

**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, MAY 9, 2016 – 7:00 P.M.
WEDDINGTON TOWN HALL
1924 WEDDINGTON ROAD
WEDDINGTON, NC 28104
AGENDA**

Prayer – Mayor Bill Deter

1. Open the Meeting
2. Pledge of Allegiance
3. Determination of Quorum

PUBLIC ADDRESS TO THE COUNCIL

Any individual or group who wishes to address the Council may do so at this time. Each speaker will have three (3) minutes to make their remarks and shall obey reasonable standards of courtesy in their remarks. Typically, this is a time for the Mayor and Council to hear from the public and not respond. If questions are raised, a member of the Town Council or Staff may contact the individual after the meeting to help address issues raised. If the item you wish to speak about is a Public Hearing item, address your concerns during that time and not under the Public Comment period.

4. Public Comments
5. Additions, Deletions and/or Adoption of the Agenda

CONSENT AGENDA

The Council may designate a part of the agenda as the "Consent Agenda." Items placed on the consent agenda are judged to be non-controversial and routine. Any member of the Council may remove an item from the consent agenda and place it on the regular agenda while the agenda is being discussed and revised prior to its adoption at the beginning of the meeting. All items on the consent agenda shall be voted on and adopted by a single motion, with the minutes reflecting the motion and vote on each item.

6. Consent Agenda
 - A. Call for a Public Hearing for the Fiscal Year 2017 Proposed Budget
 - B. Review and Consideration of National Peace Officers Week Proclamation
7. Approval of Minutes
 - A. February 18, 2016 Town Council Retreat Minutes
 - B. February 19, 2016 Town Council Retreat Minutes
 - C. March 14, 2016 Regular Town Council Minutes
 - D. April 11, 2016 Regular Town Council Minutes
 - E. April 19, 2016 Special Town Council Minutes

PUBLIC HEARINGS

The Public must sign up before the beginning of the meeting to speak on an item under Public Hearings. The Mayor will recognize speakers in the order in which their names appear on the sign-up sheet. The Council sets the rules for the Public Hearing. The rules may include, but are not limited to, rules fixing the maximum time allotted to each speaker; providing for

the designation of spokespersons for groups of persons supporting or opposing the same positions; providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the Town Hall; and for providing for the maintenance of order and decorum in the conduct of the hearing.

Each speaker must address the Council from the lectern and begin their remarks by giving their name and address. Each speaker will have three (3) minutes to make remarks. A speaker may not yield any of his or her time to another speaker. Speakers must be courteous in their language and presentation. Personal attacks on the Council or members of the public will not be tolerated.

The Mayor may determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and shall rule on objections from other members of the Council on discourteous behavior. A majority vote of the Council may overrule the Mayor's ruling on standards of courtesy. Speakers may leave written comments and/or supporting documents, if any, with the Town Clerk to the Council.

8. Public Hearing and Consideration of Public Hearing

- A. Review and Consideration of Text Amendment to Section 58-3 to create enforcement procedure for recurring violations to the zoning ordinance

9. Old Business

- A. Town Hall Update
 - i. Review and Consideration of additional woodwork addendum to painting contract with Nu Hue
- B. Review and Discussion of Preliminary Budget for Fiscal Year 2016-2017
- C. Discussion and Consideration of Non-smoking Policy/Ordinance
- D. Discussion and Consideration of appointment of the position of Council Staff Liaison

10. New Business

- A. Wesley Chapel Volunteer Fire Department Budget Presentation
- B. Discussion and Consideration of Union County VFD Funding
- C. Review and Consider of Town's Personnel Policy
- D. Review and Consideration of the Falls at Weddington Amenity Center Construction Documents
- E. Review and Consideration of the Falls at Weddington Final Plat Phase I Map I
- F. Review and Consideration of the Falls at Weddington Conservation Easement
- G. Review and Consideration of amendments to the Land Use Plan to better incorporate the Rea Road extension
- H. Review and Consideration of amendments to the Land Use Plan to prioritize view shed when reviewing and approving Conservation Subdivisions
- I. Discussion and Consideration of Rea Road Extension

11. Update from Planner

12. Code Enforcement Report

13. Update from Finance Officer and Tax Collector

14. Public Safety Report

15. Transportation Report

16. Council Comments

17. Closed Session

[N.C.G.S. 143-318.11(a)(3)]

Consult with the Attorney - To protect the attorney-client privilege.

18. Adjournment

**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, MAY 9, 2016 – 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 May 9, 2016, with Mayor Bill Deter presiding.

Present: Mayor Bill Deter, Mayor Pro Tem Don Titherington, Councilmembers Scott Buzzard, Janice Propst, Michael Smith, Town Attorney Anthony Fox, Town Administrator/Clerk Peggy S. Piontek, Finance Officer Leslie Gaylord, and Town Planner Julian Burton

Visitors: County Commissioner Stony Rushing, Steve McLendon, Jonathan Keith, Mike Sealy, Marcos Bilbao, Barbara Harrison, Elton Hardy, Pam De Maria, Eric Anderson and Andy Stallings

Mayor Bill Deter offered the Invocation prior to the opening of the meeting.

Item No. 1. Open the Meeting Mayor Deter opened the May 9, 2016 Regular Town Council Meeting at 7:00 p.m.

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

Item No. 3. Determination of Quorum There was a quorum.

Item No. 4. Public Comments

Elton Hardy, Longleaf Court, Weddington, NC – I want to thank the Council for working as well together as you all have since coming into office. I really appreciate it. I'm looking forward to hearing Mr. Rushing's comments on single/double taxation on an equal basis. The next item has to do with the water runoff from The Falls at Weddington. I've had a number of neighbors that have a lot to say. They have taken videos and I know that Joe's working and operating under an approved plan and the plan itself may be a little faulty because the lower half of the east side where the water retention system was removed and not replaced is causing flooding in a number of houses.

Item No. 5. Additions, Deletions and/or Adoption of the Agenda

Councilman Michael Smith – I would like to make a change to section 10 New Business. Out of courtesy to Commissioner Rushing who is here I'd like to change and switch 10B and switch 10A to 10B.

Mayor Pro Tem Don Titherington – If you don't mind, let's move 10 up on the agenda in front of 8 and make that the new 8 – again, so they don't have to sit through some of the old business. Moving 10C to after the Falls at Weddington topics will allow better use of our guests time.

Mayor Deter – Change Item 10 to Item 8 and switch A and B and we will move everything else down so our guests can leave if they choose.

Mayor Pro Tem Titherington – Since we have the Falls of Weddington as D, E, F and G if we could take C and move that to I and everything will shift up. That will be a more likely discussion around policy.

Councilman Smith made a motion to approve changing the agenda pursuant to the conversation. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington

NAYS: None

Item No. 6. Consent Agenda

- A. Call for a Public Hearing for the Fiscal Year 2017 Proposed Budget
- B. Review and Consideration of National Peace Officers Week Proclamation

Mayor Pro Tem Titherington moved to approve the Consent Agenda. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington

NAYS: None

Item No. 7. Approval of Minutes

- A. February 18, 2016 Town Council Retreat Minutes
- B. February 19, 2016 Town Council Retreat Minutes
- C. March 14, 2016 Regular Town Council Minutes
- D. April 11, 2016 Regular Town Council Minutes
- E. April 19, 2016 Special Town Council Minutes

Mayor Pro Tem Titherington moved to approve the February 18, 2016, February 19, 2016 March 14, 2016, April 11, 2016 and April 19, 2016 minutes as stated in the packet. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington

NAYS: None

8. New Business *This matter was moved to item 8 as a result of a motion made by Councilman Smith in Additions/Deletions*

- A. Discussion and Consideration of Union County VFD Funding – *this item was moved to A as a result of a motion made under Additions and Deletions*

Union County Commissioner Stony Rushing *(handed out a document that provided examples of several different fire service districts and referred to that document throughout his presentation)* **(COPY CAN**

BE FOUND IN THE OFFICIAL PACKET) - I appreciate being invited and given the opportunity to discuss this. What I'm handing out is some examples of different things of fire fees and fire taxes and how they affect different areas including Weddington. A little bit of background back in 1988 a Union County Representative named Clayton Loflin went to the State House and proposed a fire fee for fire department safety. At that time firefighters were going around the county knocking on doors and collecting the funds to fight fires. In Wingate especially we had a large population of college students that didn't understand that and didn't understand what they had to do so it just really didn't work going out collecting money door to door. So what the county collected and the fee up to \$50.00 was put on the tax bill and the fee will be paid along with the other taxes. It was not expected to be permanent; it was meant to be a temporary fix at the time until something better came along. Years later you started seeing more fire tax districts. When I was on the Board between the years of 2002 to 2006 Wesley Chapel, Mineral Springs and Waxhaw received their fire taxing district. At that time I was on the Fire Commission and we had a deal worked out where it was approximately between \$0.04 and \$0.05 was reasonable and if they could come in under that it would be reasonable. Some of the fire districts like Mineral Springs were not able to come in under that at that time. They were put in the fire tax district as well. We had that funding and it has worked out temporarily. The funding went from \$50.00 up to \$100.00. I live in a fire fee district. Basically a \$100.00 fee is assessed towards my house every year to fund the local fire department. The problem with that is that every year we come up short. The County subsidizes the fire departments in the fire fee districts anywhere from \$21,000.00 to \$24,000.00 range on each fire department they have in that district subsidy. There was \$300,000.00 given to one fire department for a truck in the last couple of years. So the Board reviewed it and last year the staff asked us to go to a Countywide funding model where basically everyone in the County paid an equal rate and we divide that out among the fire departments. At that time the fire departments came to us and asked us to study it and come up with solutions. We had two meetings a month for three to four months with the fire services committee and we came up with four different options that we voted on.

- Option one was the chiefs' option to go to 17 individual fire tax districts which would have been anywhere from a low of Wesley Chapel's rate up to a high of anywhere from \$0.10 to \$0.15 depending on the taxing values in the area.
- Option two was a hybrid plan which was proposed the year before. That hybrid plan allowed for a taxing district to keep their taxing district and to use the funds that the County provided. Let's say the County provided a base level of funding and that taxing district could tax more if they desired in order to increase the level of service in that district. We felt that gave the fire departments more autonomy that if they needed to raise additional funds that the County didn't provide through the tax rate then they could do that.
- Option three was the option I came up which was to take less from Weddington and Monroe and not tax anything that we didn't need. Basically the fire fee districts had a budget of about \$4,000,000.00. \$4,600,000.00 would be generated from two pennies on the tax rate. We were going to take the two pennies and just fund those fire departments with those two pennies. Money would be generated in the fee districts just like it would have been in the rest of the County. They would still have the same tax but just on top of what they would get and that would fund all those districts. That way instead of the four or five pennies we were talking about taxing Weddington and Monroe it would only be two pennies and I thought that was a better solution to never take it just to give it back.
- Option four was an option that no tax for Monroe and Weddington. We have a tax county wide generated in these districts so that would no tax. That option, locally, had some problems in getting all the other municipalities to agree to it. The chiefs presented one which created those

different tax districts again we would have to have the input and buy in from those municipalities in those districts. When you're looking at proposing a 10 to 15 cent tax on a town, the taxpayers will probably balk at that and probably not approve that.

- Option five was thought of this year and it created a taxing district with all the fire fee districts. Take all the fire departments and put them in one taxing district. Again the problem with that is you would have to go to every municipality in that taxing district and ask their permission to do that. So if the tax is 6,7,8,9 or 10 cents, 9 cents was the figure they brought back to us. Again would you as a town council approve a 9 cent tax rate on your town? We didn't think we could get buy in for that.

So what we came back to was the hybrid of a 75/25 split that if you have a taxing district and you wanted to continue to hire the local service that you have in your taxing district then the county will pay 75% of that taxing district and will make that number 25%. Weddington has your own municipal fire tax district just like Monroe so you would be paying your own tax and then you would be paying whatever the county fee is on top of that. So in order to be fair with it and trying to find the solution for you, using information obtained from the website: Assuming the budget for Fire Service is \$752,625 and that equals .0374 cents. The same amount has a much smaller impact when you look at the countywide rate. So if Weddington was on the county wide rate your penny equals a lot less than the county penny. You can understand that, you don't have as much tax value as the county as a whole. One penny in the county was approximately \$2,300,000.00 in tax revenue county wide. \$752,625.00 which is the budget used in this presentation equals approximately 33% of one penny. You are looking at 1/3 of a penny impact Weddington's fire service would have on the county as a whole. Not very much impacts you a lot greater to have less than the county as a whole. So 3.74 cents was the rate that was on your website and if you had that actual rate you have also paid \$.0048 cents for county wide subsidies that you have already been paying and have been paying for many years. That leaves you with a rate of about 4.2 pennies that you are already paying for fire service. What we have done different than years past is we never included those fire subsidies as a separate line item. They were always included in the General Fund. It has been as high as a penny and as low as around half a penny or .48 like it was last year. So let's say that a fire department like Allen Crossroads can't man enough people for the volunteer fire department in order to meet the basic fire rating of 9S, not 10 but 9S is what we want to keep the rate at. We all want to keep the same service level that we have and that was the discussions of the committee. So if they want to keep that rating and turn those people out we're going to have to hire one or more people, depending on what kind of turn out we're going to have. So every time that you do that what would be a minor increase in some places is a major increase on us. If we just needed \$50,000.00 for a year to hire 1.5 people that impact on that area would require building 500 homes in order to meet that amount. Or we would have to come to the rest of the county for a subsidy. The law limits us to \$100.00 per home so we can't go more than that and we're not going to build 500 homes either. We may not see 500 homes in 20 years, so it's just not going to happen. So we would lean on the county again for a subsidy and a greater subsidy year after year after year. Staff's argument is that maybe we can make some efficiency, maybe we can use personnel instead of hiring personnel for each individual 17 tax districts. Maybe there's some way of sharing the personnel and costs over the districts. That's not really a problem here because you have your fire department fully staffed and you pay for it. It's a bigger problem in other places. If you look above the number I just gave you, this is an actual tax bill from a commercial property in Marshville and an actual tax bill from a commercial property here in Weddington. That commercial property in Marshville is valued at approximately \$9,700,000.00. They pay a total fire fee with their fire fee and fire tax county wide they pay about

\$674.00. The property in Weddington at the rate that was used in the program here they pay \$453.44 with the property value of the Weddington property being approximately \$1,100,000.00. So a property here pays much more in relationship to a tax than a property in Marshville. That's because the fire fee does not get those commercial properties. If we recruit any kind of business or industry for economic development such as large factories that will have a worth of several millions of dollars they will most likely go to Monroe or east of there. Those properties will not benefit you or have as great an impact on the tax for fire as they would under a county wide fire tax. When we looked at this we tried to figure out how to help Monroe and Weddington because those are the two areas that will be impacted the most by anything we do. We looked at your budget of \$752,000.00 was very easy to fold into a county wide rate. If we did a true county wide rate with no 25/75 split and pay for it you are looking at between 4.5 to 5 pennies depending on what budgets we set for fire departments and depending on what we set for the rest of the county that could or could not be a tax increase. If you look at the budget as a whole and you put in the general services, sheriff's department, social services, all those other departments can we do this without a tax increase? It is possible to do it without a tax increase. You are saying that Weddington has a municipal fire tax and you do. If you set that municipal fire tax to zero and did not tax your people then that money will still get counted for fire services and you still get a cut in pay for your fire services which you would not tax your residents for that money.

Mayor Deter – So do we end up with a fire service district and the tax for that district is zero? Is that what you are saying?

County Commissioner Rushing – You currently have a municipal fire tax district and what you would have is to keep that and do what you want to with it. I would encourage you to not have any tax on that. The goal would be that the county would fund your \$752,000.00 or whatever that is in that year based on the budget submission. Not based on just what they had. It could be higher or lower. It could be determined that maybe you didn't need an extra person or maybe you did if that impact on you is greater as a town because of the smaller tax base than it is as a county as a whole. The purchase of a vehicle or anything like that could be greater depending on how you buy it and your budget.

Mayor Deter – So we would end up with a municipal fire service district from what you are saying with the tax at zero?

County Commissioner Rushing – Correct. Wesley Chapel instead of the Town of Weddington writing a check for Wesley Chapel Volunteer Fire Department, Union County would write the check to them and it would be paid for out of the county revenue.

Mayor Deter – So it would be pretty much the same if we dissolved the municipal fire service district and turned it back to the county.

County Commissioner Rushing – That's right. That was proposed last year. This was part of the discussion last year. We knew there was something happening and didn't know what.

Councilwoman Janice Propst – I think you answered it. You are saying that we could either leave the municipal district the same and it just would be the Weddington fire district. It doesn't matter if we dissolve the municipal district or keep it the municipal district we would still just be the municipal fire district for Weddington.

County Commissioner Rushing – It depends on what you want to do with the tax rate.

Councilwoman Propst – Well if we want to leave it at zero.

County Commissioner Rushing – If you want to leave it at zero you can. If you want to dissolve there's a way for doing that. Through this process we looked for the protections for the fire department. The fire department should not be concerned about servicing themselves. The fire tax districts we looked at retirement was a big concern they had so we tried to find a way to preserve their retirement. We believe we can do that through the contracts and how they set up their funding. Using Mineral Springs as an example, they save money through their budget for fire retirement. If staff wants to buy the fire truck they believe that every five fire trucks they can save enough money to purchase another fire truck. Whether that's the way we want to go or not is to be determined. The fire departments may need to purchase their own equipment and do it through the budget process just as they have always done. But we determine those things in the contract and how we review the policies we set as a rule of thumb. The goal is not to harm the fire department. The goal is to make sure the fire departments all over the county because we are a county board we have to be accountable for everybody. We are trying to make sure every fire department has enough personnel to attend the calls they receive and pull someone out of a wreck and that's the problem that we are getting concerned about. Just having those people on staff could double the budget of all those fire departments that are still miniscule compared to some of the fire departments in the county. If we could find efficiencies to keep them from doubling then I think we should try and do that to save everybody money. Regardless of how it's done your citizens of Weddington will pay for that. Just like every other person in the county. It's just whether it's accounted for and you're told that your paying for it or not and that's what we're looking at.

Mayor Deter – Believe me I understand this is a very tough situation. It's very complicated and not an easy solution. As I think about this we could not maintain a municipal fire district with a tax of zero because our municipal fire service district we go into a contract. In this case it's Wesley Chapel Fire Department and I don't think they are going to enter into a contract with us for zero. So I think it's either we dissolve the municipal fire service and have it go back to the County...

County Commissioner Rushing – That would be my suggestion.

Mayor Deter – I don't want to get us off topic but what's your suggestion to Monroe because they are in the same predicament that we are?

County Commissioner Rushing – We discussed this in our meetings and some of the discussion was to maybe provide back capital to them or to do something of that nature. Monroe is really the one that really takes it on the chin. What we can try to do is find budget cuts and give those budget cuts back to Monroe so they don't see an actual increase. They would still be accounted for in fire service taxes and will still see line items that says fire tax but depending on what we set the budget at is dependent upon whether there will be a true tax increase.

Mayor Deter – I believe the volunteer fire department budget is approximately a \$2,500,000.00 increase.

County Commissioner Rushing – The staff has recommended a \$13,000,000.00 budget versus about a \$10,000,000.00 budget from last year.

Mayor Deter – The way this is set up right now a 4.5 cent tax on Weddington residents is just under \$1,000,000.00. I saw an article in the Enquirer Journal where that 4.5 cent tax rate is just a little bit over \$1,500,000.00 so the two municipalities that are outside of this are going to be taxed roughly \$2,500,000.00 which is what the increase is for the volunteer fire department proposed budget for next year. It kind of looks like Weddington and Monroe are ...

County Commissioner Rushing – That you are carrying the complete cost of any expense. I'm hoping as we froze the rate last year... The fire departments came in and asked us to look at different solutions instead of going to a county wide rate. We agreed we would look at that and it took a whole year to look at it and now we are to the point where we have to make a decision and we had four options and then we had a fifth option added and now we have a sixth and seventh option. All of these things are in front of us and the goal is that you are going to pay, again the budget increases everybody pays, you will see some like this business that is paying a \$600.00 fee for fire service that same business will be paying \$4,357.00 yearly next year. Your commercial businesses will be on the same playing field as the commercial businesses in the eastern part of the county fire service districts. Fire service districts extend from very few in a moon shape all around Monroe down to Waxhaw.

Mayor Deter – Have the Commissioners looked at any way to, again I think Weddington understands your dilemma, it's just how you get to the funding. Right now it looks like the only option is for Weddington, I'll set Monroe aside, is to eliminate the municipal fire service district and send it back to the county. I know a year ago we got a lot of heat from residents when we were going to go back to the county. So we kept it and also at that time it was unsure how they were going to approach it. I realize it's a tough one but I think the solutions you are looking at right now; unless you can find some way to do a give back to Weddington. I'm just speaking for Weddington.

County Commissioner Rushing – The give back to Weddington in this process is that right now as the way it stands the general talk is about double taxation and that double taxation will be in place. You are going to pay the same rate, it's just how we account for it. We are not going to allow a fire fee district to go unserved. So the money is coming from the general fund, which would be the same per county. You're just not seeing it. We're showing it to you and in this you're 3.5 or 3.74 cents whatever it is, provides \$650,000.00 to \$750,000.00. Again, that would be covered through the county-wide rate. In this example what you would be paying 4.22 cents for you'd be paying 4.55 cents for. There would be a slight increase there, but anything we do to offset the budget could take that away.

Mayor Deter - If we eliminated the municipal fire district and it went back to the county.

County Commissioner Rushing - Last year a resolution came to eliminate it and then resolution came to disregard that one. We sent you a resolution saying we are looking at different things because we were afraid at that time that you were going to be caught up in something that would be a double taxation. Had we gone with this last year, you would have had a whole year of this affecting you as you would still be paying a higher rate of .048. When I put it off a year that allowed us to again come back to some other ideas until we saw your plans. With the fire departments there is a lot of concern about where the money comes from. Does it come from a taxing district? Does it come from a fee district? Does it come from the county? In that concern, there is a little bit of autonomy that if that money is spent in that district it has to be used in that district, it can't be used other places. The problem that we have is that if Unionville Fire Department buys a truck with funds generated in Unionville, then that truck belongs to

them. If they decide to sell it or if they dissolve as a fire department that truck goes somewhere and we have no say where that truck goes. You, as Weddington tax payers, have been subsidizing Unionville Fire Department along with the rest of the county, about \$200,000.00 or \$300,000.00 in benefits a year. You're looking at a huge subsidy that we've been providing to them above and beyond the station services just so they can meet fire services in that area. Is it fair that we have to buy all new equipment as tax payers even though we don't live there to staff a new fire department? The reality of this is the last thing Union County did united was join Mecklenburg. We've got 14 different municipalities, 17 or 18 different fire departments, and we have a huge disconnect. Until recently, in half the county we were dry and in the other half of the county there were alcohol sales. That just got changed. So when we look at things to unite the county to try to make us work more as a whole, we work together with schools. It used to be Monroe school district and Union County school district, but now they're merged and that works out great. We feel that, rather than worrying about where the money comes from, the concern is making sure fire departments get the money that they need. We looked at some of the numbers and, please don't hold me to this completely, if you had the fire fee in Wesley Chapel, the county general fund would have to subsidize \$600,000.00. So the same budget that they would have counting the number of residences there versus what it would be, you would have a huge difference. The fire fees just don't cover the cost.

Mayor Pro Tem Titherington - Thank you for pulling the information together. It's helpful. I just want to recap what I think I'm hearing. Your recommendation is that we either do away with the municipal fire district and bring that back to the county or take that tax rate to zero with the assumption that the county will fund the expenditures because that will still be an additional resource that, at .045 tax rate, is spread to the rest of the county. I know you can't speak for them but I'm sure you can give us an indication on where the rest of the Board is on that.

County Commissioner Rushing - We are not close. There is a lot of confusion and a lot of differences in the concept of what we're doing. The concept is what we have to look at because the tax rate that's associated with that concept can be repaired depending on the tax rate set for the county. So if we cut social service and cut the sheriff's department and if we move any money from parties of one to another, we can change that number. Even though you have a 4.5 or 5 or 10 cent tax rate, it is just showing you what money goes there. The goal is to have your tax bill this year be the same as your tax bill next year. For example, in Weddington if you drop the 3.74 cents of the tax rate, then next year your tax bill will look higher on the county side, but it's still the same amount of money that you're paying.

Councilmember Propst – It's just a reallocation of our current tax dollars and how you apply it towards the fire budget?

County Commissioner Rushing – And again, the mistake has been made that we're just trying to provide a higher level of service on the eastern part of the county. The goal of the committee was to keep a base level of service. We're not trying to get to a six. We're trying to maintain the nine with basic service and the basic number of people that have to show up to the fire department. We are not trying to increase our budgets based on wanting less expensive things. We're trying to make sure enough people show up when there is a fire so that we can keep that nine rating. That's the difficult thing. As more and more people shift from farms to jobs in the city, those farm guys that used to go out and get on the firetruck are not there anymore. They're disappearing. Some are still there though and as long as we can fund them and not make them have barbecues every three months, that's great. Part of the goal from

the fire fee to begin with was to stop getting away with reliance on fundraisers and start putting some teeth to it. Like I said, it's such a complicated issue. I'll give you an example. A farm in New Salem that has \$139,643.00 pays a combined current fire tax of \$15.26. Now I pay \$100.00 on a home that has about the same value in eastern county. If we look at the commercial property in this example, that property pays \$102.00. The county-wide tax rate levels the playing field for everybody. And the \$13,000,000.00 we've already had two fire departments come to us and say we have already bought that equipment. Part of the problem that we're hearing from our staff is that they say one fire department bought a \$300,000 fire truck and we are on freeze. We've been asked where did the money come from and we don't know. We have another fire department that needed \$200,000.00 for air packs. Then they decided this year that they did not need it. Anything that we can cut and anything that we can save drives that number down. I think that is where we as a board do not want to see a higher tax rate next year. Once we get to the school budget we have to fund a basic sound education for kids, but as far as our budget and as far as the fire services budget and the EMS budget that's what we're trying to maintain. We will start with the school budget process on the 16th. As far as the County fire services our goal is to keep you at that level more or less. Some of the fire fee tax districts that are five or six cents if they go to four or five, they will see a reduction there.

Mayor Deter – What happened to the Stony Plan?

County Commissioner Rushing – I had two nice farmers vote with me about that and that was it. The goal was to take as little as possible and not have to give back. That would have helped Monroe and Weddington. The fire chiefs didn't support that and some of the others just won't go to the county-wide rate, so it didn't get a lot of support.

Mayor Deter – Unless the Town is willing to dissolve the municipal fire service district, we are going to be paying a tax of almost 9 cents?

Councilwoman Propst – He said if we set our fire tax rate to zero.

Town Finance Officer Gaylord – We can't.

County Commissioner Rushing – Let's say that you set it at a penny then you are welcome to give back as much as you so choose to Wesley Chapel Fire Department.

Mayor Deter – I don't know if Wesley Chapel will do a contract with us for \$210,000.00.

County Commissioner Rushing - Then that would be kind of foolish.

Mayor Deter - It's almost as if have a municipal fire service district or don't have a municipal fire service district.

Town Finance Officer Gaylord – How is the 4.5 cents going to show up on the tax bill? Will it be a general tax or will it be fire tax?

County Commissioner Rushing – There was a line on the tax bill last year that said County-Wide Fire Tax. The amount that was associated with that was .0048, so next year that number would change to .045.

Town Finance Officer Gaylord – So the fire fees and the fire tax districts will all go to zero?

County Commissioner Rushing – Yes. There was a proposal to do a 25/75 split. But you are paying a greater proportion because of the land value here and the number of homes that you have here. You have a greater value per acre here than we have, but that greater value comes with greater service. You have a bigger need than we have in the eastern part of the county, so you would be paying the same rate but would be getting more money from that rate than we would.

Mayor Deter – A penny in Weddington is roughly \$210,000.00 versus a penny in Waxhaw is \$164,000.00 and a penny in Monroe is \$327,000.00. We all learned to think in terms of pennies so what's that penny come out to?

County Commissioner Rushing – The argument that I'm giving you is when we changed this out and showed you what was being paid in fire tax, the only difference is you see that you've been most likely paying this since the time you've been paying taxes in Union County.

Mayor Deter - The 4.45 cent that we're hearing is a county wide tax and that includes the .0048?

County Commissioner Rushing – That's right. It molds into the increase. It could be 4.2 cents or it could be 4.8 cents. It depends on how good of a job we do as Board of County Commission.

Mayor Deter – But either way, the way the direction we are going right now, at least for Weddington residents, unless the Council dissolves the municipal fire service district, is we are going to be paying a tax of somewhere between eight and nine cents, like you said, depending on how the budget comes out.

County Commissioner Rushing – Right. Again, when we look at those services it would benefit you to set your rate as low as possible or to eliminate your rate.

Mayor Deter – Set our rate for our municipal fire service district?

County Commissioner Rushing – Right. You could use the money elsewhere. If you wanted to keep your rate at 5.2, you're welcome to keep the 5.2 and use it for other things. My suggestion to you would be to lower it and only have what you need. Had we done this last year we would be rolling this in. We did not know we could do it and this is tricky for us to include Weddington into this district. We are doing everything we can to be united as a county and not to treat you differently.

Mayor Deter – I appreciate the complexity of this but at every presentation I've attended the big assumption excludes Weddington and Monroe. It's as if they don't know how they are going to handle that, so they just leave it out there. I'm afraid we're coming down to a point with the Commissioners where we have to get our budgets approved and we really don't have a solution for Weddington and Monroe. Or rather the solution is to eliminate our municipal fire service district. I'm curious as to what the solution is for Monroe.

County Commissioner Rushing – Monroe still would be something we would have to figure out. We have talked about funding them back capital. Let's say that the fire tax county wide generated \$300,000.00 more than it needs to and let's say Monroe has said they needed a fire truck. We could use that for Monroe to offset some of what they pay. You don't want to raise it so you can just re-fund Monroe. Monroe has a higher level fire service than anybody and they want that and they choose to have that. If they said we are going to choose to dissolve our fire tax district and Union County can have it then their budget would meld into ours and it would be handled just like your budget. Whether they want to do it or not, we just don't know.

Mayor Deter – I appreciate you coming. I know you're busy.

County Commissioner Rushing – I thank you for having me. I took the opportunity to speak for everybody and try to explain this because this really is not a punishment. Had it been a punishment type thing, we would absolutely not be here trying to figure out anything. I have spent a year on this doing everything I can to figure out how to lessen that weight to have a lesser impact on Monroe. There is a lot of commercial and residential property in Monroe. Everything we do has an effect on our neighbors and what we're trying to do is get to where everybody is concerned about it and everybody is watching that spending. Thank you all because you have been paying for many years subsidies to fire fee districts. We couldn't make it without general fund tax revenue.

Mayor Deter – Thank you. My concern is that if we dissolve the municipal fire service district, we are going to be paying a lot more. I know that is the solution you are offering, but I don't know if that is a viable solution for the Town at this point in time.

County Commissioner Rushing – Had you done it last year, we wouldn't have been talking about it. The dynamics of everything that was the importance last year of the resolution. I saw this coming and I wrote that resolution because I wanted to send a warning to you that something was going to happen. This has been kicked down the road since I was on the board the first time. These temporary solutions were put down in 1988 and we still haven't gotten the solutions. I think that there is a determination among the Board of County Commissioners now to do this. Everything that we have done, fire services studies, basically have been put off because it is an emotional thing. I have customers in my personal business and so many family and friends that are firefighters. We don't want to do anything that is perceived to hurt them and I truly believe in my heart that we are trying to help. We are trying to make sure that those fire departments are sustainable. That's important to all of us. Safety, whether it's sheriff's deputies or whatever it is. You can hire sheriff's deputies through your tax rate. So maybe you might want to shift your savings from not having a municipal fire district to public safety. We are going to have to look at those shifts too in order to keep that tax rate the same or lowered for next year. We may not get it done, if we don't we don't, but we are going to get as close to that as we possibly can because I believe that is what's right by the people. Some will see tax increases, like certain commercial properties. When we have those other commercial properties coming in eastern Union County, you will want them to help pay for this fire service, not just paying \$210.00 instead of \$4,000.00.

Mayor Pro Tem Titherington – As we work through this over the next couple of weeks, who is the point at the County on this?

County Commissioner Rushing – Jeff Yates would be a good source for your questions. Contact Jeff Crook from legal to see what you can and can't do. I wish we had more time to consider this. If your district had already been dissolved, we wouldn't have to consider this. Since you have the district, whatever your budget is and whatever has to go into it will have to be figured out.

Mayor Deter – Any questions from anyone on the council?

The Council – No, and thank you for coming.

County Commissioner Rushing – If anyone here has questions on this issue, I can stay longer and go outside to answer questions so I don't interrupt the rest of your meeting.

Mayor Deter – You are welcome to stay up here in case anyone has any questions.

County Commissioner Rushing – The fact that you guys work so well together and our board works so well together in agreements and disagreements, that's going to move this county forward into a different phase. That is what we need, just like the school system. By communicating, working together and setting common goals, that's how we're going to have improvement.

B. Wesley Chapel Volunteer Fire Department Budget Presentation - this item was moved to B as a result of a motion made by Councilman Smith under Additions and Deletions

Chief McLendon – Thank you for the opportunity to discuss the operating budget. Just as a follow-up, at the town retreat we presented some information to the Council and staff in regarding the make-up of the Fiscal Year 2017 operating budget. After that presentation, I received a note from Finance Officer Gaylord requesting some additional information. I put together a more detailed report, which I provided to the Town, and I believe that you have it in your agenda packet (**COPY CAN BE FOUND IN THE OFFICIAL PACKET**). You can look through that and if you have any questions about anything in particular, we can walk through that. What I tried to do is go through the four major items that Finance Officer Gaylord asked about: request for a line-item budget, a process for determining percentage and shared and pro-rated allocations, the breakdown for the salaries and wages, and information about the capital piece. If you look through the presentation, you will see that I provided the line-item budget that gives the allocation of where each dollar amount is applied to the total budget and a detailed summary that lists all of the line-items and where each allocation is going to. I also provided some information about the shared and pro-rated expenses, such as uniforms and insurance policies, which we've discussed in prior years. Then I discussed the expenses, such as vehicle maintenance, utilities, and things of that nature. If you have any further questions, I'd be glad to answer as much as I can.

Councilmember Propst – Last year you were a 501c4. What is the status of that this year?

Chief McLendon – We are still a 501c4 today. Our application to the IRS to change over to a c3 is in. It is quite a lengthy process, but the paperwork has been submitted and we are waiting for the IRS to process the change.

Councilmember Propst – They didn't give you a timeline?

Chief McLendon – They say it can be up to 12 months and our CPA sent that in around four months ago.

Councilmember Propst – On your budget, the personnel is \$469,000.00. Back in October, when asked about the personnel part of the budget, you said it was about \$385,000.00 to \$400,000.00 for this year. That is around a 17% increase for your personnel over the last year. What is in the \$469,000.00 that is different from the \$400,000.00 last year?

Chief McLendon – Back in October when I was asked that question, I gave an estimate of about \$380,000.00 to \$400,000.00. Our actual line-item is \$430,000.00 for this year, which only included 11 months because we started our service on July 29th. A monthly payroll figure of roughly about \$39,000.00 a month for 12 months comes up to the \$469,000.00. So there was no increase in wages or positions, it's just a 12 month budget versus an 11 months budget.

Councilmember Propst – Our previous supplier of fire service in Weddington provided that service at \$400,000.00 for 365 days a year, four men, seven days a week, and 24 hours a day. Last year, they asked us for an increase of \$423,000.00 and the previous council denied that. I am just trying to figure out what the difference between their \$400,000.00 and your \$469,000.00.

Chief McLendon – I couldn't speak to that because I'm not familiar with the mechanisms behind their allocations. Included in the packet is a very detailed summary that shows how we arrived at that number and that's how our model operates. I could not explain the difference between the two because I am not familiar with the previous provider's model.

Finance Officer Gaylord – We also had Wesley Chapel and Stallings in addition to Providence, so we have that piece of the payroll plus the payroll for those other two stations that weren't broken out. It's not quite apples to apples.

Councilmember Buzzard – If we are comparing the one station from our former provider to the three stations now, that one station, which isn't broken out, cost more, I would guess.

Councilmember Propst – We aren't really paying for the third station are we?

Chief McLendon – This is just for your station.

Councilmember Propst – What are you paying for in capital expense?

Chief McLendon – We understand that the capital expenses are on the rise. Since essentially this is our first year as a provider for the town, we don't have the mechanism to fund capital for future years. The town has to fairly set aside specific dollars for capital expenditures. We are creating the pool to have the money for future equipment replacement, so we are not coming back at a later date asking the council for additional money. We took the approach to have everything be in an inclusive budget, that includes capital, so we can build our capital plan around available funding, stay within the growth rate (we came

in lower than the town's growth rate this year with our budget), and fund those projects moving forward without coming back for additional money from the town.

Mayor Pro Tem Titherington – Thank you for the detail. As we look at just the personnel side, I agree with the contingencies. It's important to have that, but they are contingencies. If personnel expenses come in under that 10% number, where do you reassign that - capital?

Chief McLendon – If personnel comes down below that number, then that would most likely cover shortfalls in other line-items. As you can see, some of those line-items are very slim. If there was a shortfall or overage in another line-item, then we would move that money over.

Mayor Pro Tem Titherington – Calculations on the personnel were three part-time with one volunteer.

Chief McLendon – Yes.

Mayor Pro Tem Titherington – I would be interested in your thoughts on the presentation we just had. If there were any observations or information you had.

Chief McLendon – I am pretty familiar with the process. I was fortunate enough to be elected to the community stakeholders meeting. I went every two weeks for four or five months to discuss the different funding options. One of the things that the fire chiefs looked at was sustainability and the response impact for the citizens. Being a fire chief of Wesley Chapel Fire Department, my first priority is the citizens of Wesley Chapel fire tax district, as well as the Town of Weddington. Under the equation at 4.51, that would accumulate roughly \$2,500,000.00 from the Wesley Chapel fire tax district. In this year's budget, the county recommended they are going to give back \$1,100,000.00 of that. We are going to be a net giver \$1,200,000.00 and the same scenario applies to the Town of Weddington. The concern would be if the town wanted to dissolve their municipal fire district. Obviously there are implications there regarding insurance and things along that line. I believe that the majority of this council is aware of those types of changes. The concern is if the county would fund it to the level the town citizens are paid with. I certainly think there are discussions that have to be made with the fire department, as well as the town and the community, to see what the best solution is to keep the financial impact on the citizens at a minimum. One of the things that the fire chiefs discussed at the 11th hour was the frozen budget at \$10,500,000.00. This year the budget was roughly \$13,500,000.00. So instead of 4.51, Chairman Rushing talked about .48. If that was increased a penny, that would cover a majority of that shortfall. Capital would still be funded in full and fire departments would still have staff in the eastern part of the county. But for Wesley Chapel fire tax district, the Town of Weddington, the town of Monroe, and quite frankly 70% of the population, it would have less of an impact at one payment than 4.45. Regarding the 75% to 25% stake that the county staff was discussing, the Wesley Chapel fire department tax district, not the Town of Weddington, was recommended the tax be 5.3 cents next year. We're at 2.82 to 2.94 roughly with the budget going in and the staff is recommending a 5.3 budget because of the 75% to 25%, so it's going to be a tax increase for anybody in western Union County. Financial Officer Jeff Yates has said that in his presentation. From the fire department's perspective, we want to work with all the municipalities that we serve, as well as the county commissioners, to do what is best for the citizens and provide the best local service that we can.

Mayor Deter – I appreciate your presentation.

C. Review and Consideration of the Falls at Weddington Amenity Center Construction Documents- *this item was moved as a result of a motion made by Councilman Smith under Additions and Deletions*

Town Planner Burton – The Falls at Weddington is an approved subdivision from December 2014. They are proposing a recreational site, an amenity center, on the west side of the development on the west side of Antioch Church Road. An amenity center falls under conditional zoning requirements and the town council approved the conditional rezoning on September 14th, 2015 contingent on construction document approval. The construction document approval is basically a lot of the civil engineering and architectural documents. A couple of additional notes, the amenity site did fall under the town's revised storm water management ordinance, so they do have to provide the retention, according to our new ordinance, on site. You can basically look at this site as a completely separate piece from the rest of the development, looked at on its own, and the retention is going to be detained on site. Our town engineer, U.S. Infrastructure (USI), reviewed the construction documents and all the engineering and they did approve it in that letter of approval that is also in your packet. They proposed a couple of conditions of approval. The first one is at the final plat that includes the amenity center site, access must be recorded prior to the start of construction. The second one is all lighting must adhere to the town of Weddington lighting ordinance. The Planning Board did recommend approval with those two conditions unanimously. I would be happy to answer any questions and the applicant, Jonathan Keith with T Don, is also here to answer any questions.

Mayor Pro Tem Titherington– Can you touch base with the traffic impact analysis again. I know we had a look at that, but could you refresh my memory?

Town Planner Burton – Because it was in the new conditional zoning application, it does trigger a determination for a Traffic Impact Analysis (TIA). Since the development already had proposed turn lanes off of Antioch Church Road, the amenity center on its own would not create any additional trips that would require additional improvements on Antioch Church Road.

Mayor Pro Tem Titherington moved to approve the Falls at Weddington Amenity Center Construction Documents as stated by staff with the conditions of approval of the final plat including the Amenity site Center, and access must be recorded prior to starting construction, all lighting must adhere to the Town of Weddington Lighting Ordinance. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington

NAYS: None

D. Review and Consideration of the Falls at Weddington Final Plat Phase I Map I - *this item was moved as a result of a motion made by Councilman Smith under Additions and Deletions*

Town Planner Burton – This is a final plat associated directly with the amenity center. In order for them to get zoning permits and building permits to construct an amenity center, there has to be a lot of record in place. The final plat in front of you, Phase 1 Map 1, includes only the lot for the amenity site and then access from Antioch Church Road. We wanted to ensure that we weren't permitting construction on a

lot that didn't exist and we also needed to make sure we weren't creating a land-locked parcel in the middle of the overall property. What we will need before recording the plat, going down my conditions of approval here is: the bond estimates for all of the infrastructure associated with the utilities, water sewer, and the road providing access to be approved by the engineering consultant and the actual bond instruments reviewed and approved by the Town Attorney and then in hand before we sign the Mylar. The Planning Board did recommend approval unanimously with those two conditions.

Mayor Deter – Under construction documents it says: the Town is awaiting the finalization of the floodplain development permit on the west side of the development. Is that something that should be captured in that condition or is that just a statement?

Town Planner Burton – There is a floodplain development permit associated with the bridge and the culvert, which is south of the amenity site. We are holding off on platting any lots that are south of that area and that's in USI's construction documents approval for the entire subdivision. The amenity site is north of that and, as I discussed in the construction document approval, is completely contained on its own so the flood plain development permit has no impact on this final plat or on the amenity center.

Mayor Pro Tem Titherington– Due to storm water retention on the amenity center?

Town Planner Burton – Correct.

Mayor Pro Tem Titherington moved to approve the Falls at Weddington RCD Conservation Subdivision Conditional Zoning Final Plat Phase 1 Map 1 with one lot associated with the amenities center with the recommended conditions of approval as noted in staff's recommendation. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington
NAYS: None

E. Review and Consideration of the Falls at Weddington Conservation Easement - *this item was moved as a result of a motion made by Councilman Smith under Additions and Deletions*

Town Planner Burton –You have two sheets showing the conservation easement, which is basically all the area outside of the area being developed for the subdivision The Falls at Weddington. There are different ways to record conservation easements, with the idea being that this area does get preserved in perpetuity and we have that recorded as a recorded document. So we have the CCR's associated with this development and they reference this conservation easement. The applicant wanted to go ahead and record the easement for the entire development, that way they can protect it during construction, especially if sections of it get turned over to the new builders. Now we would have it recorded as conservation land from the beginning.

Mayor Pro Tem Titherington moved to approve the Falls at Weddington Conservation Easement as outlined by staff. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington
NAYS: None

F. Review and Consideration of amendments to the Land Use Plan to better incorporate the Rea Road extension - *this item was moved as a result of a motion made by Councilman Smith under Additions and Deletions*

Town Planner Burton – In your packet there are three amendments to the Land Use Plan associated with the upcoming construction of the Rea Road extension connecting the existing Rea Road with the existing Weddington Road/84 close to Twelve Mile Creek Road and 84. Town Council showed an interest in trying to make sure that the Land Use Plan better addressed the timeline for the Rea Road construction and also future developments associated with the Rea Road construction. It's projected to be a large road and there were concerns that it would bring some additional commercial development pressure. One of the amendments addresses these concerns and further directs commercial development to the already existing town center where the Town Council has already shown their desire to constrain development within that area and have already addressed that within the Land Use Plan and the Zoning Ordinances with the Downtown Overlay District. Just to walk you through the three amendments, the first one is on page 33. It is just a housekeeping issue and is updating the date for construction since it's been delayed since the Land Use Plan was initially written (The consistent pattern of recent growth in the Charlotte region indicates continuing strong growth in the Weddington area for the foreseeable future. This is primarily due to its location, south of Charlotte and close to the region's "Outerbelt," I-485. In addition, southern Mecklenburg and northwestern Union Counties are scheduled for a number of road improvements that will further improve accessibility to and from Weddington, the most significant one being Rea Road Extension. Rea Road Extension, scheduled for completion in 2017 is now scheduled for construction in 2019, will give Weddington area motorists a second direct means of accessing I-485).

Page 36 is also a housekeeping issue. The project number has changed and again the timeline needed to be updated (A section of NC 16, which runs from Rea Road to I-485 (NCDOT Project U-2510A), was recently widened. Another project that will affect Weddington, making it more accessible to Charlotte-Mecklenburg and bringing more traffic through the town, is the Rea Road Extension (NCDOT Project U-25063467). Right-of-way acquisition is expected to start in 2017 and construction is expected to start in 2019. Completion is anticipated in 2019. There are also plans for an interchange at Weddington Road and I-485 in Stallings and a roundabout at the Weddington Road/Weddington-Matthews Road Intersection).

Page 50 is truly the amendment. It refers to restricting future commercial development to the town center despite potential commercial development pressure along proposed thoroughfare improvement projects, such as the Rea Road Extension and the continued widening of Highway 16. The Planning Board did review these Text Amendments and, after a couple of minor changes, recommended what you have in front of you. (Commercial Development. As indicated previously, the Town has very limited commercial activity, and all existing commercial development is located within the designated Town Center. The Town Center is located at the intersection of NC 16 and NC 84 and further defined by the Downtown Overlay District, discussed below. In the future, in order to preserve the Town's rural character, new commercial development is restricted to the Town Center, despite potential commercial development pressure along proposed thoroughfare improvement projects such as the Rea Road Extension and the continued widening of Highway 16. The only commercial area in Weddington is located at the intersection of NC 16 and NC 84. The existing commercial development is zoned for mixed uses, business, retail, and office uses. Uses are limited in nature and size; setback requirements are significant. Tenants in the shopping center include a grocery store, fitness center, three restaurants, a mail delivery center, a hair salon, nail salon, pet salon, drycleaners, and an animal hospital. Adjacent to the shopping center is a small professional office complex that contains a dentist office, orthodontic office, chiropractic office, two medical health office, an insurance company, a real estate agency, a law firm, clothing alteration and an interior design office. A convenience store and bank are located along NC 16. Adjacent to the shopping center is an indoor gymnasium facility. A 15,000 square foot office building was recently approved. Weddington's Town Hall lies adjacent to this shopping/office complex. All land that is currently zoned for commercial purposes in Weddington is found in the vicinity of the Town Center).

Mayor Pro Tem Titherington moved to approve the amendments to the Land Use Plan to better incorporate the Rea Road extension as recommended and submitted by staff. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington

NAYS: None

- G. Review and Consideration of amendments to the Land Use Plan to prioritize view shed when reviewing and approving Conservation Subdivisions *this item was moved as a result of a motion made by Councilman Smith under Additions and Deletions*

Town Planner Burton – The Town Council remembers we had some text amendments recently looking at the zoning ordinance and further prioritizing view shed when looking at conservation subdivisions, making sure that this was the highest priority for the site plan, and also looking at making sure that if there was a subdivision proposed that was bisected by a minor or major thoroughfare that each side of that thoroughfare would have 50% conservation land. This is an amendment to the Land Use Plan on page 56, which is somewhat related to that. The Planning Board and staff looked at additional amendment ideas to try and further control conservation subdivisions. We are worried that we may limit creativity and freedom from developers who come up with some very good ideas, and we wanted to make sure that the Council had freedom to make exceptions in unique situations. This amendment strengthens the desire and vision for the Town of Weddington to preserve scenic views and rural character and point the text to the zoning ordinance and indirectly to the text amendments that we recently approved.

(Site Design. Site design plays a significant role in assuring land use compatibility. Factors include transitioning between land use types, intensities, and densities using buffers and floor area ratios, conserving environmental assets using standards to preserve open space and limit impervious surfaces, providing adequate vehicular and pedestrian traffic circulation and connectivity, mitigating potential nuisances, such as signage, excessive noise, smoke, heat, light, vibration or odors detectable to human senses off the premise, and designing for public safety. In November of 2014, the Town Council increased the thoroughfare buffer requirements in response to increased residential development, in order to better preserve the viewshed and maintain the rural feel.

The Town Council should also utilize the tiers of priority when reviewing conditional zoning applications for conservation subdivisions, to ensure that each unique site plan adequately reflects the priorities listed in the zoning ordinance, and more generally preserves Weddington's scenic views and rural character).

Mayor Pro Tem Titherington moved to approve the amendments to the Land Use Plan to prioritize view shed when reviewing and approving Conservation Subdivisions as outlined by staff. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington

NAYS: None

- H. Discussion and Consideration of Rea Road Extension - *this item was moved as a result of a motion made by Councilman Smith under Additions and Deletions*

Mayor Pro Tem Titherington – I wanted to update Council on the latest work. I think you all got the road site plan that I sent to you with the current layout. I think there is additional work that the DOT is working on with Wesley Chapel as it relates to Dogwood Park in particular, that area on the Southbrook Church and WCWAA. As we look at that project going down the road in the near future, I'm a little concerned that we have been having more ad hoc conversations with Wesley Chapel. If you think about that connectivity all the way from Waxhaw-Indian Trail Road and 84 all the way to Providence Road, it's going to have a major impact on both towns and their residents. I was wondering if we should have staff think about having a more formal approach with Wesley Chapel so we can be on a more unified front. I know for example the Mayor of Wesley Chapel and the Mayor of Weddington at Council direction wrote a letter to DOT to talk about other options. Even if we look at sidewalks, where do we stand? Where does Wesley Chapel stand? Where are we going to be on landscaping? The ultimate

determination of where that road comes and impacts is certainly on the high school. I think there is some work there that when John Collins was here said they have had some dialogue but even some of the things he outlined in retreat have shifted a bit. I just wanted to put it out to the Council for discussion and see if there is any interest in having some folks be assigned to work with Wesley Chapel on a more formal process.

Councilmember Smith – Are you talking staff or council? Who exactly are you referring to?

Mayor Pro Tem Titherington – I know Town Planner Burton's role is pretty tied in to that work, but I do think it probably should be a Council person. I recommend Mayor Deter if he has the bandwidth to have two Council people or a Council person and the Mayor just so we can formally reach out to Wesley Chapel and have dialogue. A lot of their meetings are at the same nights that ours are, so as they're addressing it we can't get their names in person.

Mayor Deter – I would suggest that they're available for Council meetings. Town Planner Burton is involved on TCC and some of the other committees. Councilmember Buzzard is our CRTPO guy and is involved with roads in general. I would suggest that you look to Council member Buzzard and Town Planner Burton to provide the leadership and communication on that.

Councilmember Buzzard – Actually Mayor Pro Tem Titherington and I have talked and he is very much involved in conversations with WCWAA and Southbrook Church. I think that is going to be the biggest impact area. Because I am involved with the CRTPO, I thought it would be a better idea for Mayor Pro Tem Titherington because he already has those contacts. He can continue this and work with Town Planner Burton to get technical information from him.

Mayor Pro Tem Titherington – That's open for discussion. I'm concerned with the fact that we did the public meeting back in February and it took them 60 days to get information, and I think those trains are leaving the station. My biggest concern is that we have the Council, in addition to Town Planner Burton, engaged with Wesley Chapel and DOT to make sure that there are no surprises.

Councilman Smith – I agree. I think it is an excellent idea. It's just putting the logical person in. When you are dealing with where it starts at 16, it goes all the way up, so there is more than just Wesley Chapel. However, to your point, and I do understand that is going to be probably the biggest area of concern, will you be getting input to Mayor Pro Tem Titherington along the way?

Councilmember Buzzard – I certainly can. The other thing is since it is so far along in the process, I don't know that there is a whole lot within the CRTPO that can be done to really affect it and basically it is in the NCDOT's lap. Again, I talked with Mayor Pro Tem Titherington and I can work with NCDOT's portion of things, but as far as the stakeholders, specifically in around where Wesley Chapel and Weddington come together, he has done a lot with them already. It probably makes more sense, especially time frame wise, instead of trying to get me up to speed with who the parties are and what they're doing, to allow Mayor Pro Tem Titherington to do it with Town Planner Burton and me backing him up.

Councilmember Smith – Do you have any idea where they stand on Dogwood Park? I know that they were offering up land where it stands now.

Mayor Pro Tem Titherington – I think that is getting caught up in some of the federal conversations. It's a very important part of having that conversation right now.

Mayor Deter – If anyone has read through the 267 page document, it has all the comments written and verbal that were given. As you go through it, there are sections. At the end, NCDOT will say "Hey. In response to question 145-175, this is our response", so they are providing that and you've got to read through it. I know Mayor Pro Tem Titherington has got contacts at WCWAA, but it's going on down the road and I look at Councilmember Buzzard as our road guy. When Barbara was on Council, anything that came up was like "You've got it Barbara. Keep us in the loop and guide us."

Councilmember Smith – I do understand Councilmember Buzzard's point to Mayor Pro Tem Titherington. You've been involved with that organization for a while and I understand that it is going to be a huge quagmire. I would assume you probably have already looked into some concerns.

Mayor Pro Tem Titherington – Yes. I think the reality of this is that people live down this trail in different ways and there is probably overlap and space for that. My recommendation is Councilmember Buzzard, Town Planner Burton, and I, if you all are comfortable, will tackle that as a group and work on it accordingly.

Councilmember Smith – Either one. I appreciate you doing it.

Mayor Pro Tem Titherington – If we are going to out and have conversations and something is related to the CRTPO, it is a lot easier to have that Council person do that for us.

Councilmember Smith – If you take point on it and bring him in when you need it, then that sounds good.

Councilmember Buzzard – There probably will be a lot of NCDOT conversations that Town Planner Burton and I would do on Mayor Pro Tem Titherington's behalf. It is going to have a huge impact on Weddington because it is a huge project and we probably need several people moving with it.

Councilmember Smith – I agree. There are probably going to be some surprises down the road, so this will help with that.

Councilmember Buzzard – Does anyone have any specific question outside of what's going on with Dogwood Park?

Councilmember Propst – There are a few people who are probably going to disagree that this will impact Weddington the most, but that is one component. Obviously, there are neighborhoods that are very upset about how they are being impacted and it is what it is. I read all of the comments from the package you gave us and WCWAA has a force out there fighting for them. It's just the federal funds with Dogwood Park might not be able to change that.

Mayor Pro Tem Titherington – The comment that really drove that area was the Wesley Chapel overlap. I view the 16 component more of the Weddington-separate conversation. I advise that, as we view the

scope of these roles, we touch base with all of the constituents including those in Wesley Chapel, as long as the Council is comfortable with that.

Mayor Deter – Town Planner Burton, any comments?

Town Planner Burton – No. I'm good. I'm happy to help however I can.

Mayor Deter – We have this down as discussion and consideration, so do we need a motion?

Town Attorney Fox – It does not require it. It sounds like you are acknowledging, not designating them but acknowledging that Mayor Pro Tem Titherington is going to be the lead and converse with Councilmember Buzzard occasionally.

Mayor Deter – There is no other discussion, so I'm going to move on.

I. Review and Consideration of Town's Personnel Policy *This item was moved to as a result of a motion made by Councilman Smith in Additions/Deletions.*

Mayor Deter – This was an item that came from the retreat. It was on the to-do list for Parker Poe and Town Administrator Piontek. There is a lot involved here, so I hope everyone has read through it and has some discussion points. Our employee handbook hasn't been updated in over seven years. As an action from the retreat, we were going to look at all those policies. Some still apply and there are some we don't have that we should have. To try and help us through this, I've listed anytime there has been a change or an addition to the personnel policy I've put it into three buckets. The first bucket is approve because I think they are pretty cut and dry. The second is discuss and resolve. This means I think that Council can probably get some discussion, but they are not complex and the Council can probably come to a resolution. Then I've got some others that are more involved and more complex and I think we would probably want to schedule a workshop to get discussion on. I will walk everyone through this. As an example, on page 111 you can see the recommendation in the footnote is to remove the introductory period and the reasons why. I have that as listed as the Council will probably be on board and I'm looking around to see if everyone is good with that. The next one is on page 112 and the same thing applies. I did some background on this and the discussion is what is full-time and what is part-time. Waxhaw considers 32 hours to be full time. Wesley Chapel has it at 40 hours. Mineral Springs has no employee handbook, but they consider 40 hours to be full time. Do we leave it where it is or put it at 40 hours? It would not have any implications with our current staff. Am I correct?

Town Finance Officer Gaylord – I'm reading for the purpose of benefits and a lot of the benefits are based on hours. I think that is where that split came from.

Mayor Deter – I think I have benefits listed as workshop discussions. If they don't impact benefits as they are, then my thinking would be to follow the recommendation to make it 40 hours. It's not a big issue either way. I'm just looking to the Council.

Councilmember Smith – The way I see it is that it's not going to affect current but it will take effect if we go through a personnel change.

Mayor Pro Tem Titherington – I think that makes sense because I have always thought of 40 hours as full-time.

Councilmember Propst – As long as it does not affect the benefits of anyone who is currently employed.

Councilmember Buzzard – I'm fine with that.

Mayor Deter – The next item is on page 113. The comments there are it is unnecessary to include this language and it may be misleading without further context. You can read it. My recommendation would be to agree with it and remove it.

Mayor Pro Tem Titherington and Council Members Buzzard, Smith and Propst agreed with "will".

Mayor Deter – The next item is on page 114. I have that listed as discuss and resolve. There are a couple questions under performance evaluations that say "The town will endeavor to conduct formal annual written evaluations." I don't know if council wants to make that a little stronger and say "The town will conduct formal evaluations" or we can leave it as endeavor.

Mayor Pro Tem Titherington and Council Members Buzzard, Smith and Propst agreed.

Mayor Deter- Further down on that page, you can see the recommendations in terms of discussion of excused and unexcused is it can be removed.

Mayor Pro Tem Titherington – I think this needs to be cleaned up. I don't like the arbitrary nature of it. It gets into the definition of what is excused.

Mayor Deter – You can either remove it as recommended or workshop it.

Mayor Pro Tem Titherington – I've never seen an employee handbook that is that aggressive and one and done like that. It struck me.

Councilmember Smith – I agree.

Councilmember Propst – Do you want to do a workshop?

Mayor Pro Tem Titherington – I think that is good or someone can work on the wording.

Mayor Deter – Let's move it to workshop discussion. The next item is on page 116. Number 23 says "Smoking or using smokeless tobacco while operating any town vehicle". We discussed this at the last meeting and we'll be addressing it later in the agenda. It's no smoking period. I'm thinking that line can be taken out. The town has a no-smoking policy.

Councilmember Propst – Just take it out.

Councilmember Smith – Take it out.

Councilmember Buzzard – Would it be beneficial to leave it in for clarity’s sake?

Mayor Deter – Instead of the town has a no-smoking policy?

Town Attorney Fox – Your document label refers to your smoking ordinance, which means smoking is prohibited per ordinance law.

Mayor Deter – I’ve got a couple of things here. One is take it out. One is leave it in and reference the town’s no-smoking policy.

Town Attorney Fox – I think you just reference your ordinance.

Mayor Deter – We’re good on that one. “Should an employee refuse to sign the corrective action”. I don’t think we want to force an employee to sign it anyway, so that would be deleted.

Mayor Pro Tem Titherington and Council Members Buzzard, Smith and Propst agreed.

Mayor Deter – Page 119. It says “employees should not carry a negative balance of vacation days”. I would think that would say “employees cannot carry a negative balance”. It’s a stronger statement.

Mayor Pro Tem Titherington and Council Members Buzzard, Smith and Propst agreed.

Mayor Deter – In the box on page 119, there are a couple of issues to talk about. In terms of the whole hours versus days, I think we should put it in a workshop.

Mayor Pro Tem Titherington – I agree.

Mayor Deter – Another topic, this does not affect anyone that is currently on staff. Should we pay benefits for 19 hours or less? If we hire a new employee and they work 19 hours or less after this was put in place they would not get benefits.

Mayor Pro Tem Titherington and Council Members Buzzard, Smith and Propst agreed.

Mayor Deter – The next change is on page 120. I’ve got that targeted for workshop discussion.

Councilmember Propst – I agree.

Mayor Pro Tem Titherington – Just for clarity I think the chart on 119 should be part of that.

Mayor Deter – I’ve included that in the workshop. Page 121 is basically the same situation. We will make that workshop discussion. There is a lot of confusion on this item.

Mayor Pro Tem Titherington and Council Members Buzzard, Smith and Propst agreed.

Mayor Deter – Page 122.

Mayor Pro Tem Titherington – It was talking about a cap which is pretty standard protocol. It says “*The Town will pay employees up to a maximum of 10 paid days for jury duty service or to comply with a subpoena in each County*” isn’t that in itself a cap?

Town Attorney Fox – Yes the maximum is 10 days is a cap.

Mayor Pro Tem Titherington – So we can leave it as is.

Town Attorney Fox – I thought there was a note in here that spoke to the requirement for jury duty and what you have to provide.

Mayor Deter – It says a maximum of 10 paid days for jury duty service or to comply with a subpoena each calendar year. Does that mean you get a subpoena that would require more than 10 days away from work?

Town Attorney Fox – I think you could limit it to a maximum. What was suggested was there was not a cap. You should add one and you may pay more or less than the recommended 10 days. Apparently the law allows some flexibility. It’s a policy for the Council to decide how you want to proceed. Remember a stipend is given for serving and sometimes that quote is a clawback that your pay is reduced by that amount of compensation that you receive.

Councilman Smith – My question is the subpoena, do we have to do it if the subpoena has nothing to do with the Town?

Mayor Deter – The question is do we want to pay for that or not. What I’m hearing is we will leave it at 10 days but we will pay for jury duty. If it’s through a subpoena not related to Town business we won’t pay for that.

Mayor Pro Tem Titherington and Council Members Buzzard, Smith and Propst agreed.

Mayor Deter – Page 123 has a question on Federal Law implications. Confirm that 30 hours is the minimum per week threshold required to be eligible for leave. I’m assuming that’s just something that Parker Poe will find out what the law is.

Town Finance Officer Gaylord – I believe the 30 hours is based on our insurance plan.

Mayor Deter – Let’s capture that as to do. Peggy please check it out with our insurance plan. The other question I have is under zero tolerance. The start of the second paragraph “*employees who are under the influence of alcohol, illegal or illicit drugs or controlled substances* (this is the highlighted part) *to the degree that his or her judgment or performance is impaired.* I’m thinking we should delete that part, whether impaired or not.

Councilman Smith – In many government entities you are not allowed to drink period.

Town Attorney Fox – With regards to the level and alcohol. Alcohol will stay in your system from the night before and you come in you may not be legally under the influence .08 but you still may have some points. I know that illegal drugs has to go.

Mayor Deter – Anthony please reword it and we will deal with it in our work session.

Mayor Pro Tem Titherington and Council Members Buzzard, Smith and Propst agreed.

Councilman Buzzard – Back on page 14 or 122 in the packet where it says minus the amount of paid jury duty they receive because we have all acknowledged that amount is very small. Would it be more of a hassle and a burden on the town to calculate that amount?

Mayor Deter – All right so what we're saying is that there will be no clawback from the jury.

Mayor Pro Tem Titherington and Council Members Buzzard, Smith and Propst agreed.

Mayor Deter – Page 124 and it references employee assistance. Personally I think it's a good idea. The only question I have is to investigate what the cost is.

Councilwoman Propst – Is that not part of our insurance?

Mayor Deter – I don't know. Let's have Peggy investigate this. If it's not covered by insurance find out the cost.

Mayor Pro Tem Titherington and Council Members Buzzard, Smith and Propst agreed.

Mayor Deter – Page 125 addresses smoking/tobacco policy pursuant to town ordinances. The existing ordinance is 34-1, Anthony would that become the same ordinance or does the ordinance change?

Town Attorney Fox – It's intended to reference the existing ordinance.

Mayor Deter – Okay so that would be 34-1. Further down on that same page, *"in addition the Town will not tolerate violence."* As far as I can tell that's new because I compared it with the old policy. In my opinion it looks okay and references legal action. The question I have is if legal action applies to both employees and guests.

Town Attorney Fox – I think it's intended to refer it to the employee in the work environment where the employee engages in or threatens violence.

Mayor Deter – If we have someone come in to Town Hall and they are fed up with their taxes and are making threatening actions to a town staff member?

Town Attorney Fox – That's a visitor and there are criminal laws for that.

Mayor Deter – It says employee or visitor may be considered grounds for immediate termination of employment. You would just say employee.

Councilman Smith – You are dealing with two separate issues here.

Councilman Buzzard – Or does it read that the employee cannot perpetuate violence or abuse on a visitor?

Town Attorney Fox – It needs to be clarified. I think the ambiguity speaks to itself by the questions being raised. You are really talking about employee conduct and behavior in the workplace on another employee or a visitor.

Mayor Deter – Let's have Anthony wordsmith that some to get clarity and we can move it over to our work session.

Mayor Pro Tem Titherington and Council Members Buzzard, Smith and Propst agreed.

Mayor Deter – I have the same thing on the very bottom paragraph. It's just a new paragraph, I don't see a problem with it *"the town will take all reasonable steps to provide a safe working environment for its employees"*.

Mayor Pro Tem Titherington and Council Members Buzzard, Smith and Propst agreed.

Mayor Deter – Page 128 I have placed this for the workshop and discussion *"employees are strictly prohibited from accessing another one's computer"*; you can see the note that refers to sharing passwords etc. and I think we need to get discussion and input as needed from staff to discuss it in the work session.

Mayor Pro Tem Titherington and Council Members Buzzard, Smith and Propst agreed.

Mayor Deter – Page 129 refers to social media and has been added because the last time we modified the handbook we didn't have social media. I have several concerns with this. We can discuss them briefly or address them in our work session. It refers to Town employees using their best judgment before posting contents on the town social media site. We don't post content on the media site. We discussed that at the retreat and decided that our Facebook Page is just for outward communication which is handled by staff for events. So I think that first paragraph needs to be adjusted. The second sentence of the second paragraph *"this policy applies to all town employees and use of social media when on their off duty or when using the town's or personal electronic resources"*. This is a major over reach so I think that's something that has to be looked at. I'm going to cover these briefly so Anthony can capture them and then we can get into them in our work session. On page 130 there are several other bullet points there *"no employee shall friend any town resident or customer on their personal Facebook page"*. Anthony that whole thing needs to be addressed. The key is our Facebook Policy is for outward communication only.

Town Attorney Fox – You will also need a prohibition then that no one shall tap into and use the Town social media without the express approval of the Town.

Mayor Deter – Yes. If you could look at that whole section which would also include page 131 and then we can address that in our work session. The next item is on page 132 which refers to personal

information and destruction and I would say to keep it. The comment is *“this policy does not need to be included in the handbook as long as the Town Administrator maintains it elsewhere and complies with it, it can be removed.”* This is something we can remove.

Mayor Pro Tem Titherington – I recommend keeping it so we can be sure everyone sees it.

Council Members Buzzard, Smith and Propst agreed to keep it.

Mayor Deter – We have just gone through the Employee Handbook. I think the key take a-ways are there are some assignments that Peggy and Anthony have and when we get that information back I will check with Council to find the time to set up a work session.

Item No. 9. Public Hearings *This matter was moved to 9 as a result of a motion in A/D made by Councilman Smith in Additions/Deletions*

- A. Review and Consideration of Text Amendment to Section 58-3 to create enforcement procedure for recurring violations to the zoning ordinance

Mayor Deter opened and closed the public hearing as no one signed up to speak.

Town Planner Burton – Please refer to the revised Text Amendment on your desk, not the one in the packet. It's the same thing one of them is a clean copy and one of them shows what was different from what's in your packet. We have had some issues in the past with Code Enforcement on issues that are easily replicated and having to start over each time can be tedious and difficult for the Town to get a resolution that we want. So the policy here would give us a little more teeth in our ordinance to be able to reenact the enforcement policy when there is a violation that reoccurs after it has been found to have been complied with. The Text at the top under letter A is just to clear up the policy a little bit. In general our enforcement policy that this is not a criminal policy, it's simply civil and also takes out the maximum fine of \$500.00 which I understand was originated in a criminal policy whereas in a civil policy that \$500.00 cap doesn't need to be there.

Town Attorney Fox – The first part deals with making it a civil penalty and infraction only. We struck 14-4 which is a criminal statute which would technically make it a criminal violation. There was a \$500.00 amount that was struck to not limit the accrual of the \$50.00 per day. Your current ordinance has some ambiguity in it with regards to the \$50.00 per day or the \$500.00. We want to keep that as an ongoing amount. When you move down the latter part of that the purpose is to deal with recurring violations. There's a policy issue that this Council needs to make: when do you want to impose a harsher penalty if the event reoccurs? Do you want to do it six months? If it's cured, not a problem for six months or do you want to do a year? I don't think it can go for 2, 3, or 5 years but at some point when do you want to say if this violations reoccurs then that offender should be subject to some harsher type of penalty? The second part will deal with when the same violation reoccurs then what will happen is that person or entity can be subject to a harsher penalty and not \$50.00 a day but an amount. \$500.00 was inserted as a placeholder to get people to comply and prohibit reoccurring behaviors. If that doesn't do it then the penalties start accruing at a more aggressive amount which then an action can be brought by the Town to collect it in the nature of a debt. The only thing you are doing is going into court to collect it as a debt. It also preserves the other remedies that are in your enforcement policy.

Mayor Pro Tem Titherington - \$500 per day will get us out of Small Claims Court pretty quickly which would be the objective. What's the best time frame is it 6 months or a year? What's normal and what would the courts consider acceptable?

Town Attorney Fox – It can't be too far out in the future to where a court's going to say this is a new violation, not the same. Julian had six months initially and Nick thought the six months was a little too short.

Councilman Smith – Isn't the standard a year?

Town Attorney Fox – Right. A year probably would be the standard.

Councilman Smith – We have nothing and yet a year is considered the same does that carry us beyond the year point? At that point? So if you have a reoccurring violation and it goes dormant for a little bit and then at a year mark he does it again. How much more time does that give us?

Town Attorney Fox – Well it's going to be considered what the statute of limitations is then. The statute of limitations could be two or three years. If it's three years we would still have two years.

Councilman Smith – I think the year for is me is more realistic

Councilman Buzzard – Are you saying 365 it had reoccurring violation does that reset the clock?

Councilman Smith – Yes.

Town Attorney Fox – If they have the 366 day and the same thing starts happening again on the same ordinance you then cite them not just for a violation but for a reoccurring offense. Then you are charging them \$500.00 a day.

Mayor Deter – What I'm hearing is a time frame of one year.

Mayor Pro Tem Titherington and Council Members Buzzard, Smith and Propst agreed.

Town Attorney Fox – I also heard that \$500 is acceptable.

Mayor Pro Tem Titherington and Council Members Buzzard, Smith and Propst agreed.

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT SECTION 58-3 OF THE CODE OF ORDINANCES
BE AMENDED AS FOLLOWS:**

Sec. 58-3. - Enforcement and penalties.

- (a) Pursuant to G.S. 160A-175, 160A-365, and 160A-389, and 14-4, any person violating any provision of this chapter shall be subject to a civil penalty of the greater of \$50.00 per day for each day that the violation exists or ten times the permitting fee, if applicable, with a maximum fine of \$500.00. Pursuant to G.S. § 160A-175, any violator of this section is not subject to a misdemeanor, infraction, or prosecution criminally and is not subject to prosecution for violation of any State of North Carolina Penal Law; this is absolutely restricted to enforcement by civil action only. Violations of this chapter shall not constitute a misdemeanor or infraction. Proceeds from civil penalties collected under this chapter shall go into the town's general fund.
- (b) Pursuant to G.S. 160A-175, the town may file a civil action to recover said penalty if the offender does not pay said penalty within five days after the offender has been cited for violation of this chapter.

- (c) Pursuant to G.S. 160A-175, 160A-365, and 160A-389, the town may also seek any appropriate equitable relief issuing from a court of competent jurisdiction that it deems necessary to ensure compliance with the provisions of this chapter. In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the town for equitable relief that there is an adequate remedy at law.
- (d) Pursuant to G.S. 160A-389, if a building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this chapter or other regulation made under the authority conferred thereby, the town, in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate the violation, to prevent occupancy of the building, structure or land or to prevent any illegal act, conduct, business or use in or about the premises.
- (e) Pursuant to G.S. 160A-175, the town may seek a mandatory or prohibitory injunction and an order of abatement commanding the offender to correct the unlawful condition upon or cease the unlawful use of the subject premises. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the rules of civil procedure in general and Rule 65 in particular.
- (f) The remedies provided in this section are cumulative, and the town may pursue any or all of the same as its direction. Each day that the violation exists shall constitute a separate and distinct offense.
- (g) Following ease resolution a determination that a previous violation has been complied with, a recurrence of the same violation within 6 months of the initial violation shall be considered a recurring violation and shall be subject to a civil penalty of \$500.00 per day for each day that the violation exists a continuation of. A recurring violation shall also be subject to any or all of the code enforcement penalties previously enacted by the Town as allowed by law. To address frequently a recurring violations, the Town may initiate non-complaint-based an investigation, examination or inspections/code enforcement regarding the violation after ease resolution to check for a recurrence of the same violation.

(Ord. No. 87-04-08, § 1.5, 4-8-1987; Ord. No. O-2013-09, 8-12-2013; Ord. No. 2016-05, 5-9-2016)

Mayor Pro Tem Titherington moved to approve changes to section 58-3 enforcement and penalties as outlined by staff and incorporate the one year time frame and the \$500.00 per day fine and other suggested edits as noted. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington

NAYS: None

10. Old Business

A. Town Hall Update

- i. Review and Consideration of additional woodwork addendum to painting contract with Nu Hue

Mayor Deter – I’ve been in contact with everyone on Council. We came across major issues involving structural pieces that will cost just under \$3,500.00 to get fixed. If you noticed when you came in the front door the left side has a support piece that is basically holding up the porch roof and some other wood rot up in the porch roof. Everyone was in favor of that and we had them go ahead and fix it so now we are looking to pay the bill. I would like to say that Nu Hue, in my opinion, has done an outstanding job on Town Hall. They had the experience from working with old buildings. As you know our contract will have them back next year for a nominal amount to power wash the building and make any touch ups that might be needed. Where they have replaced rotted wood they have actually sanded or grouted it so it would match the existing wood. Where there were rotted shutters that are no longer in production, they actually reconstructed some of those shutters. Peggy sent out some pictures that were taken. I think you all will agree it was an outstanding job. I would like to give credit to Nick and Nu Hue for the work that’s been done.

Mayor Pro Tem Titherington moved to approve payment to Nu Hue for \$3,450.00 for additional work that was required to improve the structural integrity of Town Hall(**COPY ATTACHED HERETO AND MADE A PART OF THE RECORD**). All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington

NAYS: None

B. Review and Discussion of Preliminary Budget for Fiscal Year 2016-2017

Town Finance Officer Gaylord – You have in your packets the most current Preliminary Budget for Fiscal Year 2017 which at this particular point in time is what we are calling the Public Hearing on next month unless you make any changes to it between now and then. The changes from last month are the actual numbers are updated through April and revised projections through year end. I updated the Ad Valorem current values to reflect the tax value received from the County and I increased it about \$10,000.00. I spread that additional revenue between infrastructure and payroll adjustments. I chose payroll adjustments because I don't have a firm number for that. The total budget as it stands is \$1,992,650.00 balanced. This does not take into account the County fire tax thing. I don't know if we need to consider it, have a meeting to discuss it or how you want to handle it.

Mayor Deter – I don't think that if the Council said tonight “we're going to turn this back over to the County” and something else pops up with the fire contract, lawsuit and fire station there are a lot of complex issues and the County Board of Commissioners say that they are getting so much push back from the people we're not going to do that this year. We don't want to be in a position of having one tax rate versus a need for a different tax rate based on County actions.

Town Finance Officer Gaylord – I have an uneasy feeling about it at this particular point in time.

Mayor Pro Tem Titherington – What is our deadline to make that decision?

Town Finance Officer Gaylord – Unfortunately once you set your tax rate you cannot change it and we have to set our tax rate by July 1st. I've asked Anthony to do a little research for me on that as well. With the budget as it stands we will present unless you guys want me to change it.

Mayor Pro Tem Titherington – At this time I am comfortable with it but we will have to have some dialogue.

Councilman Buzzard – Do we want to have Leslie do some preemptive work and put together whether we use it or not a budget that will reflect not having Wesley Chapel Volunteer Fire Department as part of our budget?

Councilwoman Propst – I would.

Town Finance Officer Gaylord – It's actually very simple. There's just one line item in there.

Mayor Deter – I believe our contract calls for 60 day notice.

Town Finance Officer Gaylord – I think the other thing that you have to bear in mind is that we still own that building so they would have to lease it from us also.

Mayor Pro Tem Titherington – Those are tactical things to Scott's point to get information on that than just backing out put 3.3 and see what that does.

C. Discussion and Consideration of Non-smoking Policy/Ordinance

Mayor Deter – This is a follow up to a discussion that we had at the last council meeting and you can see the wording there. It incorporates all the direction we provided to Anthony at the last meeting. If you recall we said it's a non smoking policy, not on the property period.

AN ORDINANCE TO PROHIBIT SMOKING AND THE USE OF TOBACCO PRODUCTS ON TOWN OF WEDDINGTON PROPERTY

WHEREAS, on January 2, 2010, "An Act To Prohibit Smoking In Certain Public Places And Certain Places of Employment," North Carolina Session Law 2009-27, became effective, authorizing local governments to adopt and enforce policies "that are more restrictive than State law and that apply in local government buildings, on local government grounds, in local vehicles, or in public places.";

WHEREAS, the Town of Weddington is committed to providing a safe and healthy workplace in all Town of Weddington buildings for employees and a safe and healthy environment for the visiting public; and

WHEREAS, the Town of Weddington wishes to minimize the harmful effects of tobacco use among municipal employees and the public and to eliminate secondhand smoke exposure for employees and the public in and on those buildings, vehicles and grounds controlled by the Town of Weddington; and

WHEREAS, the Town of Weddington finds that in order to protect the public health and welfare, it is in the best interest of the employees and the public to adopt an ordinance prohibiting smoking and the use of tobacco products in all Town of Weddington buildings and vehicles.

NOW, THEREFORE, be it ordained by the Town Council of the Town of Weddington as follows:

Section 1. Authority

This Ordinance is adopted pursuant to G.S. 130A-498 and 160A-174(a).

Section 2. Definitions

1. "Town Building" – Any building owned, leased as lessor, or the area leased as lessee and occupied by the Town of Weddington.
2. "Town Grounds" – Any unenclosed area owned, leased to, or otherwise occupied by the Town of Weddington.
3. "Town Vehicle" – Any vehicle owned or leased by the Town of Weddington.
4. "Employee" – Any person who is employed by the Town of Weddington, or who contracts with the Town of Weddington, or a third person to perform services for the Town of Weddington, with or without compensation.
5. "Smoking" – The use or possession of a lighted cigarette, lighted cigar, lighted pipe, electronic cigarette or any other lighted tobacco product.
6. "Tobacco Product" – Any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component part or accessory of a tobacco product. A tobacco product excludes any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

Section 3. Areas and Vehicles in Which Smoking and the Use of Tobacco Products are Prohibited

1. Smoking and the use of Tobacco Products are prohibited in any Town Building, Town Vehicle, and on Town Grounds.
2. Any person who fails to comply with this Section shall be subject to the penalties provided for in Section 4 of this Ordinance.

Section 4. Posting of Signs Prohibiting Smoking and Tobacco Use on Town Property

1. The Town Administrator is authorized to post conspicuous signs at, on, or within any Town Building, Town Vehicle, or Town Grounds, stating that Smoking and the use of Tobacco Products are prohibited therein.
2. The signs provided for in this Section 4 shall:

- a. be posted at appropriate locations and intervals reasonably calculated to inform Employees and the public of the prohibition;
- b. be of sufficient size to be clearly legible to a person of normal vision; and
- c. include the universal “No Smoking and Tobacco Products Prohibited” symbol.

Section 5. Penalties

1. Failure to cease Smoking or the use of Tobacco Products in accordance with Section 3 constitutes an infraction punishable by a fine of not more than fifty dollars (\$50.00).
2. A citation for violating Section 3 of this Ordinance may be issued by a sworn law enforcement officer.
3. An infraction under this Section 5 has no consequence other than payment of a penalty, and no court costs may be assessed.
4. In addition to any penalty provided for in this Section 5, Employees who violate Section 3 of this Ordinance shall be subject to disciplinary sanctions consistent with the Town’s personnel policy.

Section 6. Abrogation

This Ordinance shall supersede any previous Town ordinances or policies regulating Smoking or the use of Tobacco Products at, on, or within any Town Building, Town Vehicle, or Town Grounds.

Section 7. Effective Date

This Ordinance shall be effective upon adoption.

Councilman Smith moved to approve the Non-smoking Ordinance as presented by staff. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington
 NAYS: None

D. Discussion and Consideration of appointment of the position of Council Staff Liaison

Councilman Smith – We discussed this at the last meeting and it was requested that I put a little more detail to it. I did send everyone an email with my suggestions as to some of the duties that surround the liaison position. My main purpose for it was to enhance communication between the staff and Council. I did send everyone a list of seven items that were just suggestions. I did not receive anything back as far as adding or deleting to it so I’ll just open it up for discussion at this point.

Councilman Buzzard – Just to kind of keep things simple with that, I’ve put together a thing that we might want to kick around. The liaison will work with appropriate staff and Elected Officials:

1. Any personnel issues related to staff.
2. The work stream to update job descriptions.
3. Help in preparation of performance reviews going forward.

I think that everything we discussed will fall under those three. It keeps it simple and allows us to see how it all works and plays together.

Councilman Smith – It stream-lines it. I like it; it kind of encompasses what I had. I was trying to engage a conversation here.

Mayor Deter – What are those three things?

Councilman Buzzard – 1. Work on any personnel issues related to staff. 2. On the work stream to update the job descriptions. 3. Help in preparation of performance reviews of employees.

Mayor Pro Tem Titherington – I view this kind of thing as Mayor and liaison working together with Town Administrator to do those where appropriate.

Mayor Deter – So I have clarity on this. The process we went through working on the employee handbook in the future we're looking for Scott to lead that kind of work and discussion.

Mayor Pro Tem Titherington – No. My interpretation is that's establishing protocol. If we had an issue with the workplace violence in that it would be Scott and you working with the Administrator to handle that. Any issue related to employee as related to policy not the handbook itself. It's more a personnel type issue so you can have Mayor/ Council the way we operate working with the Town Administrator.

Councilman Smith – So you are in essence creating two liaison positions here?

Mayor Deter – Yes. You said Mayor and liaison working together with the Town Administrator.

Councilman Buzzard – I think a lot of these do happen to fall within the scope of the Mayor. I don't necessarily think that the liaison would be working against or opposed to the Mayor.

Councilman Smith – I'm looking for clarification.

Councilman Buzzard – Don and I spoke briefly about having two people in any of those situations whether it be two Council people or the Mayor and a Council person or the Mayor and liaison is probably good in practice anyway.

Councilman Smith – It is and I agree; I'm just looking for clarification.

Mayor Deter - I definitely would like clarification only because I don't want to duplicate work. I'm seeing this as an opportunity for me to back away from some things. As an example; updating job descriptions and salary bands. Right now as it's laid out it looks like are two people going to be doing this or is Scott going to be doing this and communicating with everyone else?

Councilman Smith – It's my understanding is that you and Scott will be working together on this. As you go through this it is complex at times. Why not have two sets of eyes? Is that what I'm hearing on this? I think you should share the workload; there's plenty here.

Mayor Pro Tem Titherington – As we work with COG and whoever's going to be doing that work there is work that has to be done, a contract signed and negotiated and that to me is the Mayor's role. But once we start getting into the conversation of descriptions and how we boil those recommendations down and make them fit with the Town of Weddington I think that makes sense for two people to do that work. Certainly have the conversations with staff as we go through this work here's the reasons why we're doing it and here's the expected outcome and here's the impact as you participate in that process.

Mayor Deter – If staff has a question on the process, that will be explained to them and they are going to be interviewing staff. If they have a concern or question on it they are obviously going to take it to Peggy. If Peggy can't answer that question or she needs some direction or something who is she going to contact Scott and I? What if we disagree versus in the past it would have been to the Council. Often times Peggy sends it out to the whole Council. I know we want to improve communication but I'm afraid it's going to make it more complex for Peggy and for staff.

Mayor Pro Tem Titherington – If we look at the scope of these three things it's a fairly narrow scope. In that scenario of disagreement I would actually expect it to go back out to Council and then we would all weigh in on it and I think to your point Peggy does a pretty good job of doing that. It's very narrow and has to do with personnel policy issues and reviews. I think that's kind of what we outlined in our work sessions.

Councilman Buzzard – There's probably going to be some growing pains. I don't know that we need to hash out every "what if" scenario. I think we all understand that.

Mayor Deter – If information is needed from the Council, Peggy will send out an email advising them. If she does not hear back from Council, which often times she doesn't, if she sends a note to me do I tell her to check with Scott? Or does she send a note to Scott and I and we get together, saying Scott you check with this Council member and I'll check with that Council member?

Mayor Pro Tem Titherington – Yes.

Mayor Pro Tem Titherington moved to approve appointing Councilman Buzzard to act as staff liaison for Council on the three items as outlined earlier. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington
NAYS: None

10. New Business *This matter was moved to item 8 as a result of a motion made by Councilman Smith in Additions/Deletions*

11. Update from Planner

Town Planner Burton – In terms of text amendments we are still working through the potential blasting ordinance with the Planning Board. We went through one take at it last meeting and we will take another stab at it at the May meeting but it's a work in progress.

12. Code Enforcement Report

Town Planner Burton – Normally I would just let you read this but there was a specific request for an update on the Ambassador Court matter. The Code Enforcement Officer did provide that and in short the house can be characterized in two ways according to the minimum housing code. The first is substandard deteriorated and the second is substandard dilapidated. In order for the Town to consider demolishing a house it would need to be substandard dilapidated. At this point it is not at that level yet.

Mr. Legget has confirmed that the house is still secure and there is no evidence of anyone getting into the house which was one of the initial concerns. It is overgrown but we don't have an overgrown policy so we might be overstepping our bounds a little bit to mow the lawn but at the same time it's not a huge expense or issue to do that either. I'm uncertain if the Council would want to consider anything like that but in terms of the house itself Mr. Legget recommends to let it continue to deteriorate and consider demolishing it when it gets to that point. To continue to try and communicate with the property owner which has been unsuccessful up to this point. We can continue to do that and get letters on record that we are sending to him to let him know and we still have the lien on the property as well.

Mayor Deter – The home has a tax value of \$335,800.00. If I understand it correctly to attain that 50% number the repairs have to approach \$170,000.00 for it to be considered substandard dilapidated.

Town Planner Burton – Yes. One of the things Mr. Legget said that is any repairs we do are likely just dragging this process out since the owner has been unresponsive.

Mayor Pro Tem Titherington – Are we 80% of the way there? 90% of the way there or half way there? Does he have any idea?

Town Planner Burton – He did not clarify that point.

Mayor Deter – I would imagine you could put that house in good condition for \$75,000.00. I would say you are maybe half way there or 25%.

Councilman Buzzard – How long has it been vacant for 5-6 years now?

Town Planner Burton - It's been a while. Mr. Legget had worked on this prior to being our Code Enforcement Officer just doing minimum housing codes stuff with us.

Councilman Buzzard – Not that I think we are there yet but from what I understand with the mold and what not it's probably a little more.

Mayor Deter – Well the curves will vary; it's going to lose value and is dilapidated.

Councilwoman Propst – They don't respond at all?

Town Planner Burton – No.

Councilwoman Propst – Does he pay taxes to the County or any tax?

Town Finance Officer Gaylord – He pays his taxes.

Councilwoman Propst – So he pays his taxes and there are houses on both sides of the property? I've never gone to see this house but I have heard about it.

Mayor Deter – There are three houses on the cul-de-sac.

Councilwoman Propst – So the yard is at least a foot tall?

Town Planner Burton – Yes.

Councilwoman Propst – What about for the neighbors? Could we discuss a possibility of at least every 6-8 weeks mowing it because of the rodents and all the stuff that they are going to have to deal with?

Councilman Smith – I think that will take us down a bad path. If we have to do that to every house that this has happened to.

Town Attorney Fox – What I heard is that we do not have a lot clearing means, ordinance or provision which I think we need to explore because to the extent you can go on the property and mow it because of the desire to protect public health from rodents and infestation problems. You can then get a lien to cover those costs but you don't have an ordinance in place. I'm questioning whether or not you will get a reimbursement for those kinds of costs.

Councilwoman Propst - So we need to go to the Planning Board to ask them to create an ordinance for us.

Mayor Deter – First I would look towards Council from a policy standpoint if that is something you want to task the Planning Board with?

Mayor Pro Tem Titherington – What subdivision is this in? Is there a Homeowners Association?

Town Planner Burton – There is no Homeowners Association to my knowledge.

Mayor Deter - Does the Council want to have the Planning Board investigate that to see about some kind of ordinance?

Councilwoman Propst – Do you not think that we need some kind of ordinance about properties that have large...

Town Attorney Fox – It's a policy decision for this board. This community is one that is not fraught with a lot of these circumstances because it is more of a residential community. Most communities that have some urban blight that goes on that they are correcting.

Mayor Pro Tem Titherington – I would probably be against it. We do have a lot of farms still and have a lot of yards. I think in most cases we are probably covered by Homeowners Associations.

Councilman Buzzard – I don't think we need to change it.

Councilman Smith – No I don't think so.

Councilwoman Propst – I'm fine.

Mayor Deter – I think we're fine. We have a weedy yard out there.

13. Update from Finance Officer and Tax Collector

Town Finance Officer Gaylord – You’ve got the monthly financials in your packet. Next month I will seriously be considering bringing a final amended budget just to make sure everything is all clean. It looks really good so it will be a minor adjustment if there is one at all. I have to report that I got an email from our auditors they are not going to audit us because they had a primary staff member leave and they do not have the staff to audit us this year. So I have been working on proposals to send out. I have a list of about 10 auditors that I’m going to send to and hopefully I will have a recommendation for you at the June meeting for you to choose an accounting firm.

14. Public Safety Report

Marcos Bilbao – In March we met at the 911 center. The April meeting was cancelled due to lack of quorum. Last Tuesday we had our May meeting and began work on the handbook. We are promoting training with FEMA, citizen academy and Kimberly Crooks is working on a proposal for CPR Training to get certified. Gordon Wilson is working on the deployment of the traffic counter and speed sign. We are trying to get it in a couple of spots to try and get the ball rolling with analysis and then develop a schedule, work with Council to understand where they should be deployed. We are looking to have Gordon present next month an account of what his perspectives are for the end to end use of the devices. We have begun work on the retreat to-do items and reviewed with Councilman Smith the list, tried to prioritize them and put in a description so we truly understand actually what the task is. We had discussions around meeting with the DOT and have a plan so we are concise and not sending out mixed messages. We are looking to meet in the future with the Sheriff and Fire Department and developing better relations and communications with the Homeowners Associations. There are a lot of things kind of developing and gelling. Thanks to Councilman Smith for his guidance and direction.

Mayor Pro Tem Titherington – Julian, we have Graham Allen and I know they are going back and forth. That’s the 44 acres across from Marathon. I’d like to try and get the trailer out there ASAP because DOT was at that intersection in the middle of the day and they said it was fine for a left hand turn lane there. But with the school there we need to get those counts now. The other morning it was backed up over the hill going south of Antioch and it was backed up half way to Cari Lane on Matthews Weddington Road. As people were trying to go right and all those people stacking left to get out of there. I just think we need to get a real count before those folks come to us for approval.

Mayor Deter – You are saying on Weddington Matthews Road?

Mayor Pro Tem Titherington – On Antioch Road between the school and the Marathon station. That’s where that Graham Allen’s going to go in and that’s their turn in right there.

Town Planner Burton – They do have a left turn lane proposed.

Mayor Pro Tem Titherington – Well, the DOT guy who was in the car with me said the left lane is already there. That becomes a one way. It’s just one of those questions before Graham Allen gets in front of us we want to have an understanding of what those peak hours are.

Councilman Smith – Just for clarification, if we put the trailer facing as you are coming off of Matthews Weddington towards the school will that capture the data you are looking for?

Mayor Deter – You're talking about facing East on the South side?

Councilman Smith – Yes. If you put it on the Brookhaven side facing the Marathon down a little ways closer to the school. We're trying to get you the counts that you want.

Mayor Pro Tem Titherington – Anybody that's coming from Weddington in there you will be getting them both ways. I think it would be more important to get the one way.

Councilwoman Propst – Coming off of Antioch on the left?

Mayor Deter – Should we try and capture it on both devices? Should we put the hoses on one road and put the radar sign on the other?

Councilman Smith – There are other areas we want to capture. I feel concerned about 84 and Twelve Mile so it's not just, you know I want to spread this out.

Mayor Deter – My understanding is with the hoses you do opposing lanes. That way you could get both ways.

Councilman Smith – We could do that. We could put the hoses there and the trailer out at Twelve Mile.

Mayor Pro Tem Titherington – You have about four weeks before school lets out and you don't want to lose all that data.

Councilman Smith – No, there are other areas that are of concern to me that I'd like to capture as well.

Mayor Pro Tem Titherington – I understand but we have a developer coming before us at the next meeting probably so I would like to have some of that data.

Mayor Deter – Do you have that one, Marcos, in terms of clarity? If you put the hoses on Antioch we can catch both ways and put the trailer on 84.

Mr. Bilbao – We will get that out immediately so Louie can get you that report.

15. Transportation Report

Councilman Buzzard – I sent an email out on the CRTPO being in the middle of their P4.0 at the Regional Level which doesn't have a lot of input that applies as far as we are concerned. I do want to get that up on the website because I don't think that once we move it to the Divisional Level it will change a whole lot. It's not anything, it's just links to the CRTPO website for information and if people want to leave comments about any roads within the CRTPO area. I had questioned whether we were going to put it in the newsletter and it was relayed to me that it would probably not be timely. Although the Divisional is what will be coming up towards the end of the summer so if the Council is not opposed

to it. Again, putting that information out there so the public has prior knowledge to it I think will be beneficial because the CRTPO is looking for comments from the public on it. It's the public comment period, if there's really no objection from Council we can go ahead and do that.

No objections were made.

Councilman Buzzard - The other quick thing I want to mention kind of relates to Antioch. I think that we can discuss it more at the next meeting when we have some time to think about it. If you take the intersection of Weddington Matthews Road at Tilley Morris and then going to Antioch Church and then to Chestnut Lane I realize that Chestnut Lane is not in Weddington if we can make that all one area as far as NCDOT is concerned and if we can get Weddington, Union County and Stallings to come up with an action plan that we all approve I think that there is probably some available monies that we can access through the CRTPO. There is probably a little planning that needs to be done but I just wanted to throw that out to everybody and let them know that I think it is something that will be a good and very timely thing that we need to get with. Especially if you consider too that there will be a new 485 interchange on the other side of the Siskey Y. That area I see becoming very very congested as things build out through there.

Mayor Pro Tem Titherington – That makes sense because that goes back to that other item you were sharing that Harris Teeter owns some land and through some land lock thing but once it goes it's going to go it's very logical.

16. Council Comments

Mayor Pro Tem Titherington had no comments.

Councilman Buzzard - Thanks you all for staying and for those who came and left I relay my thanks.

Councilman Smith – John Collins was Chairman of the School Board and resigned last week. He has served almost three terms on the Board and I wanted to comment that he's worked well with this Board and I wish him well and I appreciate his service.

Councilwoman Propst – Thanks everybody for coming out.

Mayor Deter - I'd like to recognize John Collins too. I did send him a note thanking him for the service he did. He has been a friend of the Town. I will be meeting Wednesday with Peggy and Tonya to start finalizing details for the Fall Festival. Again I want to thank Nu Hue for the terrific job they did on Town Hall. It slipped my mind when we were talking about fire discussion but maybe at a later time I can get some input from Council. We have got an imbalance on whether I proposed sending a letter to the editor on the fire situation and I've received mixed feedback from Council. I'd like to get some feedback from Council too on the May 16th Union County Public Hearing on this. I don't want our residents to think we have been asleep at the wheel on this big issue. I know we haven't but it's a very big one for the Town and I think we have to get in front of it. I apologize I meant to get that discussion earlier but we had such a long agenda.

17. Closed Session

[N.C.G.S. 143-318.11(a)(3)]

Consult with the Attorney - To protect the attorney-client privilege.

Councilman Smith moved to enter into Closed Session. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington

NAYS: None

Councilman Smith moved to enter into Open Session. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington

NAYS: None

18. Adjournment

Councilman Smith moved to Adjourn. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington

NAYS: None

The meeting ended at 10:35 p.m.

Bill Deter Mayor

Attest:

Peggy S. Piontek, Town Clerk

**TOWN OF WEDDINGTON
PROCLAMATION DESIGNATING MAY 15 AS PEACE OFFICERS MEMORIAL DAY
AND MAY 15 - 21 AS LAW ENFORCEMENT OFFICERS WEEK**

WHEREAS, the Congress and President of the United States have designated a national Peace Officers Memorial Day during Law Enforcement Officers Week; and

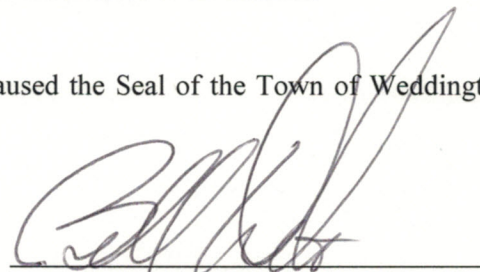
WHEREAS, the members of law enforcement agencies of Weddington and Union County play an essential role in safeguarding the rights and freedom of the citizens of our Town; and

WHEREAS, members of law enforcement recognize their duty to serve the people of Weddington by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

WHEREAS, during Law Enforcement Week, and throughout the year, the Town of Weddington recognizes and appreciates the critical contributions and sacrifices made by members of law enforcement at all levels, and honors their courage and dedication;


NOW, THEREFORE, I, Bill Deter, Mayor of the Town of Weddington, do hereby proclaim May 15-21, 2016, as "LAW ENFORCEMENT OFFICERS WEEK" and May 15, 2016, as "PEACE OFFICERS MEMORIAL DAY" in North Carolina, and commend its observance to all citizens.

In witness thereof, I have hereunto set my hand and caused the Seal of the Town of Weddington to be affixed this 9th day of May, 2016.



Bill Deter, Mayor

Attest:



Peggy S. Piontek, Town Clerk



Estimate

Nu Hue Company, LLC10468 TINTINHULL DR
Indian Land, SC 29707www.nuhuecompany.com

Nick LeClair

nick@nuhuecompany.com

704-648-7454

Date	Estimate #
4/28/2016	11122110

Bill To:Town of Weddington
Peggy Piontek
1924 Weddington Road
Weddington, NC 28104**Project Location**Town of Weddington
Peggy Piontek
1924 Weddington Road
Weddington, NC 28104

Item	Description	Qty	Total
Change Order	Labor and material for additional rotten wood repairs found on the home and garage. Garage - On side closest to the house, 2 additional pieces of siding were found. House - Front of the building, windows on second floor above entry door, 2 window sills; back corner near garage replace a piece of quarter round trim between corner boards; the outer porch band to the left of the stairs by the ground. Major repair - The overhang at the entry of the building where the patio meets the bump out. It was initially surface damage, but after removing wood it was easy to see the structure was completely rotted away. We need to remove a 4 foot section of the ceiling then support the structure with bracing, remove the left handrail, remove the rotten inner and outer fascias and bottom cap, we need to remove the two outer joists, remove some of the siding, remove the 4"x4" posts. Once all damage is gone we need to install the new post and secure to existing structure. Next we need to install two new joists and tie into the post and existing structure on both sides. Although the ceiling structure was sound there was a small amount of surface damage so we need to install ledger strips on both sides of the roof beams so we have solid wood to hang the ceiling from. After supports and joists are installed we need to trim out the joist with new inner and outer fascias and bottom cap. Install new bed mouldings inside and	1	3,450.00
Total			



Estimate

Nu Hue Company, LLC10468 TINTINHULL DR
Indian Land, SC 29707www.nuhuecompany.com

Nick LeClair

nick@nuhuecompany.com

704-648-7454

Date

Estimate #

4/28/2016

11122110

Bill To:Town of Weddington
Peggy Piontek
1924 Weddington Road
Weddington, NC 28104**Project Location**Town of Weddington
Peggy Piontek
1924 Weddington Road
Weddington, NC 28104

Item	Description	Qty	Total
	out, and install new tongue and groove ceiling boards. Caulk seams, and paint to match existing. Labor and material for all repairs.		
Total			\$3,450.00