

**TOWN OF WEDDINGTON
SPECIAL TOWN COUNCIL MEETING
MONDAY, APRIL 16, 2012 - 5:00 P.M.
MINUTES**

The Town Council of the Town of Weddington, North Carolina, met in a Special Session at the Town Hall Council Chambers, 1924 Weddington Road, Weddington, NC 28104 on April 16, 2012, with Mayor Walker F. Davidson presiding.

Present: Mayor Walker F. Davidson, Mayor Pro Tem Daniel Barry (Arrived at 5:12 p.m.), Councilmembers Pamela Hadley and Barbara Harrison, Town Attorney Anthony Fox, Finance Officer Leslie Gaylord and Town Administrator/Clerk Amy S. McCollum

Absent: Councilmember Werner Thomisser

Visitors: James Rushton, Bill Price, Genny Reid, James Kubach, Judy Johnston, Ken Evans, Richard Sahlie, Dave Ruths and Bob Rapp

Item No. 1. Call to Order. Mayor Walker F. Davidson called the April 16, 2012 Special Town Council Meeting to order at 5:02 p.m.

Item No. 2. Determination of Quorum. There was a quorum.

Item No. 3. Discussion and Possible Consideration of Next Steps regarding the Municipal Fire Service Model in the Town of Weddington. Mayor Davidson - I would like to look at our motion that we made at the last meeting, give an update on the progress of that motion and then I have a suggestion to amend the motion. The motion was to move forward with a municipal fire service model contingent upon two items. The first one is that the Town has service contracts in place with the necessary fire service providers required to meet the five-mile rule for insurance purposes. We have a letter of intent from the Providence VFD. I need to get some clarification from the Department of Insurance on the five-mile rule and how these maps are laid out before we can work on a contract with them. We have a letter of intent saying that they are agreeing to work with us. We do have a contract accepted by the Stallings VFD to continue to service the area that they currently have. We had a phone call from Wesley Chapel VFD declining the contract that we put in front of them. We have an email verifying that it was a unanimous decision from their Board to turn it down and then we have communication from an attorney representing Wesley Chapel VFD.

Attorney Fox - I received a call from a Raleigh attorney that has been retained by the Wesley Chapel VFD to advise them on the fire service model. He reiterated several times that his retention by Wesley Chapel VFD was not to be viewed as adversarial. That he understands that there are a couple of important factors one of which is time. He has committed to meet with them this coming Friday and they indicated that they could not sign the fire services contract in its current form and he would get back with me as soon as possible. He wanted me to make sure it was clear that he does not view the engagement as adversarial.

Mayor Davidson - The second item is that the Town Attorney can verify that the Union County automatic aid contracts are not voided by the implementation of the municipal fire service model. At this point we have given the attorney this information for his review. We have made some progress on these two points but we have not met these two points. In our motion we put in there to do a joint resolution between the Town of Weddington and Union County. It is my understanding that we are going to be better off not making it joint. We just declare it and give it to Union County to execute.

Councilwoman Barbara Harrison questioned why that needed to be changed.

Mayor Davidson - I have been told if you can do it, just do it. If they have to approve it, it makes it look like the County approved it and supported it. We just want to take the word “joint” out.

Attorney Fox - To allow these volunteer fire departments to service these areas and districts it required the consent and approval of the municipality. There is nothing in the legislation that limits the ability of the municipality to withdraw. Kara Millonzi with the Institute of Government has opined that there is no right to this district by any volunteer fire department and a town could withdraw their consent and move forward.

Councilwoman Hadley - We basically had to consent to be put into the district and therefore we have the right to withdraw that consent.

Attorney Fox - That is by interpretation and deductive reasoning that if they have to gain your consent to be in then you should have the right to withdraw that consent and especially given the fact that no volunteer fire department owns the right to the continuation of the district and residents to be serviced within that district. All you are doing is recognizing that your motion still stands except for a slight amendment to remove the word “joint” from it to mean that the Town is comfortable moving forward with a unilateral withdrawal.

Councilwoman Hadley moved to amend the April 2 motion to remove the word “joint” from the resolution. All were in favor, with votes recorded as follows:

AYES:	Councilmembers Harrison and Hadley
NAYS:	None

Mayor Davidson - The next piece was to submit a resolution for approval of the municipal insurance district boundaries to the North Carolina Department of Insurance. We are still in the process on this issue and I hope to talk with Chett Hill later in the week.

Mayor Pro Tem Barry arrived at 5:12 p.m.

Item No. 4. Discussion of the Proposed Fiscal Year 2012-2013 Budget. The Town Council received a copy of the Preliminary Operating Budget for Fiscal Year 2012-2013 and a list of potential non-operating expenditures.

Finance Officer Leslie Gaylord - We can bring both budgets (3 cents and 5.2 cents) to the May Meeting and the Council can then choose which one to call for the public hearing on. I did make a couple of updates. We got new tax estimates from the County so I adjusted the ad valorem numbers. You have received a copy of the Union County Sheriff’s contract. I have shown the increase in the cost of the deputies on the non-operating page to be discussed. I decreased the audit fees after speaking with our auditor and finding out what they would charge us. That is just the cost to us for including them in our audit if we increase our tax rate to pay for their funding. We would essentially be in control of them so we would have to show them as a component unit in our financial statements. They would have their own audit.

Mayor Davidson - We took control when we reached more than 50% of their operating budget.

Finance Officer Gaylord – Right - there are multiple things such as if we were on their board or had influence over them in that way. In this case it would be financial. There are different ways to trigger it.

Also I added in money because the Public Safety Advisory Committee had requested money for a defibrillator for Town Hall.

Finance Officer Gaylord and Mayor Davidson discussed that the sales tax revenue would increase with a higher tax rate. Finance Officer Gaylord stated, “They adjust the numbers in April so we would only get three months of that increase in the first year and the following year we would see it all come in.”

Councilwoman Hadley discussed a quote she received to install new roofing for the Town Hall and garage at a cost of approximately \$16,500. She stated, “The inspection showed that the roof has been patched quite a few times and that there was an issue with the siding coming up to the roof line and that needed to be addressed and the gutters were in total disarray. Obviously before I would bring anything to Council I would receive several estimates.”

Councilwoman Hadley moved to include \$16,500 in the budget to fix the roof. All were in favor, with votes recorded as follows:

AYES:	Councilmembers Hadley, Harrison and Mayor Pro Tem Barry
NAYS:	None

Mayor Davidson asked that she check to see if the Town would be eligible for a new roof due to hail damage.

The Council did not vote to proceed in adding the purchase of a defibrillator to the budget.

Mayor Pro Tem Barry - I think we need to have a serious conversation about whether we want to continue paying for extra deputy service. I took the tour of the Wesley Chapel VFD and they have 1,500 to 2,000 square feet that the County is now leasing from them to move a substation over here and my first reaction is why are we paying to subsidize coverage in Weddington if the County now is doing that for us in Wesley Chapel? Originally it was because response times were so poor out here because there were no cars out here on this side of the county. Now they have a substation and that should not be an issue.

Councilwoman Harrison - That substation is not up and fully functional yet and I would not want to do anything until it is. Public safety is important to me and it is not just fire. It is having deputies. Mr. Price called me a month ago and it was after hours and it took 40 minutes for the zone deputy to get to his place. We are having more incidents of different things happening this year and 40 minutes is not acceptable.

Attorney Fox – In the days when the Council was engaging in involuntary annexations, the element of providing one of the major services under the annexation statutes and the concept of having contracted deputies met the major services. As a matter of fact it was one of the issues that was challenged in the involuntary annexation. We were able to demonstrate that having enhanced deputy service was a meaningful benefit and a major service sufficient to satisfy the annexation statutes.

Councilwoman Hadley - It is my understanding that they are trying to change the dispatch service into four zones. They think that it will take the better part of a year to get that implemented.

Mayor Pro Tem Barry - I thought they were farther down the road. If that was a staffed police station there would be no reason for us to be spending that amount of money for contracted deputies.

Councilwoman Hadley - After it is staffed, I think the conversation should be do we go from three deputies to two.

Councilwoman Harrison - After asking the question, you will find out that the zone deputy has 150 miles that they are touring. I appreciate the fact that they come through our neighborhood. I would like to wait and see where they are in the process. I move that we include the increased costs in the proposed budget for the contract deputies.

All were in favor, with votes recorded as follows:

AYES: Councilmembers Hadley, Harrison and Mayor Pro Tem Barry
NAYS: None

Finance Officer Gaylord - If we take the fire departments in, would we still need a fund balance assignment for the fire department at that point?

Mayor Pro Tem Barry - That was only for this year and that should come out. That assignment would go away once the budget is approved.

Council agreed to allow Finance Officer Gaylord to bring forward a 3 cent and 5.2 cent budget to the May Meeting for the Council to decide on which one to call for a public hearing. Mayor Pro Tem Barry expressed concern that he did not think the Town would be ready to implement the fire service model and to proceed with a 5.2 cent budget.

Councilwoman Harrison moved to include 3 percent in the budget for a COLA increase for staff. All were in favor, with votes recorded as follows:

AYES: Councilmembers Hadley, Harrison and Mayor Pro Tem Barry
NAYS: None

Item No. 5. Discussion and Consideration of Right-of-Way for Roundabout. The Town Council received a copy of the following memo from Town Planner Jordan Cook and a copy of a map showing the pavement marking detail and the preliminary plans for the roundabout:

- Construction of the NC 84 Weddington-Matthews Road Dual Lane Roundabout should begin this summer. NCDOT plans to begin construction as soon as schools are out. NCDOT is currently obtaining right-of-way from several property owners. I have attached a spreadsheet showing what properties will be impacted by the roundabout.
- NCDOT has asked the Town to donate approximately 8,080 square feet (0.18 acres) for the roundabout. 6,485 square feet of that will be utility right-of-way while 1,595 square feet will be road right-of-way along Weddington-Matthews Road. NCDOT will also need 7,020 square feet of right-of-way for a temporary construction easement. This land will not need to be donated. The right-of-way map with figures is attached.
- Based on recent appraisals and property sales, NCDOT has determined that permanent right-of-way is worth \$5.75 per square foot and that the temporary easement is worth \$1.75 per square foot. Based on these numbers the permanent right-of-way (8,080 square feet) is worth \$46,460 and the temporary easement (7,020 square feet) is worth \$12,285 for a total of \$58,745. NCDOT only has around \$60,000 budgeted in right-of-way funds for the entire project and would like to ask the Town of Weddington to donate their portion of right-of-way for the project.

Council expressed that they were not interested in donating the right-of-way for the roundabout. Council discussed that the Town will owe in next year's budget approximately \$13,000 for the sidewalks on Highway 16 and that they would be willing to not pay that and NCDOT would pay them the difference in what is owed for the right-of-way. Mayor Pro Tem Barry and Councilwoman Harrison discussed that the

sidewalk money and right-of-way money probably come out of two different budgets/accounts with NCDOT.

Mayor Pro Tem Barry moved to not donate the right-of-way for the roundabout project and for NCDOT to determine how they want to pay the Town based on the above discussion. All were in favor, with votes recorded as follows:

AYES: Councilmembers Hadley, Harrison and Mayor Pro Tem Barry
NAYS: None

Item No. 6. Discussion and Consideration of Amendment to the Town Council Rules of Procedures.

Mayor Davidson reviewed the following proposed amendment to the Town Council Rules of Procedures:

RULE 9. ORDER OF BUSINESS

Items shall be placed on the agenda according to order of business. The order of business for each regular meeting shall be as follows:

- Open Regularly Scheduled Meeting
- Pledge of Allegiance
- Determination of Quorum
- Special Recognitions/~~Presentations~~
- Public Comments
- Additions, Deletions and/or Adoption of the Agenda
- Approval of the Minutes
- Consent Agenda
- Public Hearings
- Consideration of Public Hearings
- Old Business*
- New Business*
- Reports and Updates
- Comments from the Council Members
- Adjournment

Note: Where there are multiple public hearings, the consideration of the public hearing shall follow each specific hearing.

*** Presentations will be listed either under Old Business or New Business depending on the topic discussed.**

By general consent of the council, items may be considered out of order.

Mayor Davidson advised that he put this item on the agenda and discussed that presentations now are done before the additions, deletions and adoption of the agenda and the change would fall under being approved by the majority of the Town Council.

Councilwoman Harrison moved to approve the amendment to the Rules of Procedures.

Mayor Pro Tem Barry - You are diluting the minority interest on the Council by doing this amendment. In the small government rules of procedure they really try to protect that. I do not like the idea. All of us

were elected by the community and have a right to have our positions and opinions heard. We have tinkered around the edges a lot in order to streamline the agenda but you get to a point where you begin to inhibit their objectives.

Councilwoman Harrison - Prior to being elected I had to get 60 people to sign to give me their minutes so that I could do a 30-minute presentation regarding the water tower. At no point was I told I had the ability to talk with a council person and get on before the agenda. It seems like these presentations have happened this year. I do not remember in the five years that I came that there were people that were allowed to present prior to the additions and deletions to the agenda.

Mayor Pro Tem Barry – The Principal at the High School, the Council on Aging – they have presented at the beginning of the meeting. The issue on the water tower was deliberate in the debate of the day on actions that the Council was taking and I look at those as two different things.

Councilwoman Harrison – I understand that. The last couple of presentations that we had though were not like the Council on Aging or the other informative type presentations.

Mayor Pro Tem Barry - Werner wanted someone to come and talk and he used his right as an elected official to allow the group to come and address this Council. Just like when last year elected officials used their right and allowed Judy Johnston to come and present on behalf of the Providence VFD. When you begin to cast that so that a vote is taken before someone is allowed to address the Council then I think you begin to squelch speech. By being elected, you have the right to have your interests heard.

Mayor Davidson - What is your distinction of what a group is? There was concern about what about all the people that have gone in the past that did the three minutes and did not know that they could have gone to a Councilmember and been identified as a group. We do not have any parameters. I understand your concern and recognize it. I do not think we are thwarting minority interest because you still have three minutes during public comment and you can get 10 people up there that can speak. If you have 10 people you have a show of support. If you have one person they may be the only guy in Town that is interested in that issue.

Councilwoman Harrison rescinded her motion. Mayor Pro Tem Barry moved to table consideration of this item until the next Town Council Meeting. All were in favor, with votes recorded as follows:

AYES: Councilmembers Hadley, Harrison and Mayor Pro Tem Barry
NAYS: None

Item No. 7. Consideration of 2012 National Day of Prayer Proclamation. Councilwoman Harrison moved to approve the National Day of Prayer Proclamation:

All were in favor, with votes recorded as follows:

AYES: Councilmembers Hadley, Harrison and Mayor Pro Tem Barry
NAYS: None

**TOWN OF WEDDINGTON
PROCLAMATION - NATIONAL DAY OF PRAYER
MAY 3, 2012
P-2012-05**

WHEREAS, the National Day of Prayer dates back to February 19, 1795 when President George Washington issued a Proclamation setting aside a day of public thanksgiving; and an annual day of prayer was established by Congress in 1952 and specifically designated in 1988 as the first Thursday in May; and

WHEREAS, May 3, 2012 has been officially designated as America's 61st Annual National Day of Prayer, to pray for our nation, its people, and its leaders; and

WHEREAS, the National Day of Prayer has great significance for us as a nation and enables us to recall the way in which our founding fathers sought the wisdom of God when faced with critical decisions; and

WHEREAS, the National Day of Prayer has become a national annual observance which belongs to all Americans as a day that transcends different cultures and brings together all citizens from all backgrounds; and

WHEREAS, the theme for the 2012 National Day of Prayer is One Nation Under God.

NOW, THEREFORE, I, WALKER F. DAVIDSON, MAYOR of the Town of Weddington, hereby proclaim May 3, 2012 as the National Day of Prayer in the Town of Weddington, and urge all citizens to observe this day by joining members of all faiths and creeds all over our community and nation in seeking divine guidance for ourselves, our leaders, and our country.

PROCLAIMED this 16th day of April, 2012.

Councilwoman Hadley moved to authorize staff to proceed in organizing a Weddington Day of Prayer event to be held on May 3, 2012 at the Weddington Town Hall. All were in favor, with votes recorded as follows:

AYES: Councilmembers Hadley, Harrison and Mayor Pro Tem Barry
NAYS: None

Item No. 8. Adjournment. Mayor Pro Tem Barry moved to adjourn the April 16, 2012 Special Town Council Meeting. All were in favor, with votes recorded as follows:

AYES: Councilmembers Hadley, Harrison and Mayor Pro Tem Barry
NAYS: None

The meeting ended at 6:07 p.m.

Walker F. Davidson, Mayor

Amy S. McCollum, Town Clerk