

**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, SEPTEMBER 11, 2017 – 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
4. Public Comments
5. Additions, Deletions and/or Adoption of the Agenda
6. Consent Agenda
 - A. Adopt Proclamation P-2017-05 Proclaiming September 10-16 as Suicide Prevention Week
 - B. Reduction of Bond number 0192527 for the Weddington Preserve Subdivision from \$2,923,144.50 to \$579,478.51
 - C. Call for Public Hearing to be held October 9, 2017 at 7:00 PM at the Weddington Town Hall to consider the following:
 - 1) Conditional Rezoning for a Columbarium at Weddington United Methodist Church
 - 2) Conditional Rezoning Amendment for Additional Parking Spaces and Change in Lighting Requirement for All Saints Anglican Church
 - 3) Text Amendment to Section 46-76 (d)(16), 58-8 (a)(14), and Appendix D Regarding Landscaping Near Power Lines
 - 4) Canisteo Subdivision (formerly Deal Road Subdivision) Preliminary Plat/Construction Plans
 - D. Adopt Resolution R-2017-07 Petition NCDOT to Accept Ambassador Court into State Maintained Secondary Road System
7. Approval of Minutes
 - A. August 14, 2017 Town Council Regular Meeting Minutes
8. Old Business
 - A. Review and Consideration of Calling for a Public Hearing to be held October 9, 2017 at 7:00 p.m. at the Weddington Town Hall to Consider a Text Amendment to Section 22-1 Titled Excessive Noise Prohibited; Exemptions; And Section 58-19 Titled Noise

- B. Update on the Hemby Road Fire Station and Notification of Wesley Chapel Volunteer Fire Department's Intent to not Purchase the Fire Station at this Time
- C. Review and Consideration of the Receipt and Acceptance of Communication from Wesley Chapel Volunteer Fire Department Withdrawing their Option to Purchase the Real and Personal Property Located at 5025 Hemby Road and to the Consent to Withdrawal Without Prejudice by the Town
- D. Discussion of Town Survey

9. New Business

- A. Review and Consideration of Adopting Ordinance O-2017-11 Brunch Bill

10. Update from Planner

11. Code Enforcement Report

12. Update from Finance Officer and Tax Collector

13. Public Safety Report

14. Transportation Report

15. Council Comments

16. Adjournment

**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, SEPTEMBER 11, 2017 – 7:00 P.M.
WEDDINGTON TOWN HALL
MINUTES
PAGE 1 OF 9**

Mayor Bill Deter offered an invocation prior to the opening of the meeting

1. OPEN THE MEETING

Mayor Deter opened the September 11, 2017 Regular Town Council Meeting at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

Mayor Deter led the Pledge of Allegiance.

3. DETERMINATION OF QUORUM

Quorum was determined with all Councilmembers present.

Staff Present: Town Attorney Anthony Fox, Town Planner/Administrator Lisa Thompson, Town Clerk Karen Dewey

Visitors: Boyd Stanley, Chris Duggan, Barbara Gutierrez, Philip Gutierrez, Liz Callas, Rob Dow, Sandy Simpson, Jeff Perryman

4. PUBLIC COMMENTS

There were no public comments.

5. ADDITIONS, DELETIONS AND/OR ADOPTION OF THE AGENDA

Motion: Mayor Pro Tem Titherington made a motion to approve the agenda as presented.

Vote: The motion passed with a unanimous vote.

6. CONSENT AGENDA

- A. Adopt Proclamation P-2017-05 Proclaiming September 10-16 as Suicide Prevention Week**
- B. Reduction of Bond number 0192527 for the Weddington Preserve Subdivision from \$2,923,144.50 to \$579,478.51**
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 - 3) Text Amendment to Section 46-76 (d)(16), 58-8 (a)(14), and Appendix D Regarding Landscaping Near Power Lines**

4) Canisteo Subdivision (formerly Deal Road Subdivision) Preliminary Plat/Construction Plans

D. Adopt Resolution R-2017-07 Petition NCDOT to Accept Ambassador Court into State Maintained Secondary Road System

Mayor Pro Tem Titherington presented a question to Staff about item 6D under the consent agenda. He asked if NCDOT requires the road to be brought up to standard before they take it over or will they accept in current condition.

Ms. Thompson responded that NCDOT requires the road to be brought up to standard.

Mayor Pro Tem Titherington asked if adopting this resolution is premature.

Ms. Thompson apologized and asked if the item can be tabled, she believes the resolution may be premature.

Mayor Deter clarified that by adopting the resolution, the Town is not accepting the roads, the Town is encouraging NCDOT to accept the roads. Councilmember Smith agreed.

Councilmember Propst asked if there need to be further conversation about the components.

Mayor Deter clarified that NCDOT doesn't have to accept our resolution.

Mr. Fox explained that the resolution shows authority from the Town as to the willingness of the town to allow the street to be accepted by NCDOT. The NCDOT standards will require that they will not accept the street until they determine it has been built to their standards. The Town needs to make sure that it isn't implying in any way that the road meets NCDOT standards, or that the town will bring it up to NCDOT standards.

Motion: Mayor Pro Tem Titherington made a motion to table item 6D Adopt Resolution R-2017-07 Petition NCDOT to Accept Ambassador Court into State Maintained Secondary Road System.

Vote: The motion passed with a unanimous vote.

Motion: Mayor Pro Tem Titherington made a motion to approve the consent agenda as amended.

Vote: The motion passed with a unanimous vote.

7. APPROVAL OF MINUTES

A. August 14, 2017 Town Council Regular Meeting Minutes

Mayor Pro Tem Titherington presented a correction to the original date of the lease agreement in the motion made under agenda item 8B. He also amended a statement in agenda item 9C to read, "Planning Board leads the charge on **managing** a lot of the growth the Town sees".

Motion: Mayor Pro Tem Titherington made a motion to approve the August 14, 2017 Town Council Regular Meeting Minutes as amended.

Vote: The motion passed with a unanimous vote.

8. OLD BUSINESS

A. Review and Consideration of Calling for a Public Hearing to be held October 9, 2017 at 7:00 p.m. at the Weddington Town Hall to Consider a Text Amendment to Section 22-1 Titled Excessive Noise Prohibited; Exemptions; And Section 58-19 Titled Noise

Councilmember Smith presented an update and background on the noise ordinance. He noted that the topic has been discussed in the past few meetings and that there have been some issues around Town and we have nothing in place to address excessive noise. Councilmember Smith offered for the public hearing, Attachment 2, the original text from staff with the Council changes. He stated that the Planning Board recommended that the Town follow the county ordinance, but that doesn't allow the Town to make any changes either deleting or adding to it to suit the Town needs. The modification of the ordinance to suit the Town needs is Attachment 2 (*attachment is hereby submitted for the record*). Councilmember Smith has spoken to the Councilmembers individually and addressed the concerns with going forward.

Councilmember Propst stated that she wants more discussion on this because her issue is *Section 22.2 Operating Gas and Electric Lawnmowers*. She doesn't want to tell residents when they can mow their yards. In the county ordinance, the time restriction doesn't take into account the amount of daylight during summer months. She expressed her concern over the time restrictions and sees no problem with residents mowing their lawn in daylight hours.

Councilmember Smith stated that if Council wants to delete that section, that's fine. The intent of this ordinance is not to handcuff or be tight fisted.

Councilman Buzzard stated that the county has 7 a.m. to 9 p.m. restrictions, so the suggested text for the Town is actually an hour longer.

Councilmember Propst disagreed.

Mayor Pro Tem Titherington clarified that in the county ordinance, noise is allowed between 7 a.m. and 9 p.m. as long as the equipment has the proper muffler.

Councilmember Smith stated that he doesn't necessarily want to follow the county ordinance; the Town can modify the ordinance.

Councilmember Propst expressed that she doesn't feel that the Town needs to tell residents when they are allowed to mow their yards.

Councilmember Buzzard clarified that if the county ordinance is adopted, by default, the Town will tell the residents when they can mow their yard.

Councilmember Propst doesn't believe the Town should adopt the county ordinance as it is, she believes the Town should write its own ordinance.

Mayor Pro Tem Titherington stated that he believes the intent of the text is to regulate the noise from commercial operators running several of the mowers early in the day, creating a nuisance for the neighbors.

Mayor Deter offered potential solution to change wording from motor driven domestic tools to commercial tools.

Councilmember Smith declared Rules of Procedure, believing that Mayor Deter was out of order in entering in to the discussion.

Mayor Deter explained that his intent was not entering into debate, but only to offer a suggestion for Council resolution.

Mayor Pro Tem Titherington stated that he is interested in hearing Mayor Deter's perspective.

Councilmember Smith believes that by entering into discussion, Mayor Deter is violating the Rules of Procedure, and should pass the gavel to another Councilmember.

Mayor Deter offered to pass the gavel to Mayor Pro Tem Titherington and Councilmember Smith stopped him by explaining that Rules of Procedure required the Mayor pass the gavel at the beginning of the meeting.

Mayor Deter read from the Rules of Procedure: *The mayor shall preside at meetings of the council unless he or she becomes actively engaged in debate on a particular proposal, in which case he or she will request for another council member to preside over the debate. The Councilmember agreeing to preside must not have entered into the debate prior to accepting the gavel and thus biasing the process. There is no requirement that a Councilmember be compelled to take the gavel. The mayor shall resume presiding as soon as action on the matter is concluded.*

Councilmember Smith explained that the reason he brought this up was that for the last year and a half he has received comments from people attending Town Council meetings. He is not trying to make an issue out of it.

Mayor Pro Tem Titherington stated that Councilmember Smith may have wanted to check with how the Council felt about it and that he would appreciate everybody's opinion on the matter.

Mayor Deter stated to Council in interest of keeping the meeting moving, he was trying to facilitate something versus debate.

Mr. Fox stated the issue is whether or not it constitutes debate. If the council deems that it does constitute debate, then the rule does provide for the gavel to be passed to a Councilmember who has not engaged in the debate. If they accept the gavel, the mayor may engage in debate. It does not put a time period on when it has to happen, according to the rules of procedure.

Councilmember Smith stated that it had been brought to his attention and its fine, if that's what the Council wants.

Councilmember Propst stated that she realizes the Town needs a noise ordinance. She is concerned about telling people when they can mow their yards. As a citizen of this community, she hasn't seen a big issue regarding complaints of noise issues on people mowing their lawns. She just wanted to see what the rest of the council felt about telling residents they can't mow when it's still daylight.

Mayor Pro Tem Titherington agreed with Councilmember Propst. He believes the intent is commercial noise; the problem isn't going to be the individual running a mower. He asked if looking at the county ordinance, can the Town make it a commercial application.

Mr. Fox stated that if the Council is trying to protect health, safety, and welfare, whether it's characterized

as commercial or residential, shouldn't matter because the same noise being generated during an hour that's otherwise prohibited for commercial but okay for residential. He believes that will be a problem. Mr. Fox refocused the Council stating that this agenda item is calling for a public hearing, there may be information given at the public hearing that may sway the Councilmembers and the ordinance can be changed at that time.

Councilmember Propst stated that she wanted a little conversation about it tonight. She says no one else has any other issues.

Councilmember Smith confirmed that the call for public hearing was for the text in attachment 2 in the council packet.

Motion: Councilmember Smith made a motion to call for a public hearing to be held on Monday October 9, 2017 at Weddington Town Hall to consider a text amendment to Section 22-1 Titled Excessive Noise Prohibited; Exemptions; And Section 58-19 Titled Noise (Attachment 2-original text with Town Council changes).

Vote: The motion passed with a unanimous vote.

B. Update on the Hemby Road Fire Station and Notification of Wesley Chapel Volunteer Fire Department's Intent to not Purchase the Fire Station at this Time

Mayor Pro Tem Titherington gave an update: We agreed on terms and in principal on everything, it was just a timing issue that they need to work through. So, at this time they sent a note that they are going to table their desire to purchase to a future date. That was communicated to the Town late last week.

Mr. Fox stated that technically they withdrew their exercise option without prejudice.

C. Review and Consideration of the Receipt and Acceptance of Communication from Wesley Chapel Volunteer Fire Department Withdrawing their Option to Purchase the Real and Personal Property Located at 5025 Hemby Road and to the Consent to Withdrawal Without Prejudice by the Town *(Communication from Wesley Chapel Volunteer Fire Department is hereby submitted for the record)*

Mayor Pro Tem Titherington explained that this is the communication Mr. Fox mentioned. Mayor Pro Tem recommends that Council accept communication from Wesley Chapel Volunteer Fire Department withdrawing their option to purchase the real and personal property located at 5025 Hemby Road and to consent to withdrawal without prejudice by the Town.

There was no further discussion.

Motion: Mayor Pro Tem Titherington made a motion to accept communication from Wesley Chapel Volunteer Fire Department withdrawing their option to purchase the real and personal property located at 5025 Hemby Road and to consent to that withdrawal without prejudice by the Town.

Vote: The motion passed with a unanimous vote.

D. Discussion of Town Survey

Ms. Thompson presented the update. She explained that the price from the Urban Institute at UNC-Charlotte was reduced from \$15,000 to \$10,000, if staff will do more of the data input and help with questions. There was also a proposal from Benchmark for \$8,500. If Town decides to do paper survey, Benchmark will do the data input for up to 500 surveys for a fixed fee of \$10,000. Council received examples from both proposals.

Mayor Pro Tem Titherington stated that he appreciates Ms. Thompson going back to reduce the cost. If the Urban Institute does need to go door to door for the survey, will that be included in the \$10,000. Ms. Thompson answered that it will; the data input is what takes so much time and makes the difference in cost.

Mayor Pro Tem Titherington asked if they had a preference for electronic versus mailing the survey or combination of both. Ms. Thompson stated that she would get back with an answer.

Councilmember Propst asked about references for each. Ms. Thompson responded that Benchmark helped with the survey in Wesley Chapel. They were having some issues with council set questions and how the answers were coming in, Benchmark helped fix it. Wesley Chapel liked Benchmark.

Mayor Deter asked if Council had opportunity to check the Survey Monkey example. Ms. Thompson stated that Benchmark has more municipal based survey examples. Urban Institute is more for academic research.

Mayor Deter stated that he was impressed with Survey Monkey; he believes the electronic survey gives Town more flexibility versus a paper survey. He asked Ms. Thompson if Town sends the electronic link for the survey to the residents via email, it could eliminate the data input, which could have an impact on the cost. He would like to make sure that Benchmark can take the data and get the cross tabs for the data the Council wants.

Mayor Pro Tem Titherington agreed that Survey Monkey is a good tool; it allows for open questions and a lot of verbatim feedback. He is concerned that the Town builds in methodology for residents so that all are aware of the survey and if they want, they can have a paper copy. The Town doesn't want to exclude anybody by not providing a paper survey. He asked if Benchmark has scanning capabilities to put results into the system which could eliminate the keystrokes for the data.

Mayor Deter suggested sending a notice before the survey to the resident email list and getting word out so residents know it's happening.

Councilmember Propst stated that she would like to get the survey going; it's not under consideration this month, so the Council can't vote on it. She would like to make this happen before the last quarter of the year with the last newsletter.

Mr. Fox stated that the Council can suspend the rules and amend the agenda to add consideration of the town survey.

Motion: Mayor Pro Tem Titherington made a motion to suspend rules to amend agenda item 8D from Discussion of Town Survey to Discussion and Consideration of Town Survey.

Vote: The motion passed with a unanimous vote.

Motion: Councilmember Propst made a motion to authorize Staff to enter into contract with Benchmark, not to exceed \$8,500, to conduct the town survey.

Vote: The motion passed with a unanimous vote.

9. NEW BUSINESS

A. Review and Consideration of Adopting Ordinance O-2017-11 Brunch Bill

Mayor Deter presented the Brunch Bill. This will authorize the sale of alcohol beginning at 10:00 a.m. on Sundays.

Motion: Councilmember Smith made a motion to adopt Ordinance O-2017-11 Brunch Bill- To Allow the Sale of Alcoholic Beverages Before Noon on Sundays at Licensed Premises.

Vote: The motion passed with a unanimous vote.

10. UPDATE FROM PLANNER

Ms. Thompson presented the update. She stated that the Town has received a questionnaire about development in the area, proposed land uses and population from Patriot Transportation Engineering in Raleigh with respect to NC 16 widening from Rea Road to Waxhaw Parkway.

Staff will be inspecting the Cox property with code enforcement and a deputy to ensure compliance with the Settlement Agreement.

11. CODE ENFORCEMENT REPORT

Mayor Pro Tem Titherington asked about item 3: Highway 84 and Twelve Mile Creek intersection. He confirmed that a letter was sent. Ms. Thompson explained that the property owner has been into Town Hall to clarify how he is planning to shred the debris and stumps. Ms. Thompson has given him one month to complete it.

Mayor Deter asked about item 6: 102 Antioch Plantation Drive. He asked if the property owner has been notified. Ms. Thompson explained that she is not sure of the date and nothing was done in writing, however she called the property owner, and he has until Friday to get the utility building removed.

Mayor Deter requested that contact with property owner be made a part of the note in the code enforcement report.

12. UPDATE FROM FINANCE OFFICER AND TAX COLLECTOR

Mayor Pro Tem Titherington requested a question be passed along for Ms. Gaylord: Is there a projection when the local option sales taxes, beer and wine tax and utility franchise taxes, which have not been received from the state, will be distributed.

13. PUBLIC SAFETY REPORT

Councilmember Smith stated that he has made several attempts to contact the Public Safety Advisory Committee with little to no response. With Council agreement, he would like to put on next month's agenda for discussion and consideration to disband the committee.

Mayor Deter asked if disbanding the committee will require discussion and consideration by the Council.

Mr. Fox stated that there may need to be an amendment to the ordinance.

Council agreed to add to October Regular Meeting Agenda.

14. TRANSPORTATION REPORT

Councilmember Buzzard stated that he had no updates as he missed the last CRTPO meeting.

Mayor Deter stated that there is a meeting this Wednesday at Old Armory for Staff and elected officials.

Mayor Pro Tem Titherington sent a note to Ms. Thompson regarding the complaint at the intersection of Antioch Church Road and Forest Lawn- that intersection is on the NCDOT list and it certainly getting worse. He asked if Ms. Thompson would check with DOT for other options.

Mayor Deter stated that he was at that intersection this morning at the request of a resident. He took car counts- He wanted to see how many cars backed up on Antioch Church Road trying to make a left turn. At 6:45 AM there was no back up. At 7:15-the count peaked at about 15 cars and by 7:45 back down to nothing. As a layman, it looked like the issue was the traffic light at Tilley Morris and Antioch Church turns red, traffic backs up so people trying to turn left can't because the traffic is backed up through there.

Councilmember Smith has been exchanging email with a resident in Brookhaven who has been dealing with DOT on this. The resident will follow up with email exchange. They have taken pictures and car counts. Councilmember Smith suggested connecting with that resident and see what DOT has been doing and what paths they are taking.

Councilmember Propst asked if it is in part of the fact the roundabout is still being constructed and rearranged traffic a lot. I'm finding myself in lines in places that don't normally have the lines, because cars are being rerouted. Everybody is experiencing the back up

Mayor Deter stated that the Brookhaven side is Indian Trail, our side is Weddington, and there is a portion that is Union County and Stallings.

15. COUNCIL COMMENTS

Councilmember Propst: Thank everybody on this nice beautiful night for coming out. I appreciate you being involved in your community and please stay informed and keep in contact and come more often. Thank you.

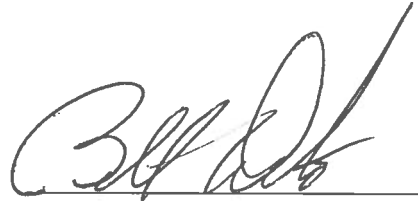
Councilmember Smith: I won't repeat, but echo her comments. Thank you.

Councilmember Buzzard: I am impressed that we have as many people out on this night as we do on any other nights. Thank you all for attending.

16. ADJOURNMENT

Motion: Councilmember Smith made a motion to adjourn the September 11, 2017 Regular Town Council Meeting at 7:43 p.m.

Vote: The motion passed with a unanimous vote.



Bill Deter, Mayor

Adopted: 9 October 2017



Karen Dewey, Clerk



**TOWN OF WEDDINGTON
PROCLAMATION
P-2017-05**

WHEREAS, suicide is the 10th leading cause of death in the United States and the 2nd leading cause of death among individuals between the ages of 10 to 34; and

WHEREAS, in the United States, one person commits suicide every 12.3 minutes, resulting in more than 44,000 suicides each year (Centers for Disease Control; 2015 data); and

WHEREAS, suicide is the only leading cause of death in the United States that has increased every year for the past decade; and

WHEREAS, it is estimated that there are over 1.1 million suicide attempts each year; and

WHEREAS, in 2015, North Carolina experienced 1,406 deaths by suicide; and

WHEREAS, over 90% of the people who die by suicide have a diagnosable and treatable mental health condition, although often that condition is not recognized or treated; and

WHEREAS, suicide results in an estimated \$51 billion in combined medical and work loss costs nationally (Centers for Disease Control; 2015 data); and

WHEREAS, suicide results in an estimated \$1.39 million in combined medical and work loss costs in North Carolina annually (Centers for Disease Control; 2015 data); and


WHEREAS, the stigma associated with mental health conditions and suicidality works against suicide prevention by discouraging persons at risk for suicide from seeking life-saving help and further traumatizes survivors of suicide loss and people with lived experience of suicide; and

WHEREAS, organizations such as The American Foundation for Suicide Prevention envision a world without suicide, and are dedicated to saving lives and bringing hope to those affected by suicide, through research, education, advocacy and resources:

NOW, THEREFORE I, Bill Deter, by virtue of the authority vested in me as Mayor of the Town of Weddington do hereby proclaim the September 10-16, 2017 as

“NATIONAL SUICIDE PREVENTION WEEK”

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Town of Weddington to be affixed this 11th day of September, 2017.



Bill Deter, Mayor

Attest:



Karen Dewey, Town Clerk



Attachment 2 – Original drafted text with Town Council changes

Sec. 22-1. - Excessive noise prohibited; exemptions. Unreasonably loud noise.

(a) It is unlawful for any person to make, continue, or cause to be made any unreasonable and excessive noise which injures, endangers, or disturbs the comfort, repose, health, peace, or safety of others within the town limits.

(b) In determining whether a *noise* is unreasonably loud, the following factors incident to such *noise* shall be considered:

- (1) Time of day;
- (2) Proximity to residential structures;
- (3) Whether the *noise* is recurrent, intermittent or constant;
- (4) The volume and intensity;
- (5) Whether the *noise* has been enhanced in volume or range by any type of electronic or mechanical means;
- (6) The character and zoning of the area; and
- (7) Whether the *noise* is subject to being controlled without unreasonable effort or expense to the creator thereof.

Sec. 22-2. Particular sounds prohibited.

The following acts and activities, among others, are hereby declared to be unreasonably loud and disturbing sound levels in violation of section 22-1. This enumeration shall not be construed to be an exclusive list of activities or acts which violate section 22-1:

- (a) Operating a truck for refuse collection except on Monday through Saturday between the hours of 6:00 a.m. and 10:00 p.m. The violator is the operator of the truck, the employer of the operator, and/or the person whom owns the truck used by the operator.
- (b) Construction operations, including any building and land disturbing activities except Monday through Friday between the hours of 6:00 a.m. and 9:00 p.m., Saturday between the hours of 8:00 a.m. and 9:00 p.m. and Sunday between the hours of 10:00 a.m. and 9:00 p.m.
- (c) Operating electric and gas lawnmowers and other motor-driven domestic tools out-doors except Monday through Saturday between the hours of 6:00 a.m. and 9:00 p.m. and Sunday between the hours of 9:00 a.m. and 9:00 p.m.
- (d) It shall be unlawful to operate or allow the operation of any motor vehicle in the town:
 - (1) By spinning tires, racing engines or other operations which create unreasonably loud and disturbing noises.
 - (2) To amplify sound produced by a radio, tape player, compact disc player or other sound-making device or instrument from within the motor vehicle so that the sound is audible from a distance of 50 or more feet from the source of the sound.

Note: Animal Nuisances – see Appendix A.

Sec. 22-3 Exemptions.

- (a) The following uses and activities shall be exempt from this section:
 - (1) Noises of safety signals, warning devices, and emergency pressure relief valves.
 - (2) Noises resulting from any authorized emergency, fire or law enforcement vehicle.
 - (3) Noise resulting from the activities of a temporary duration permitted by law for which a license or permit therefore has been granted by the town.
 - (4) Any aircraft or railroad equipment operated in conformity with or pursuant to state or federal law. Any aircraft operating under technical difficulties, in any kind of distress, under emergency

orders of air traffic control or being operated pursuant to the declaration of an emergency under federal air regulations shall also be exempt.

(5) Noise resulting from agricultural and horticultural operations conducted in a reasonable manner on property classified as a bona fide farm for ad valorem tax purposes.

(6) Noise resulting from emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster, or to restore public utilities, or to protect persons or property from imminent danger.

(7) Noise resulting from any military or law enforcement activities of the federal, state, or any local government, to include military observances.

(8) Noise resulting from any event held in recognition of a community celebration, or national, state, or county events or public festivals or parades.

(9) Noise from lawful fireworks and *noise* makers on holidays and at religious ceremonies.

(10) Noise created by any public recreational activity.

(11) Game-hunting activities on property where such activities are authorized and regulated by Chapter 34 Article II of the Weddington Code of Ordinances.

(b) This provision shall not be applied to a shooting range in existence prior to adoption of this code section, provided there has been no substantial change in use of the range.

Sec. 22-4. -Enforcement and penalties.

(a) **Civil penalty.** Violation of this section shall subject the offender(s) to a civil penalty in the amount of \$100.00. In the event there is more than one violation within any 30-day period, then the civil penalty shall be increased for each additional violation ~~over one~~ during such period, as follows. The date of the first violation shall establish the beginning date for the initial 30-day period.

The penalty shall be: Second offense within same 30-day period: \$250.00

Third offense within same 30-day period: \$500.00

Fourth offense within same 30-day period: \$750.00

Fifth and any subsequent offense within same 30-day period: \$1,000.00

(1) Once the 30-day period has expired from the "first violation," the next violation shall be considered to be a first violation for the purposes of establishing a new 30-day period.. In the event there are more than six violations within any 12-month period, then each violation after six shall subject the violator(s) to a civil penalty of \$1,000.00 per event.

(2) Under circumstances where a citation is issued, the fine must be paid within 5 business days of the issue date and time. The town attorney, or designee, is authorized to file suit on behalf of the town to collect any unpaid citations, and the town administrator, or designee, is authorized to verify and sign complaints on behalf of the town in such suits. A sheriff's deputy, animal control officer enforcing subject matter jurisdiction, or other person duly authorized to enforce the noise control ordinances may issue a citation for violations of this article.

(b) **Remedies.** This article may also be enforced through equitable remedies issued by a court of competent jurisdiction pursuant to G.S. 154A-123.

(c) **Criminal penalty.** In addition to, or in lieu of, such civil penalties or other remedies, violation of this article shall constitute a misdemeanor pursuant to G.S. 14-4.

Sec. 58-19. - Noise.

~~Every use of land must be operated in such a way that regularly recurring noises are not disturbing or unreasonably loud and do not cause injury, detriment or nuisance to any person of ordinary sensitivities.~~

See Section 22-1

CHARLES B. BROOKS II

ATTORNEY AT LAW

105 E. JEFFERSON STREET, SUITE A
MONROE, NORTH CAROLINA 28112
(704) 283-9363

CHARLES B. BROOKS III
ASSOCIATE

September 5, 2017

Via Fax (704) 334-4706

Anthony Fox
Parker Poe Adams & Bernstein
Three Wells Fargo Center
401 South Tryon Street
Suite 3000
Charlotte, NC 28202

Re: Wesley Chapel Fire Station/The Town of Weddington

Dear Mr. Fox:

Pursuant to our telephone conversation, and other communication this week, I hereby notify you that the Wesley Chapel Volunteer Fire Department would like to withdraw, without prejudice, the option and/or notice to exercise option previously submitted to the town with regard to the purchase of the Hemby Road Station. Upon discovery of several factors, including but not necessarily limited to the apparent requirement of the reversionary clause in any deed, it is the feeling of my client at this time that it would be impossible to work through the details of how to enter into a transfer of the station from the town to the fire department within the time frame we have of approximately the next thirty (30) days. Therefore, the fire department is notifying you as attorney for the Town of Weddington that it is withdrawing without prejudice, at this time, its intent to exercise the option that was previously submitted to the town. The fire department is reserving its right to exercise the option at a later date. I do believe that after everyone can have a moment to think about how to work through this issue, that perhaps we can have some discussion about what can be done and not be operating under that sort of deadline.

Very truly yours,

Charles B. Brooks II

CBBII/rlr

**AN ORDINANCE TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES
BEFORE NOON ON SUNDAYS AT LICENSED PREMISES**

WHEREAS, on June 29, 2017, the North Carolina General Assembly enacted Senate Bill 155, entitled "An Act to Make Various Changes to the Alcoholic Beverage Control Commission Laws"; and

WHEREAS, Section 4 of Ratified Senate Bill 155 authorizes city and county governments to adopt an ordinance to allow alcohol sales beginning at 10 a.m. on Sundays; and

WHEREAS, Ratified Senate Bill 155 was signed into law by Governor Roy Cooper on the 30th day of June, 2017 and became effective on that date (Session Law 2017, Chapter 87); and

WHEREAS, by enacting Senate Bill 155, North Carolina joins 47 other States in allowing alcohol service before noon on Sunday; and

WHEREAS, Sunday morning alcohol service will allow the hospitality community and retail merchants in our community to meet the needs of their customers, and will benefit our small business community; and

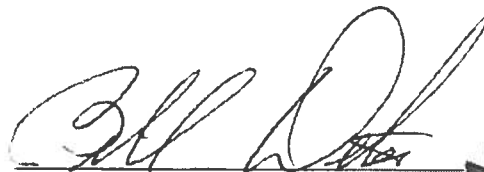
WHEREAS, our community has a diverse and growing population with different religious beliefs, each of which has various times and multiple days of worship;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Weddington, North Carolina that:

Section 1. Pursuant to the authority granted by S.L. 2017-87 any establishment located in the municipal limits of Weddington and holding an ABC permit issued pursuant to G.S. 18B-1001 is permitted to sell beverages allowed by its permit beginning at 10 a.m. on Sundays.

Section 2. All laws and clauses of law in conflict herewith are repealed to the extent of any such conflict.

Section 3. This resolution is adopted and effective on the 11th day of September, 2017.



Bill Deter, Mayor

Attest:



Karen Dewey, Town Clerk



WEDDINGTON CODE ENFORCEMENT REPORT

August, 2017

1. 404 Cottonfield Cir., James & Shannon Cox

- 5/31/17—Legal action pending.
- 7/31/17—Legal action pending.
- 8/31/17—Legal action still pending.
-

2. 4005 Ambassador Ct., Inez B. McRae Trust

- “In Rem” repairs to secure and close this building were performed in 2015. Lien for cost of these repairs recorded with Union County Register of Deeds in amount of \$7000.00.
- 5/31/17—Deterioration continues
- 7/31/17—Deterioration continues.
- 8/31/17—Deterioration continues.

3. Highway 84 & Twelve Mile Creek Rd.

- 4/30/17—No Change. Stumps and some debris still on property.
- 5/31/17—No Change.
- 7/31/17—Letter sent to owner by Town Attorney.
- 7/31/17—No signs removed.
- 8/31/17—Owner is looking in to have stumps shredded on site.

4. 2924 Michelle Dr.

- Wood cutting/firewood operation – in operation prior to Weddington’s Zoning Reg’s.
- 5/31/17—Owner is downsizing this “pre-existing” wood business and cleaning up.
- 7/31/17—Monitoring.
- 8/31/17—Still monitoring.
-

5. 4716 Weddinton Matthews Rd.

- Existing residence under remodel/expansion. New owner has permit, but needs to acquire permit for 2nd story expansion for Union County
- 6/30/17—Per owner, he will use this as his residence only. Will continue to monitor.
- 7/31/17—Dumpsters (5) on property. Owner instructed to remove them.
- 8/31/17—All dumpsters except 1 removed. Additional permit issued for 2nd living unit and meter attached at rear of house.

6. 9/6/17---102 Antioch Plantation Dr.

- Utility building moved on to lot without permit. No principal use established on lot. Building too close to front and side property line.

TOWN OF WEDDINGTON
BALANCE SHEET

FY 2017-2018

PERIOD ENDING: 08/31/2017

10

ASSETS

ASSETS

10-1120-000	TRINITY CHECKING ACCOUNT	731,554.49
10-1120-001	TRINITY MONEY MARKET	1,115,096.66
10-1170-000	NC CASH MGMT TRUST	533,623.46
10-1205-000	A/R OTHER	4.95
10-1211-001	A/R PROPERTY TAX	934,002.56
10-1212-001	A/R PROPERTY TAX - 1ST YEAR PRIOR	9,148.95
10-1212-002	A/R PROPERTY TAX - NEXT 8 PRIOR YRS	10,140.05
10-1232-000	SALES TAX RECEIVABLE	2,334.33
10-1610-001	FIXED ASSETS - LAND & BUILDINGS	2,346,268.11
10-1610-002	FIXED ASSETS - FURNITURE & FIXTURES	20,583.08
10-1610-003	FIXED ASSETS - EQUIPMENT	118,306.60
10-1610-004	FIXED ASSETS - INFRASTRUCTURE	26,851.01
TOTAL ASSETS		5,847,914.25

LIABILITIES & EQUITY

LIABILITIES

10-2120-000	BOND DEPOSIT PAYABLE	75,002.25
10-2605-000	DEFERRED REVENUES-CONV CHARGE	4.95
10-2620-000	DEFERRED REVENUE - DELQ TAXES	9,148.95
10-2625-000	DEFERRED REVENUE - CURR YR TAX	934,002.56
10-2630-000	DEFERRED REVENUE-NEXT 8	10,140.05
TOTAL LIABILITIES		1,028,298.76

EQUITY

10-2620-001	FUND BALANCE - UNASSIGNED	2,551,598.54
10-2620-003	FUND BALANCE-ASSIGNED	54,000.00
10-2620-004	FUND BALANCE-INVEST IN FIXED ASSETS	2,512,011.00
10-2620-005	CURRENT YEAR EQUITY YTD	-222,488.90
CURRENT FUND BALANCE - YTD NET REV		-75,505.15
TOTAL EQUITY		4,819,615.49

TOTAL LIABILITIES & FUND EQUITY	5,847,914.25
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**TOWN OF WEDDINGTON
REVENUE & EXPENDITURE STATEMENT BY DEPARTMENT**

FY 2017-2018

08/01/2017 TO 08/31/2017

	<u>CURRENT PERIOD</u>	<u>YEAR-TO-DATE</u>	<u>BUDGETED</u>	<u>% BUDGET REM</u>
REVENUE:				
10-3101-110 AD VALOREM TAX - CURRENT	115,757.66	115,757.66	1,025,000.00	89
10-3102-110 AD VALOREM TAX - 1ST PRIOR	470.44	645.31	3,000.00	78
10-3103-110 AD VALOREM TAX - NEXT 8	-20.12	-20.12	1,000.00	102
10-3110-121 AD VALOREM TAX - MOTOR	8,295.72	8,295.72	89,000.00	91
10-3115-180 TAX INTEREST	35.69	47.55	2,250.00	98
10-3231-220 LOCAL OPTION SALES TAX REV	0.00	0.00	320,000.00	100
10-3322-220 BEER & WINE TAX	0.00	0.00	45,000.00	100
10-3324-220 UTILITY FRANCHISE TAX	0.00	0.00	460,000.00	100
10-3340-400 ZONING & PERMIT FEES	8,967.50	11,757.50	35,000.00	66
10-3350-400 SUBDIVISION FEES	9,625.00	9,625.00	40,000.00	76
10-3830-891 MISCELLANEOUS REVENUES	217.66	224.66	1,000.00	78
10-3831-491 INVESTMENT INCOME	0.00	0.00	5,000.00	100
TOTAL REVENUE	143,349.55	146,333.28	2,026,250.00	93
AFTER TRANSFERS	143,349.55	146,333.28	2,026,250.00	
4110 GENERAL GOVERNMENT				
EXPENDITURE:				
10-4110-126 FIRE DEPT SUBSIDIES	61,088.00	122,176.00	737,560.00	83
10-4110-127 FIRE DEPARTMENT	65.00	65.00	10,000.00	99
10-4110-128 POLICE PROTECTION	0.00	0.00	264,175.00	100
10-4110-192 ATTORNEY FEES - GENERAL	0.00	0.00	90,000.00	100
10-4110-193 ATTORNEY FEES - LITIGATION	0.00	0.00	100,000.00	100
10-4110-195 ELECTION EXPENSE	0.00	0.00	10,000.00	100
10-4110-340 PUBLICATIONS	0.00	0.00	12,000.00	100
10-4110-341 WEDDINGTON FESTIVAL	0.00	0.00	7,000.00	100
10-4110-342 HOLIDAY/TREE LIGHTING	0.00	0.00	6,500.00	100
10-4110-343 SPRING EVENT	0.00	0.00	3,750.00	100
10-4110-344 OTHER COMMUNITY EVENTS	0.00	0.00	1,000.00	100
10-4110-495 COMMITTEE & OUTSIDE	0.00	0.00	1,500.00	100
TOTAL EXPENDITURE	61,153.00	122,241.00	1,243,485.00	90
BEFORE TRANSFERS	-61,153.00	-122,241.00	-1,243,485.00	
AFTER TRANSFERS	-61,153.00	-122,241.00	-1,243,485.00	
4120 ADMINISTRATIVE				
EXPENDITURE:				
10-4120-121 SALARIES - CLERK	1,890.00	2,992.50	22,000.00	86
10-4120-123 SALARIES - TAX COLLECTOR	3,679.65	7,088.83	47,250.00	85
10-4120-124 SALARIES - FINANCE OFFICER	1,365.68	1,699.73	14,500.00	88
10-4120-125 SALARIES - MAYOR & TOWN	2,100.00	4,200.00	25,200.00	83
10-4120-181 FICA EXPENSE	691.13	1,222.45	8,500.00	86
10-4120-182 EMPLOYEE RETIREMENT	588.24	1,116.41	10,930.00	90

TOWN OF WEDDINGTON
REVENUE & EXPENDITURE STATEMENT BY DEPARTMENT

FY 2017-2018

08/01/2017 TO 08/31/2017

	<u>CURRENT PERIOD</u>	<u>YEAR-TO-DATE</u>	<u>BUDGETED</u>	<u>% BUDGET REM</u>
10-4120-183 EMPLOYEE INSURANCE	1,017.50	2,030.50	12,780.00	84
10-4120-184 EMPLOYEE LIFE INSURANCE	12.60	25.20	175.00	86
10-4120-185 EMPLOYEE S-T DISABILITY	12.00	24.00	175.00	86
10-4120-191 AUDIT FEES	0.00	0.00	8,750.00	100
10-4120-193 CONTRACT LABOR	0.00	400.00	0.00	0
10-4120-200 OFFICE SUPPLIES - ADMIN	851.07	851.07	10,000.00	91
10-4120-210 PLANNING CONFERENCE	0.00	0.00	1,500.00	100
10-4120-321 TELEPHONE - ADMIN	71.05	142.86	3,500.00	96
10-4120-325 POSTAGE - ADMIN	900.00	900.00	2,000.00	55
10-4120-331 UTILITIES - ADMIN	479.49	915.51	4,725.00	81
10-4120-351 REPAIRS & MAINTENANCE -	0.00	0.00	37,500.00	100
10-4120-352 REPAIRS & MAINTENANCE -	17,004.90	21,478.73	60,000.00	64
10-4120-354 REPAIRS & MAINTENANCE -	3,062.50	3,062.50	58,250.00	95
10-4120-355 REPAIRS & MAINTENANCE -	0.00	110.00	1,000.00	89
10-4120-356 REPAIRS & MAINTENANCE -	440.00	440.00	6,000.00	93
10-4120-370 ADVERTISING - ADMIN	43.35	43.35	1,000.00	96
10-4120-397 TAX LISTING & TAX	-83.65	-83.65	250.00	133
10-4120-400 ADMINISTRATIVE:TRAINING	0.00	0.00	4,000.00	100
10-4120-410 ADMINISTRATIVE:TRAVEL	141.19	280.02	5,000.00	94
10-4120-450 INSURANCE	0.00	13,615.20	15,750.00	14
10-4120-491 DUES & SUBSCRIPTIONS	0.00	13,956.97	16,000.00	13
10-4120-498 GIFTS & AWARDS	0.00	0.00	3,000.00	100
10-4120-499 MISCELLANEOUS	221.96	221.96	5,000.00	96
10-4120-500 CAPITAL EXPENDITURES	0.00	0.00	35,000.00	100
TOTAL EXPENDITURE	34,488.66	76,734.14	419,735.00	82

BEFORE TRANSFERS	-34,488.66	-76,734.14	-419,735.00
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AFTER TRANSFERS	-34,488.66	-76,734.14	-419,735.00
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4130 PLANNING & ZONING

EXPENDITURE:

10-4130-121 SALARIES - ZONING	5,833.34	11,666.68	71,500.00	84
10-4130-122 SALARIES - ASST ZONING	132.60	132.60	2,950.00	96
10-4130-123 SALARIES - ADMINISTRATIVE	998.26	2,215.14	17,000.00	87
10-4130-124 SALARIES - PLANNING BOARD	425.00	750.00	5,200.00	86
10-4130-125 SALARIES - SIGN REMOVAL	278.43	556.86	3,500.00	84
10-4130-181 FICA EXPENSE - P&Z	584.24	1,167.62	7,750.00	85
10-4130-182 EMPLOYEE RETIREMENT - P&Z	911.76	1,815.06	11,200.00	84
10-4130-183 EMPLOYEE INSURANCE	1,014.50	2,027.50	12,780.00	84
10-4130-184 EMPLOYEE LIFE INSURANCE	19.60	39.20	250.00	84
10-4130-185 EMPLOYEE S-T DISABILITY	12.00	24.00	175.00	86
10-4130-193 CONSULTING	-2,068.42	-2,068.42	41,000.00	105
10-4130-194 CONSULTING - COG	1,953.75	1,953.75	10,000.00	80
10-4130-200 OFFICE SUPPLIES - PLANNING	365.49	391.49	5,000.00	92
10-4130-201 ZONING SPECIFIC OFFICE	0.00	0.00	2,500.00	100

TOWN OF WEDDINGTON
REVENUE & EXPENDITURE STATEMENT BY DEPARTMENT

FY 2017-2018

08/01/2017 TO 08/31/2017

	<u>CURRENT PERIOD</u>	<u>YEAR-TO-DATE</u>	<u>BUDGETED</u>	<u>% BUDGET REM</u>
10-4130-215 HISTORIC PRESERVATION	0.00	0.00	1,000.00	100
10-4130-220 INFRASTRUCTURE	0.00	0.00	160,000.00	100
10-4130-321 TELEPHONE - PLANNING &	261.11	332.93	3,500.00	90
10-4130-325 POSTAGE - PLANNING & ZONING	900.00	900.00	2,000.00	55
10-4130-331 UTILITIES - PLANNING & ZONING	479.50	915.53	4,725.00	81
10-4130-370 ADVERTISING - PLANNING &	43.35	43.35	1,000.00	96
TOTAL EXPENDITURE	<u>12,144.51</u>	<u>22,863.29</u>	<u>363,030.00</u>	<u>94</u>
BEFORE TRANSFERS	<u>-12,144.51</u>	<u>-22,863.29</u>	<u>-363,030.00</u>	
AFTER TRANSFERS	<u>-12,144.51</u>	<u>-22,863.29</u>	<u>-363,030.00</u>	
GRAND TOTAL	<u><u>35,563.38</u></u>	<u><u>-75,505.15</u></u>	<u><u>0.00</u></u>	

**TOWN OF
W E D D I N G T O N**

MEMORANDUM

TO: Mayor and Town Council

FROM: Kim Woods, Tax Collector

DATE: September 11, 2017

SUBJECT: Monthly Report –August 2017

Transactions:	
Adjustments <5.00	\$(5.09)
Refunds	\$163.79
Penalty and Interest Payments	\$(41.75)
Interest Charges	\$124.44
Convenience Fee Payment	\$4.95
Releases	\$(234.25)
2017 Tax Charge	\$1,128,833.63
2017 Exemption	\$(57,405.59)
2017 Deferments	\$(20,542.22)
2017 Tax Write-offs <5.00	\$(1069.48)
2017 Late List Penalties	\$142.18
Over Ten Year Write-offs	\$(54.35)
Taxes Collected:	
2016	\$(470.44)
2017	\$(115,915.39)
As of August 31, 2017; the following taxes remain Outstanding:	
2007	\$83.43
2008	\$808.16
2009	\$598.83
2010	\$575.29
2011	\$100.56
2012	\$936.60
2013	\$1731.56
2014	\$2352.87
2015	\$2952.75
2016	\$9148.95
2017	\$934,002.56
Total Outstanding:	\$953,291.56