

**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, OCTOBER 11, 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 October 11, 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 (Left at 9:07 p.m.) 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: Audrey Blackwood, Curtis Blackwood, Bill Price, Walker Davidson, Kent Hayes, Denise P., Dick McGinnis, Union County Library Director Martie Smith, Barbara Harrison and Pat Harrison

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

Item No. 1. Call to Order. Mayor Anderson called the October 11, 2010 Regular Town Council Meeting to order at 7:03 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. Councilmember Robert Gilmartin moved to approve the agenda with the following amendments:

- Add Consideration of Amendment #4 to the Interlocal Agreement between Union County and the Town of Weddington
- Combine the two items regarding the Library
- Add Consideration of Approval of Resolution to Open Closed Session Minutes or Portions Thereof

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 Hearing.

A. Review and Consideration of Text Amendments to Chapter 38, Article II of the Weddington Code of Ordinances – Planning Board. Mayor Anderson opened the public hearing to consider text amendments to Chapter 38, Article II of the Weddington Code of Ordinances. The Town Council received a copy of the proposed text change.

Town Planner Jordan Cook reviewed the proposed amendments with the Town Council. He stated, “The Planning Board updated their Rules of Procedure. While they were doing that, they decided to make

some housekeeping changes to Chapter 38 in our Code of Ordinances that refers to the Planning Board. All of the changes are very minor.”

There being no one to speak for or against the proposed amendments, Mayor Anderson closed the public hearing.

Item No. 5. Public Comment. Mr. Kent Hayes - I live at 4309 Horseshoe Bend. Thank you for providing me with the opportunity to speak with you regarding an Urban Archery Season. We already have a fall bow hunting season for deer in Weddington. Tonight, my friends and I are requesting you make application to the NC Wildlife Resources Commission for a winter bow hunting season which runs for about a month from mid January until mid February 2012. This Urban Archery Season runs during the small game season established by the NC WRC. The application has to be submitted early in 2011 for the 2012 season. Given that I have a limited amount of time here tonight, I have chosen to use bullet points.

The problem:

- Increasing size of local deer population which equates to increased predation by the deer herd on crops, gardens, landscaping, ornamentals, nursery stock and horticulture
- Increased vehicle deer collisions
- Overgrazing of flora affecting other flora and fauna

The activity:

- The urban archery season is a legally sanctioned and recommended activity by the NC Wildlife Resources Commission to control deer in towns where some firearms are not allowed
- No known problems with hunting by bow hunters in Weddington
- Bow hunting is a close range activity with lower powered equipment
- Happens on private property with the written permission of the landowner
- Takes place during hours and in secluded or remote places where deer are active with limited human interaction
- Deer hunting, and especially bow hunting, is practiced by dedicated, trained, experienced, certified and licensed hunters, all, vetted by the NC WRC
- All of the expense for deer hunting is paid for by the hunter and/or private landowner

Some advantages for the town:

- No requirement for land
- No insurance risk
- No costs or funding
- No town, county or public safety staff and no commitment by the town for physical plant, maintenance, equipment or vehicles
- No oversight and no regulation required by the town as the NC WRC provides wildlife officers, licensing, hunting seasons, enforcement, rules and regulations
- Helps to maintain a healthy, manageable deer population
- Positive impact on public safety, especially vehicle deer collisions
- Provides public safety with extra sets of eyes and ears in areas of town that are not usually frequented
- Provides additional recreational activity for those individuals that choose to participate
- Deer hunting re-enforces private property rights

Your approval tonight of an Urban Archery Season for Weddington is a great opportunity to allow some worthy volunteers an opportunity to provide a valuable public service to our town.

Representative Curtis Blackwood – This is involving the involuntary annexation that is being considered by Weddington. I am on the Homeowners Association for Chatsworth and the consensus in our subdivision is that we would prefer very strongly to be left alone. If you are looking at services, there is not anything that is a big plus from being taken into the Town. We already are provided fire protection through the Volunteer Fire Department which is a totally separate governmental entity. If we come in, we have to pay more for fire protection. The Town Hall is open fewer hours than Union County. We would have to pay more taxes. This is a country of free choice. I believe that we started back in the 1700s with no taxation without representation. We do not get to vote on this issue. We would request that we not be brought in. I understand from the survey that over 70% of the people that responded did not want to come in. It seems like from what I can pick up is that we are a bit of collateral damage. The idea is to have rooftops and people in so you can take over someone else's property and control what can and cannot go on it, the design of it and so forth. We already have control over the property. It is a different group – the County Commissioners at this point. It will probably be a long time before that area is developed. Three of the four corners are already developed and there is a church across the street from where we are at. I would close by asking you to respect the wishes of the people that live in the area and allow us to continue as we are.

Mayor Anderson thanked Representative Blackwood for his comments and thanked him for his public service.

Ms. Denise P. – I am President of the Chatsworth Homeowners Association. I would like to reinforce what we have already said in emails regarding our opposition of the annexation of Chatsworth by the Town of Weddington. We have expressed our concern in the emails as well as with the return of the questionnaire.

Mr. Dick McGinnis – I live in Chatsworth. I was down here about a week ago and spoke with the Town Administrator. I studied the State Statutes and maybe it is my misunderstanding of them but it seems to me that when a Town is going to annex a particular area they do a feasibility study of the pros and cons of doing it. I was advised that has not been done yet. I am curious of why that has not been done yet. That is like putting the cart before the horse. How can you tell if there is any benefit to us - which we do not see any. The study is apparently going to be done after the vote so that does not make sense to me.

Item No. 6. Approval of Minutes.

A. August 9, 2010 Regular Town Council Meeting. Councilmember Gilmartin moved to approve the August 9, 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. Consideration of Approval of Resolution to Open Closed Session Minutes or Portions Thereof.

Mayor Pro Tem Daniel Barry moved to approve Resolution R-2010-16:

**TOWN OF WEDDINGTON
RESOLUTION
TO OPEN CLOSED SESSION MINUTES
OR PORTIONS THEREOF
R-2010-16**

BE IT RESOLVED that the Town Council opens the following Closed Session Minutes or portions thereof:

<u>Date of Closed Session Minutes</u>	<u>Item Number</u>	<u>Item Entitled</u>
March 27, 2009	1	Open the Meeting
	2	Land Acquisition
	3	Adjournment
November 9, 2009	1	Open the Meeting
	2	Approval of Minutes
	3	Adjournment
December 14, 2009	1	Open the Meeting
	2	Consideration of Costs for Appraisal
	3	Adjournment
March 8, 2010	1	Open the Meeting
	2	Approval of Minutes
	3	Consideration of Resolution to Open Closed Session Minutes or Portions Thereof
	4	Adjournment
April 12, 2010	1	Open the Meeting
	3	Property Acquisition
	5	Adjournment
May 10, 2010	1	Open the Meeting
	3	Access Road and Property Acquisition
	5	Adjournment

Adopted this 11th day of October, 2010.

All were in favor, with votes recorded as follows:

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

NAYS: None

Item No. 7. Consideration of Public Hearing.

A. Consideration of Ordinance Adopting Text Amendments to Chapter 38, Article II of the Weddington Code of Ordinances – Planning Board. Mayor Pro Tem Barry moved to adopt Ordinance O-2010-16:

**AN ORDINANCE TO AMEND CHAPTER 38
OF THE CODE OF ORDINANCES
OF THE TOWN OF WEDDINGTON
O-2010-16**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT
CHAPTER 38 OF THE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:**

Chapter 38

ARTICLE II.

PLANNING BOARD*

* **State Law References:** Planning agency, G.S. 160A-361; supplemental powers, G.S. 160A-363; subdivision regulation, G.S. 160A-371.

Sec. 38-19. Creation of planning board.

Pursuant to the provisions of G.S. 160A, art. 19, there is hereby created a planning board of the town, to perform the functions and the duties prescribed in this article.
(Ord. of 2-17-1986, § 1)

Sec. 38-20. Composition and vacancies; attendance at meetings; compensation.

The planning board shall consist of seven members. All members shall be citizens and residents of the town, and shall be appointed by the town council. Members shall be appointed for terms of four years; provided that vacancies occurring for reasons other than expiration of term shall be filled as they occur for the unexpired remainder of the term. For purposes of the initial board, there shall be four members appointed for initial terms to expire on December 31, 1987, and thereafter, the terms for those seats shall be for four years. The remaining three members of the initial board shall be appointed for initial terms to expire December 31, 1989, and thereafter, the terms of those seats shall be for four years. Faithful attendance at meetings of the board is to be considered a prerequisite to continued membership, and the town council, after a public hearing, may remove and replace any member continually delinquent in the performance of his duties.
(Ord. of 2-17-1986, § 2)

Sec. 38-21. Organization; rules; meetings and records.

The planning board shall elect a chairman and create and fill such other offices as it may determine necessary and appropriate. The term of the chairman and other officers shall be one year, with eligibility for reelection. The chairman shall be elected each year at the December meeting of the planning board. The board shall adopt rules for the transaction of its business and shall keep a record of its members' attendance and of its resolutions, discussions, findings and recommendations, which record shall be a public record. The board shall hold at least one meeting monthly, and all of its meetings shall be open to the public.

(Ord. of 2-17-1986, § 3)

Sec. 38-22. Jurisdiction; quorum.

For the purpose of taking any action, a majority of the members of the planning board shall constitute a quorum.
(Ord. of 2-17-1986, § 4)

Sec. 38-23. Powers and duties generally.

The general duties of the planning board shall be as follows:

- (1) Make studies of the town and its surrounding areas;
- (2) Determine objectives to be sought in the development of the areas under study;
- (3) Prepare and adopt plans for achieving the objectives sought in particular areas;

- (4) Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;
 - (5) Advise the council concerning the use and amendment of means for carrying out plans;
 - (6) Exercise any functions in the administration and enforcement of various means for carrying out plans that the council may direct;
 - (7) Approve minor subdivision plats and bonds not in excess of one million dollars.
 - (8) Keep the town council and the general public informed and advised as to these matters of planning; and
 - (9) Perform any other related duties that the council may direct.
- (Ord. of 2-17-1986, § 5)

Sec. 38-24. Basic studies.

(a) As background for its comprehensive plan and any ordinances that it may prepare, the planning board may gather maps and aerial photographs of the manmade and natural physical features of the area, statistics on past trends and present conditions with respect to population, property values, and the economic base of the community, land use, and such other information as is important or likely to be important in determining the amount, direction and kind of development to be expected in the area and its various parts.

(b) In addition, the planning board may make, cause to be made or obtain special studies on the location, condition and adequacy of specific facilities, which may include, but are not limited to, studies of housing, commercial and industrial facilities, parks, playgrounds and recreational facilities, public and private utilities, and traffic, transportation and parking facilities.

(c) All officials of the town shall, upon request, furnish to the planning board such available records or information as the planning board may require in its work. The board or its agents may, with owner's consent and in the performance of its official duties, enter upon lands and make examination for surveys and maintain necessary monuments thereon.

(Ord. of 2-17-1986, § 6)

Sec. 38-25. Comprehensive plan.

(a) The comprehensive plan, with the accompanying maps, plats, charts and descriptive matter, shall constitute and show to the town council the planning board's recommendations for the development of the town, including, among other things, the general location, character and extent of streets, bridges, boulevards, parkways, playgrounds, squares, parks, aviation fields and other public ways, grounds and open spaces, the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, gas, sanitation, transportation, communication, and other purposes, and the removal, relocation, widening, narrowing, vacating, abandonment, change of use, or extension of any of the foregoing ways, buildings, grounds, open spaces, properties, utilities or terminals.

(b) The comprehensive plan and any ordinances or other measures to effectuate it shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious

development of the town and its environs which will, in accordance with present and future needs, best promote health, safety, morals and the general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, the wise and efficient expenditure of public funds and the adequate provision of public utilities, services and other public requirements.

(Ord. of 2-17-1986, § 7)

Sec. 38-26. Public facilities.

The planning board shall, upon request of the town council, review with the mayor and other town officials and report its recommendations to the town council upon the extent, location and design of all public structures and facilities, on the acquisition and disposal of public properties, on the establishment of building lines, mapped street lines and proposals to change existing street lines; provided, however, that the town council may take final action on any such matter at any time, regardless of whether or not there is a recommendation from the planning board.

(Ord. of 2-17-1986, § 8)

Sec. 38-27. Public hearings; publication of recommendations, etc.

(a) The planning board may conduct such public hearings as may be required to gather information necessary for the drafting, establishment and maintenance of the comprehensive plan. Before adopting any such plan, it shall hold at least one public hearing thereon.

(b) The planning board shall have power to promote public interest in and an understanding of its recommendations, and to that end, it may publish and distribute copies of its recommendations and employ such other means of publicity and education as it may determine.

(Ord. of 2-17-1986, § 9)

Sec. 38-28. Town Council Reports, analysis of expenditures and budget request.

The Town Clerk and Zoning Administrator shall submit in writing to the town council in their monthly reports and updates, the activities of the Planning Board. In May of each year, the Board shall present an analysis of the expenditures to date for the current fiscal year, and shall submit to the town council for budget consideration its requested budget of funds needed for operation during the ensuing fiscal year.

(Ord. of 2-17-1986, § 10)

Secs. 38-29--38-60. Reserved.

Adopted this 11th day of October, 2010.

All were in favor, with votes recorded as follows:

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

Item No. 8. Old Business.

A. Discussion of Results from Annexation Survey and Consideration of Further Action. Town Administrator/Clerk Amy McCollum reviewed the following survey results with the Town Council and

advised that the Annexation Report which was referred to by Mr. McGinnis would not be done until after the Council had adopted the Resolution of Intent for the area:

**Town of Weddington Survey Results
Involuntary Annexation of Property**

Date Sent: August 20, 2010
Deadline for Return: September 22, 2010

Surveys Sent	Total Returned due to Wrong Address, Etc.	Total Surveys Sent Minus Returns	Yes	No
114	6	108	16	48

Comments:

- Against paying more taxes!
- I have been forced in! Higher taxes and poorer services! Told property values would go up but they went down. I have a disabled daughter. You take money that was intended to keep her up. Government should serve the people. You are making the people serve the government.

The Town Council received a copy of the survey that was sent out, a copy of the annexation map developed by COG and two maps showing the location of other municipalities relative to the proposed annexation area.

Mayor Pro Tem Barry moved that the Town reengage COG for the consideration and discussion of the future potential annexation of the stated parcels as previously defined.

Councilmember Thomisser - We had a 59% response rate to the survey which is extremely high. As Representative Blackwood said earlier, 75% do not want to be annexed. My research indicates the people in this area are already paying 2.2 cents a hundred for fire tax. I look at the map and there are many doughnut holes. The doughnut holes are controlled by the County and we cannot annex them because we do not have enough rooftops. What is the reason for annexing this property?

Mayor Anderson - I will remind people that are here and the Council that it was a unanimous decision at our retreat to engage COG and spend money to study this particular endeavor. At that time as I recall what the Town was interested in was controlling the zoning of the county land on its borders. We were not interested in the part that was already developed. The Council was concerned about protecting the property values of our citizens in Weddington that border that area. All of us remember the really difficult time that the people in Somerset and Hunter Oaks had when the County approved a 24-hour Wal-Mart in their back yard. We were fearful that same type of zoning could happen to our citizens in Weddington so we opted to do this study.

Councilmember Gilmartin – That was our intent. We know there are going to be doughnut holes. It was a rooftop analysis. The plan was to protect our citizens against big box or commercial as best we could with logical boundaries to the south.

Mayor Anderson - At the time, I do not recall the Council making any predisposed decisions or calculations on how they would zone that property; they just wanted to have control over the way it looked. Clearly some of it could be appropriate for commercial but the Council felt that they could do a

better job developing the area under better design standards than what the County's track record has shown.

Councilmember Thomisser - This entire area is south of the current town limits of Weddington and it is in unincorporated Union County. If the County wanted to put a Wal-Mart there, we could not control it. We would not have anything to say about that.

Mayor Anderson - The motion is to have them continue to study the area. If we had had COG continue the study when Ms. Bennett was here before, I would have asked them to exchange some of this property. We are not interested in the property that is already developed. We were only interested in helping to enforce the design standards. If the motion goes forward, I am going to ask that we not give them this same map. This is not a motion to annex. This is a motion to resume the study to see how we can protect our borders. It is not a motion to annex but to get you more information so that you can make a better informed vote.

Councilmember McKee - If we open the study then it means that the vote down the road would be to annex. What we are talking about is one large piece of land but we are dragging in these subdivisions that have exactly the same thing that the citizens of Weddington have as far as public service except that they do not have 3 cents additional tax. They are already in the Wesley Chapel fire district which is the same one I am in. As a resident of Weddington I am also paying another tax to support Providence VFD by the commitment of this Town. I am being double taxed. If they are brought in, they will also be double taxed. What you are trying to do is dictate what a large property owner can do with his land which to me is a violation of property rights. Whoever owns that has a right to try to develop it by going through the proper procedures. If the people that live across from there do not want it, they can do the same thing that Hunter Oaks and the other people did. They can hire a lawyer, take them to court and they can hold it up and possibly get rid of it. It is not the function of the Town Council of Weddington to dictate how somebody can use their land other than the people that already live in Weddington. When I moved into Weddington from Wesley Chapel I knew what the rules were when I moved here. You do not even know if Wal-Mart wants to build on it or not. As far as I am concerned there is no sense in spending more money with COG on something that is not needed.

Mayor Anderson - For the record, I used Wal-Mart as an example. I have no information at all about any retailer that would want to come in there.

Mayor Pro Tem Barry - I started the process at our retreat based on material that was delivered to me from the County showing the draft of the 2035 Land Use Plan. All of you should go to their website to view. In the document it is very descriptive of the County's desire to control and develop the unincorporated parcels on Providence Road to an extent that is twice the size of the current Cureton project and twice the size of the Target project in Wesley Chapel. My campaign for Council was very strong in my desire to protect the rural character of our community and to make sure that future development that happens in our community falls within the standards that this Council deemed appropriate and not with broad large scale development as indicated in the 2035 plan for the County. It was my desire to close the doughnut holes. COG was to look at that area to see what of that area we could bring into Weddington which would have left a doughnut hole of five parcels across from Misty Meadows and interestingly all of those parcels are controlled by the same property owner. This is not an annexation hearing. There will be a public hearing where the public will be asked to provide input but a study only of the area is what we have just discussed.

Councilmember Thomisser - Does anyone have any idea on how much extra money this would cost the Town?

Mayor Anderson - This is reopening the study. The full amount was approximately \$3,500 and we have already used approximately \$1,700 of it. It is true that we are only open to the public on Mondays, Wednesdays, and Fridays but we are open 9 to 5 every day for appointments. The fire service in this annexation area is provided by the Wesley Chapel VFD; however, we are in a mutual aid situation in most of the area. Any time that an alarm goes out for a house fire, at least two fire companies are dispatched. If there is not water in the subdivision then they automatically have to send three tanker trucks in order to set up a relay. Even though you are in the Wesley Chapel District if your house is on fire, at least one other company will be coming and that is afforded by the taxpayers of Weddington. Also this area in particular gets more benefit than most of the citizens of Weddington of the ambulance that was bought and purchased by the Weddington taxpayers which is stationed at the New Town Road Fire Station. It is operated by Union County. The Town of Weddington spent \$100,000 on an ambulance to be stationed there. We paid for it out of our taxpayers' money. The Town of Weddington contracts with three sheriff's deputies. Most of the county is covered by zone officers and so is the Town of Weddington. We know that when we contracted for extra protection here in our Town that if our officer is needed to respond to that zone that they could go to that zone even if it is not within the Town of Weddington. Being in the Town of Weddington gets you proactive policing such as regular patrols through your neighborhood. One of the things that we talked about at our retreat was involuntary annexation versus extraterritorial jurisdiction.

Mayor Pro Tem Barry - There was a healthy debate about annexation versus ETJ where the Town negotiates to control the development of property around its borders. What happens as a result of that is you have no representation in your government.

Councilmember McKee - The bottom line is that the majority of the Council is going to vote in the majority to continue this and they are telling an individual property owner what he can and cannot do with his property.

The vote on the motion is as follows:

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

The Mayor broke the tie by voting in the affirmative; therefore, the motion passed.

B. Discussion and Consideration of Calling for a Public Hearing to Consider an Ordinance Regulating the Residential Open Burning of Yard Waste in the Corporate Weddington Town Limits (Public Hearing to be held November 8, 2010 at 7:00 p.m. at the Weddington Town Hall).

The Town Council received the following memo from Town Planner Cook:

- On July 12, 2010 the Town Council asked the Planning Board to determine the appropriateness of a Residential Open Burning Ordinance. The Town Council felt that this topic warranted more study and research.
- Bonnie and Tom Wojcik presented the materials for a Residential Open Burning Ordinance to the Planning Board at their August 23rd meeting. At this meeting the Planning Board discussed the general rules and procedures that are currently in place throughout Weddington, Union County and North Carolina. At the meeting the Planning Board asked that staff contact the local Fire Chiefs and Fire Marshal for further discussion on laws and burning scenarios. The Planning Board determined that they needed more time to study and research the materials from the Wojcik's. The topic would be discussed in further detail at the September 27th meeting.
- The Planning Board discussed the Residential Open Burning Ordinance in greater detail at the September 27th meeting and determined that an ordinance was not appropriate at this time. The

Planning Board determined that it was not appropriate because they felt that open burning was not a town wide problem based on the number of complaints received by Town staff, fire officials and sheriff's deputies. The Planning Board also determined that current County and State regulations and penalties provide enough guidelines for Weddington. The Planning Board felt that an entirely new Ordinance was not warranted. The Planning Board did ask that the Town put County and State regulations online and in the next newsletter to better educate the citizens of the current regulations and penalties.

The Town Council also received the following:

- Why an Ordinance?
- Some Common Weddington Burning Practices that Threaten Public Safety
- Version 1 – Ordinance Regulating the Open Burning of Yard Waste in the Corporate Limits of Weddington
- Version 2 – Ordinance Regulating the Open Burning of Yard Waste in the Corporate Limits of Weddington
- Town of Stallings' Ordinance Regulating the Open Burning of Yard Waste in the Corporate Town Limits
- Town of Waxhaw's Ordinance Regulating Open Burning
- Documentation from Mecklenburg County (Fire Marshal's Office) regarding Recreational Fires and Outdoor Warming Fires

Councilmember Thomisser - This proposal is not restricting the ability of the people to burn within the Town of Weddington. It is a safe, sensible burning ordinance. I have great respect for the Planning Board. They are faced with many issues. I have been able to research this in great depth. One of the things that the Planning Board said was that they did not think that it was necessary to have an ordinance because there have not been any complaints received by Town Staff, Fire Officials or the Town's Sheriff's Deputies. I have found by talking to the former Fire Chief that in the past year we have had four fires that have been out of the control that the fire department has had to put out. In my own neighborhood, I have seen people burning. I did not pick up the telephone to call the non-emergency number nor did I call 911. I tolerated it and kept a watch on it to make sure that the woods were not on fire. They stated that there is a County and State statute. Union County does not have a safe open burning ordinance. The State statute has language that is legally vague. The Town of Stallings has an Open Burning Ordinance and so does the Town of Waxhaw and Mecklenburg County. There are Weddington burning practices that threaten public safety. People actually burn and leave a fire. They burn without any means of extinguishing the fire. As far as education is concerned, a former Fire Chief with Stallings went to a homeowner's house three years in a row to put out an uncontrolled fire. It is a problem. The ordinance that I am proposing is Version 1. I would like to amend it to say: The open burning of yard waste within fifty (50) feet of any structure is prohibited instead of 100 feet.

Mayor Anderson - Why are you reducing the amount?

Councilmember McKee - When this was being discussed, I went out to my back and marked off 100 feet and I was almost to the property behind me and I actually have a deep lot. A lot of people have square lots that are not very deep.

Mayor Anderson – People burn their Christmas trees. Where do Christmas trees fit in?

Councilmember McKee - Christmas trees would be considered as yard waste.

Councilmember Thomisser - Nothing in the ordinance excludes the burning of a Christmas tree.

Mayor Anderson - What about a bon fire after the game at the schools?

Mayor Pro Tem Barry – They would not be allowed.

Councilmember Thomisser read the following section from the proposed ordinance:

Section 4. Exceptions

Burning on farms for bona fide farm purposes is permitted. Fires for cooking and personal enjoyment and warmth, known to fire professionals as recreational fires, are permitted when burned in enclosures that are built and located for that purpose; examples include fire pits, BBQ grills, and outdoor fireplaces. Recreational fires shall be constantly attended by a competent adult until extinguished. Suitable fire extinguishing equipment, such as a water hose, fire extinguisher, etc., shall be maintained and available for immediate use at the site.

Councilmember McKee - They can have it because this is dealing with residential burning.

Mayor Pro Tem Barry asked that the last two words in Section 3 which says by dusk be changed to when abandoned and asked that the penalties be changed to \$50.00, \$100.00 and \$200.00.

Councilmember Thomisser accepted the following amendments:

- 50 feet instead of 100 feet
- By dusk be taken off in Section 3 and end with extinguished
- Change fines to \$50.00, \$100.00, \$200.00
- Change the title of ordinance to add Residential in front of Yard Waste

Councilmember Thomisser moved to call for a public hearing to consider an ordinance regulating the open burning of residential yard waste with the language as amended. The public hearing is to be held November 8, 2010 at 7:00 p.m. at the Weddington Town Hall. All were in favor, with votes recorded as follows:

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

Item No. 9. New Business.

A. Discussion and Consideration of Participating in the Urban Archery Season. Councilmember Thomisser reviewed the following information with the Town Council:

For the 2010-2011 Central Deer Season

Archery:	September 11 - January 1
Muzzleloader:	October 30 – January 1
Shotgun:	November 13 – January 1

Urban Archery Season is open for 5-weeks starting on the 2nd Saturday after January 1 each year.

Application has to be made by April 2011 to be eligible for 2012.

Waxhaw Urban Archery: January 15 – February 19

The Town Council also received the following:

- Documentation explaining the Urban Archery Deer Season in North Carolina
- Current Fire Arms Ordinance for the Town of Weddington
- Email from Mr. Stony Rushing regarding the Urban Archery Season
- Charts showing Union County Animal Crashes and Weddington Animal Crashes

Mayor Pro Tem Barry moved to participate in the Urban Archery Season for 2012.

Councilmember Thomisser - There has never been a human being shot by a bow and arrow in the State while hunting. In 2007 two people were killed in Union County when their motor vehicle hit a deer. In Weddington last year there were 21 crashes involving animal crashes. We are trying to harvest the deer to a manageable level.

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

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

B. Discussion of the Future of the Western Union County Library. The Town Council received the following information:

- Are Libraries Necessary?
- Worksheet showing Union County's Capital Improvement Plan for 2010-2014 for the Waxhaw Area Regional Library
- Site Selection Criteria – Library
- September 2010 – Statement from the Union County Library Board of Trustees
- Draft Proposal from the Town of Waxhaw to Union County Regarding the Construction of New Waxhaw Branch Library
- Several newspaper articles regarding the library issue

Councilmember Thomisser discussed the following information:

- Libraries are a vital part of the community
- Libraries provide an economic engine, since users combine use with other retail establishment stops, i.e., grocery, pharmacy, etc.
- They are considered "learning centers" and have after school programs for pre-school, elementary and middle school children.
- Modern libraries provide broad band computers for high school students and those adults looking for employment.
- They also provide wireless computer services for those wishing to bring their laptops for research and homework assignments.
- Libraries provide alternative data bases which home users cannot access.
- The Marshville Regional Library conducted a "Summer Reading Program" this summer and staff was overwhelmed by the turnout.
- Professional tutors work with middle and high school students at the Mecklenburg library. Parents who home school their children are big library users.

- Retired seniors use libraries to read magazines, newspapers and do financial research (it's a place to go after breakfast, since they no longer have a corporate office available to them).
- Libraries provide "family oriented programs" and are an investment for the future.

Councilmember Thomisser – In 2009 during the Downtown Study, 57% of the people said that they wanted a library. In 2007, 60% of Weddington residents said that they wanted a library. There is a clear need for a library. Union County's debt situation is approaching \$650 million. Union County has \$7 million set aside for a library in 2012 and 2013. That information is in your packet. There are 28,000 people that live in Western Union County and 22,000 live in Wesley Chapel, Weddington and Marvin. We have close to 80% of the population right here in Wesley Chapel, Weddington and Marvin and 20% elsewhere.

Union County Library Director Martie Smith – We would strongly prefer that the County would either approve two libraries to cover the entire region meaning Weddington, Wesley Chapel, Marvin, Waxhaw and Mineral Springs or that it would return to the plan to provide one (1) more cost effective library of 35,000 square feet that would be conveniently located and adequately sized to serve all residents of Southwestern Union County. That went back to the Library Board's recommendation from 2008. That is the standing directive from the Library Board to the County Commission.

Ms. Smith gave a brief history of the library issue and advised that the money is not there and advised that the Board of County Commissioners had not acted on any capital improvement project last year.

Ms. Smith – The \$3.6 million shown on the CIP for Union County is actual money and the rest of it is money that would have to be found. The CIP that Kai Nelson did does include land acquisition in the \$7 million.

Mayor Anderson - As you know Waxhaw is pushing hard to get their site approved prior to the current County Commission majority moving off and they have made no secret of it. Several of the Councilmembers on our board were worried that we are going to be left out. We are looking for reassurance. What is your feeling? We have been presented with four or five choices on the Providence Road corridor that we would like your board to have a look at and sit and discuss with us in a work session. Do we have time?

Ms. Smith - I wish I knew the answer to that. The Library Board was trying to make sure that everyone on this side of the county has adequate library service.

Mayor Anderson - I have heard you say in the past that the Library Board's objective and role was to advise the county using your best knowledge but they will do whatever they are directed to do by their governing body which is the County Commissioners even if it is not your first choice you would clearly try to fulfill whatever the majority vote is.

Ms. Smith – As staff, that is what we do. The Library Board also gets their direction from the County Commissioners but their role is to provide input. The Library Board's focus is what is in the best interest of the citizens in terms of library service. There is not enough money to build two libraries within the next five years. It is approximately \$700,000 less expensive a year to operate the larger library as opposed to two smaller libraries.

Mayor Anderson – At the last Western Union County Municipalities Coalition our hope was to have a cooperative effort and that we do not like to be in a position where we feel like we are competing with our neighbors. There are people that believe this is a county function and that the municipalities should not be asked to operate a library that is owned by the county. Unfortunately the County cannot pay the tab.

Councilmember Thomisser – The Federal Government is pushing financial issues to the State, the State pushing to the County and the County to its municipalities. That is a reality of the times.

Councilmember McKee - I do not know why there is a rush to pick the site if it may be five plus years before something is built.

Ms. Smith - I think that the County Manager said we do what we need to do to take steps to position ourselves so that we are ready to do something when the time comes.

Councilmember Thomisser - We can elect not to do anything or we can elect for Weddington to put a proposal on the table also.

Mayor Anderson - I am not sure we can get a viable proposal in the short amount of time that we have. I believe our Council would like to have a Closed Work Session with your board to discuss the possible sites that have been offered over the last couple of weeks. At the Mayor's Meeting, we discussed the municipalities endorsing the 1999 Library Policy but this board feels that is old and outdated and we have opted not to bring that forward. We are looking for direction from you on how to proceed.

Ms. Smith - I think that we should have a work session. The immediate questions that you have about timing and how that is supposed to work only the commissioners can answer. That is something you need to ask them. The Library Board would be happy to work with you.

Mayor Pro Tem Barry moved to call for a Closed Work Session with the Library Board of Trustees to discuss the proposed location of the Western Union County Library. The meeting is to be held at 3:00 p.m. this Friday and followed by a possible Closed Session Meeting of the Weddington Town Council starting at 5:00 p.m. The objective of the work session is to come up with a proposal for a library in regards to operating costs and location.

Ms. Smith - I do not believe that we can gather a majority of our board together on Friday of this week. The Library Board meets next Tuesday at 5:30 p.m.

Mayor Pro Tem Barry changed his motion to reflect a Special Closed Work Session with the Library Board of Trustees on Tuesday, October 19, 2010 at 5:30 p.m. at the Main Monroe Library and then a meeting of the Town Council the same day at 7:00 p.m. at the Library. All were in favor, with votes recorded as follows:

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

Councilmember Gilmartin was excused from the meeting at 9:07 p.m.

Mayor Pro Tem Barry moved to call for a Special Closed Session Meeting to be held Friday, October 15, 2010 at 3:00 p.m. at the Weddington Town Hall. All were in favor, with votes recorded as follows:

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

C. Discussion and Consideration of Resolution Adopting Union County's Regional Library Policy.

The Town Council received a copy of Union County's Regional Library Policy. This item was discussed

in the previous item and Town Council felt that the 1999 Union County Regional Library Policy was outdated and did not want to endorse it.

D. Consideration of Appointments to Board and Committees. Councilmember McKee stated, “After we initially met last month, we talked about having the Fire Chiefs from Wesley Chapel and Providence join in on the Public Safety Committee as well as one of the deputies. We found out from one of the deputies that they cannot serve on the committee. Councilmember Thomisser and I discussed about having all citizens on the board along with two Councilmembers. One of the first things that we will be doing is reviewing the fire study and coming up with solutions for a fire department in Weddington or boundary changes for Providence VFD and those types of issues. We have five citizens who have expressed an interested in serving on this committee.

Councilmember McKee moved to change the makeup of the Public Safety Advisory Committee to five citizens and two councilmembers with the following people to be appointed to the Committee: John Houston, Mike Carver, Lorri Elliott, Walker Davidson and Mary Ann DeSimone and Councilmembers Thomisser and McKee. All were in favor, with votes recorded as follows:

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

Councilmember McKee - I would like us to consider having term limits for our Boards and Committees for someone not to be able to serve more than two consecutive terms and a minimum of one year off the committee before being eligible to reapply. I would also like for us to make up a small committee of two Councilmembers, which I volunteer to be on, and Jordan and Amy, and we take these applications, narrow them down to a reasonable number and interview those individuals. I feel that only reading the application does not really give insight to how those people feel about being on a certain board or committee.

Mayor Pro Tem Barry - I think it will be better to have a work session. I am not sure I want two people to vet the applications.

Mayor Anderson - The vast majority of the people on our Planning Board have been on there for greater than eight years. That means that when it does turn over, it is all going at once and we will have no corporate memory.

Councilmember McKee – We could stagger it.

Mayor Anderson - What about two Councilmembers condensing down the number of applications?

Mayor Pro Tem Barry - I do not know that you want someone to vet that. The Council can establish criteria to be appointed for a committee. I do not want to end up with three people that live in his neighborhood and go to Weddington United Methodist Church on the Planning Board.

Councilmember McKee - I just think they need to be reviewed. The criteria should be to be a citizen of Weddington and want to serve. You do not have to have any credentials.

Mayor Anderson - What if we each individually review the applications ourselves and then come up with our top picks?

Councilmember McKee - I would like them to be interviewed in front of the Council.

Mayor Pro Tem Barry moved that the Town Council review the applications and pick their top three individuals for each board and give to Amy by October 20 and then the Town Council will consider interviewing those for the vacancies. All were in favor, with votes recorded as follows:

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

E. Review and Consideration of a Code of Ethics for the Weddington Town Council. The Town Council received the following memo from Town Administrator/Clerk McCollum:

Session Law 2009-403 enacted a new statute, G.S. 160A-83, which requires all North Carolina cities, counties, local boards of education, etc. to adopt a resolution or policy containing a code of ethics to guide actions by the governing board members in the performance of their official duties as members of that governing board. It must be adopted on or before January 1, 2011.

The proposed Code of Ethics that is in your packet was reviewed by legal. Several examples from other Towns and the School of Government were received to help draft this document. The Code of Ethics is required to address at least five key responsibilities of board members, responsibilities that reflect concern for ethical principles as well as for the effects of the board members' decisions on others. The five areas to be addressed are:

- The need to obey all applicable laws regarding official actions taken as a board member.
- The need to uphold the integrity and independence of the board member's office.
- The need to avoid impropriety in the exercise of the board member's official duties.
- The need to faithfully perform the duties of the office.
- The need to conduct the affairs of the governing board in an open and public manner, including complying with all applicable laws governing open meetings and public records.

The statute leaves local boards a good deal of leeway in deciding what their codes will contain, as long as the code addresses the five topics.

The Town Council received a document discussing the new Ethics Law for Local Elected Officials and a copy of Session Law 2009-403/House Bill 1452.

Mayor Pro Tem Barry moved to defer consideration of this item until the November Town Council Meeting. All were in favor, with votes recorded as follows:

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

F. Consideration of Amendment #4 to the Interlocal Agreement between Union County and the Town of Weddington. Mayor Pro Tem Barry moved to adopt the amendment to the Interlocal Agreement between Union County and the Town of Weddington that was presented in Closed Session. All were in favor, with votes recorded as follows:

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

Mayor Pro Tem Barry - Since we have so few people in the audience, should we discuss the details of that agreement for transparency?

Mayor Anderson - We are in an Interlocal Agreement with Union County to try to resolve the issues at the Park. They have asked for another \$5,000 from the Town to engage the FEMA consultant that is helping us to pursue a resolution in this matter. There was a lot of push back and we are tired of writing the checks but we discussed if they ask us for more money we would only consider if it is a three-way split between the Town, Union County and the Park.

Mayor Pro Tem Barry – It is a split now.

Mayor Anderson – No, going forward. We are going to pay the \$5,000.

Mayor Pro Tem Barry - That is not what I understood.

Mayor Anderson – Was your motion to approve the \$5,000 for the Interlocal Agreement with the stipulation that going forward we will only agree to consider if it is a three-way split?

Mayor Pro Tem Barry - Can I change the motion? I am tired of bleeding. I want the Athletic Association to start writing checks.

Mayor Anderson - Before you left that room, you agreed we will go along with the \$5,000.

Mayor Pro Tem Barry - That is because I was confused. I thought the \$5,000 was already allocated. I thought the current Interlocal Agreement had money allocated and was not spent. Is there money left on that agreement that is not spent?

Town Administrator/Clerk McCollum – Approximately \$5,000 and they are requesting an additional \$5,000 from the Town for a total of \$10,000 from the Town and the County.

Mayor Anderson - It was clear to me what the direction was and that was that we would approve this amendment as written which calls for \$5,000 each and going forward we would consider paying a 1/3 of any additional costs.

Mayor Pro Tem Barry asked to change his motion to not approve the amendment to the Interlocal Agreement at this time and to add it to the agenda for Friday to discuss in Closed Session and then on the agenda for Tuesday in open session. All were in favor, with votes recorded as follows:

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

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

- The Carolina Thread Trail, Trust for Public Land and Steering Committee held four Listening Sessions in July 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 base 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. Please see the following website for further information:
<http://www.carolinathreadtrail.org/>

- 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 may be required. This project should be on the October 25th Planning Board agenda.
- A Variance hearing was held at the September 27th Board of Adjustment meeting. The variance was granted for an accessory structure right side yard setback at 2238 Rising Sun Lane.
- 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.
- A citizen proposed Text Amendment regarding a private banquet, reception and conference center may be on the October 25th Planning Board agenda
- The property owner at 109 Oxford Terrace has applied for a Text Amendment to the *Zoning Ordinance* to address miniature horses and the number of miniature horses permitted per lot. This Text Amendment was discussed at the September 27th Planning Board meeting. The Planning Board wanted more time to review the information and draft possible language. This item will be discussed in further detail at the October 25th Planning Board meeting.
- 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 discussed the Burning Ordinance in greater detail at the September 27th meeting and determined that an ordinance was not appropriate at this time.
- Clean up of the houses on Cox Road has begun and should take approximately two weeks depending on weather.
- NCDOT has completed clearing vegetation for the access road behind Town Hall. The access road will connect the back of the shopping center to Weddington-Matthews Road. The entire project should be completed within three weeks depending on weather. NCDOT will remove all of the berm along Weddington-Matthews Road. Most of the dirt from the berm will be used to construct the actual roadway. Any remaining dirt will be used to level out the back yard at Town Hall.

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

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. WHS Jazz Band, WMS Chorus and WUMC Youth Bell Choir are on the list to perform. Please make plans to attend.

A supplement to the Code of Ordinances was provided in your book.

Maintenance Issues:

- Permit for well has been submitted
- Union County Forester has been contacted regarding the condition of one of the trees in the front yard

Upcoming Dates

- October 13 – Downtown Committee Meeting
- October 25 – Planning Board Meeting
- October 25 – Historic Preservation Commission Meeting

Item No. 12. Public Safety Report.

Councilmember McKee advised that he and Councilmember Thomisser will determine when the Public Safety Advisory Committee should have their first meeting. Mayor Pro Tem Barry requested that the Committee study the intersection of Antioch Church Road and Beulah Church Road to find out what can be done to help with the safety of this intersection.

Weddington Deputies – September Report

281 Calls

Providence VFD Activity Report – September 2010

30 Calls for Service

Mecklenburg Fire – 5

Union Fire – 18

Union EMS – 7

Time of the Day when Calls Occurred

00:00 – 06:00 – 4

06:01 – 12:00 – 14

12:01 – 18:00 – 10

18:01 – 23:59 – 2

Training Hours Completed: 142.5

The report also included events of the month and the Income and Expense Budget Performance and Balance Sheet as of September 30, 2010.

Wesley Chapel VFD – August Report.

128 Calls

Wesley Chapel VFD – September Report

125 Calls

Item No. 13. 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 9/1/10 to 9/30/10.

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

2010 Tax Levy	\$629,610.93
2010 Utilities Billed	\$4,460.49
2010 Exemptions	\$(34,195.49)
2010 Tax Write Offs	\$(840.94)
2010 Tax Deferrals	\$(34,584.97)
2010 Late List Penalties	\$149.42
Adjust Under \$5.00	\$1.77
Overpayments	\$(331.27)
Pay Interest & Penalties	\$(62.48)
Refunds	329.40
Taxes Collected:	

2010	\$(56,883.70)
2009	\$(338.49)
2008	\$(65.10)
As of September 30, 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	\$5,337.42
2009	\$10,778.30
2010	\$507,699.52
Total Outstanding:	\$525,316.75

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

Item No. 14. Transportation Report. Mayor Anderson advised that NCDOT is still planning for the completion of the Highway 16 and 84 widening project by November 15.

Item No. 15. Council Comments. Councilmember McKee advised that the Town Hall landscaping work should begin by the end of October.

Item No. 16. Adjournment. Mayor Pro Tem Barry moved to adjourn the October 11, 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 10:18 p.m.

Nancy D. Anderson, Mayor

Amy S. McCollum, Town Clerk