meeting with the Mayor that we had a Public Safety Committee at one time and it is my desire to have an item before us for the reconstitution of the Public Safety Committee for the Town of Weddington. My desire of this committee is to study and assess appropriate funding levels, desired services and capabilities for a much more coordinated approach to public safety and the financial needs of those various departments. The membership of that committee should be no more than two members of the Council, the Fire Chiefs from Wesley Chapel and Providence, Deputy Honeycutt or his designee and two or four members of the public so that there will be an odd number. We can consider whether or not we should have a member of Public Works on the committee due to the water issues in the Town.”

Mayor Anderson suggested adding someone from EMS or his designee.

Councilmember Gilmartin – The committee will develop the mission statement.

Mayor Pro Tem Barry - The committee needs to draft a mission statement and operating procedures for the Town Council to approve. Mayor Pro Tem Barry moved to reconstitute the Public Safety Committee with Councilmembers McKee and Thomisser to serve on the committee on behalf of the Council, Fire Chiefs from Wesley Chapel and Providence, Sheriff’s Deputy, EMS Director or designee and three members of the public.

All were in favor, with votes recorded as follows:

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

C. Discussion and Consideration of Expenditures for Facility Maintenance Issues. Councilmember McKee reviewed the following facility issues with the Town Council:

Councilmember McKee received a quote for the drilling of a 200 foot well at a cost of \$4,600. He stated, “Our other option is to hook on to the county meter to water our yard. Right now we are restricted to two days a week and last year because of the drought there was no irrigation allowed. You do not want to spend all the money on the landscaping and not water it.”

Finance Officer Gaylord questioned whether the Council would like her to amend the budget because the well was not in the budget at this time. She stated, “We have an irrigation system budget but not well money.”

Mayor Anderson advised that the budget issues could be worked out.

Councilmember Thomisser moved to proceed with the well for irrigation purposes. The vote is as follows:

AYES: Councilmembers Thomisser, McKee and Mayor Pro Tem Barry

NAYS: Councilmember Gilmartin

Councilmember McKee discussed the following quote he received to help with the situation with cooling the upstairs of Town Hall:

- Install a 2 ton heat pump system for the upstairs - \$4,187.00
- Install a 2 zone control system to separate the upstairs and downstairs with dampers and thermostats - \$2,449.00

Councilmember McKee recommended Option 2 of going with a split system.

Mayor Pro Tem Barry questioned if this could be deferred until next month and moved to defer consideration of this item. All were in favor, with votes recorded as follows:

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

Councilmember McKee reviewed the following quotes received for landscaping of the Town Hall and moved that the Town Council select Daryl's Lawn Care since he currently provided landscaping services to the Town:

- Decorative Creations, Inc. - \$5,161.00
- Willow Branch Landscaping - \$5,571.00
- Piedmont Landscaping - \$5,700.00
- Daryl's Lawn Care - \$5,815.00

The vote is as follows:

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

Councilmember McKee discussed that in the landscaping plan, a total of seven porch boxes are planned at a cost of approximately \$1,973.69. He stated, "These will be drip irrigation from the irrigation system that is scheduled to be installed.

Councilmember Gilmartin moved to not move forward with the flower porch boxes at this time. The vote is as follows:

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

Mayor Anderson broke the tie by voting in the affirmative. The motion passed.

D. Discussion and Consideration of Conducting Monthly Work Sessions. Mayor Anderson discussed the idea of conducting monthly Town Council work sessions. It was determined not to proceed at this time due to work schedules.

E. Report from August 11, 2010 CCOG Delegate Meeting – Councilmember Werner Thomisser.

The Town Council received a copy of the packet of information that was provided at the August 11, 2010 CCOG Delegate Meeting and was reviewed by Councilmember Werner Thomisser.

Item No. 13. Update from Town Planner. The Town Council received the following update from Town Planner Cook:

- The Carolina Thread Trail, Trust for Public Land and Steering Committee held four Listening Sessions several weeks ago throughout Union County. The Town of Weddington hosted one of these Sessions at the Weddington Swim and Racquet Club on Monday, July 19 from 6-8pm. Approximately 20 people attended the Session in Weddington. The Trust for Public Land will now begin creating a map with proposed trail locations. These trail locations will depend on the feedback from the four Listening Sessions. Open House meetings will occur in mid October to discuss the trail locations.
- I have received a recombination plat from Forest Lawn Cemetery. This plat would simply add a ten acre parcel to the existing 52 acre cemetery parcel. If Forest Lawn Cemetery wants to change the use of the ten acres, a CUP Amendment will be required.
- I have received a Variance application that will be on the September 27th Board of Adjustment agenda.
- The B-1(CD) and B-2(CD) Rezonings will take place after I have met with all property owners involved in the rezonings. Meetings with the property owners are currently being scheduled.
- I have issued a Warning Letter to 109 Oxford Terrace for a possible horse and waste violation at the residence. The property owner will apply for a Text Amendment to the Zoning Code in an attempt to address the number of horses permitted on a lot. This Text Amendment request will be on the September 27th Planning Board agenda.
- The Planning Board discussed the Goals and Policies section of the Town's Land Use Plan at their July 26th meeting. Suggested updates and changes will be brought to the Town Council in the next few months after a full review of the Land Use Plan has been completed.
- Bonnie and Tom Wojcik presented a Residential Open Burning Ordinance at the August 23rd Planning Board meeting. The Planning Board asked for more time to review the materials provided by the Wojcik's. This item will be on the September 27th Planning Board agenda for further discussion.

Item No. 14. Update from Town Administrator/Clerk. The Town Council received the following update from Town Administrator/Clerk McCollum:

The 2010 tax notices have been mailed out.

Kim is currently in the process of implementing the new eGovernment software from CSI which will allow taxpayers access to their property tax information via the Town of Weddington website. Access will be limited to inquiry only at this point.

Plans for the 3rd Annual Tree Lighting Event are being planned. The event will be held December 3 beginning at 5 p.m. at the Town Hall. More details to follow.

A draft of the Ethics Policy has been sent to the Town Attorney for his review and should be on the October Town Council Meeting agenda for review and discussion.

We received notice from the Office of State Budget and Management that the Town's Certified Population Estimate as of July 1, 2009 is 11,702.

We currently have three vacancies on the Downtown Committee, one on the Parks and Recreation Advisory Board. Beth Masurat and Rob Dow's terms on the Planning Board will expire in December. They have both expressed an interest in continuing to serve. We are currently accepting applications for these positions and they will be on your October or November agenda for consideration.

Tonya is working on the next newsletter that will hopefully be distributed the last week in September.

Attorney Fox has completed the temporary access easement document and we are working on getting the necessary signatures.

I received confirmation from NCDOT that the roads in Walden at Providence have been released back to the HOA effective September 1.

We received a letter from NCDOT dated September 3, 2010 regarding the request for the reduction of the speed limit on Weddington-Matthews Road and they advised that they do not recommend a speed limit change at this time.

A survey was sent to property owners in the proposed involuntary annexation area. Results are due back by September 22. This item will be on the Council's agenda for October.

We have received a request from a citizen asking that the Town participate in the Urban Archery Season. This is an extension of the normal deer season and is available only for incorporated municipalities. The 5-week season begins the second Saturday after January 1. Any city or town may opt into the Urban Archery Season by simply sending a letter of intent and a detail map of the area by April 1. Please let me know if this is something that the Town would like to pursue. I have discussed this issue with Deputy Ron Honeycutt and he has specific concerns regarding our current Fire Arms Ordinance and changes that may need to be made before the Council endorses this request.

The Parks and Recreation Advisory Board will discuss at their September Meeting whether the Town should consider applying for a grant through the Parks and Recreation Trust Fund. If you have any thoughts on this project, please let me or members of the Parks and Recreation Board know before a large amount of time or work is done.

Buzz Bizzell is making changes to the conduit map at the recommendation of NCDOT. He is working on getting turnkey quotes for the Town. Richard Hancock with NCDOT has also advised me that once he gets the updated map he and Barry Moose will also work with the Town on prices for the installation of the conduit.

Does the Town Council want staff to develop a Weddington Facebook Page? Please read the following information from the School of Government on this issue: You should assume that electronic records you create as part of a government Facebook page are public record, since they are created "in connection with the transaction of public business" by your public agency. That doesn't mean, however, that you can't delete inappropriate messages. Facebook has rules about that, and you can create your own reasonable, viewpoint neutral rules when you set up the pages. There are First Amendment issues that

arise when you establish a “forum” for communication, which you essentially do when you allow comments on your page. The main thing you have to be careful about is removing (censoring) comments because they are critical of the government or because you disagree with them. Some public agencies use the pages to provide information but don’t allow comments to avoid the problem. This is really a function of what your purpose is in having the page. You might also want to consult a recent guideline from the state Archives and Records, Government Records Branch on best practices for government social networking sites.

Upcoming Dates

- September 27 – Parks and Recreation Advisory Board Meeting
- September 27 – Planning Board Meeting
- September 27 – Board of Adjustment Meeting
- October 7 – Town is hosting next Western Union County Municipalities Coalition

Item No. 15. Public Safety Report.

Deputies – 319 Calls

Providence VFD – The Town Council received a report showing incident totals by hour. There were 31 total calls for service and 108 training hours were completed. The Town Council also received the Income and Expense Budget Performance and Balance Sheet.

Wesley Chapel VFD – 89 calls

Item No. 16. Update from Finance Officer and Tax Collector.

A. Finance Officer’s Report. The Town Council received the Revenue and Expenditure Statement and Balance Sheet for 8/1/2010 to 8/31/2010. Finance Officer Leslie Gaylord advised that the auditors came in August. Ms. Gaylord also advised that she will be drafting a Cash Management Policy for the Town Council’s consideration in the coming months.

B. Tax Collector’s Report. Monthly Report – August 2010

Adjust Under \$5.00	\$(4.59)
Discoveries	\$103.96
Interest Charges	\$90.84
Pay Interest and Penalties	\$(115.74)
Taxes Collected:	
2009	\$(944.93)
2008	\$(207.17)
2007	\$(23.63)
2006	\$(21.50)
2005	\$(20.63)
As of August 31, 2010; the following taxes remain Outstanding:	
2002	\$82.07
2003	\$196.11
2004	\$159.59

2005	\$320.66
2006	\$218.06
2007	\$525.02
2008	\$5,412.69
2009	\$11,152.98
Total Outstanding:	\$18,067.18

The 2010 Property Tax Notices were mailed on 09/02/10. The Town Council also received the Unpaid Balance Report by Receipt Number.

Item No. 17. Transportation Report. Mayor Anderson reported that there is a MUMPO Meeting on Wednesday and Mayor Pro Tem Barry will be attending this meeting with her. She stated, “There was some confusion of why there was money in the Draft TIP for Rea Road. It has been there for five years now. I spoke with Barry Moose today and he said he was going to advocate that the money stay in place. The feasibility study has been completed. The next step would be to do an engineering estimate for a two lane road and in that estimate he would consider the right-of-way already donated. The City of Monroe did pass a Resolution in Support of Rea Road.”

The Town Council asked that the Downtown Development Committee begin working on a landscaping plan for the medians on Providence Road, Hemby Road and Rea Road.

Item No. 18. Closed Session. Mayor Pro Tem Daniel Barry moved to go into Closed Session for the following reasons:

- Consideration of Approval of Closed Session Minutes
- Pursuant to NCGS 143-318.11 (a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged and
- Pursuant to NCGS 143-318.11 (a) (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

All were in favor, with votes recorded as follows:

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

Item No. 19. Adjournment. Councilmember McKee moved to adjourn the September 13, 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 ended at 10:14 p.m.

Nancy D. Anderson, Mayor

Amy S. McCollum, Town Clerk