

**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, NOVEMBER 14, 2011 - 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 November 14, 2011, with Mayor Nancy D. Anderson presiding.

Present: Mayor Nancy D. Anderson, Mayor Pro Tem Daniel Barry, Councilmembers Werner Thomisser, Robert Gilmartin and Jerry McKee, Town Attorney Anthony Fox, Finance Officer Leslie Gaylord, Town Planner Jordan Cook and Town Administrator/Clerk Amy S. McCollum

Absent: None

Visitors: Bill Brown, Bill Price, Elizabeth Propst, Janice Propst, Barbara Harrison, Pat Harrison, Pam Hadley, Steven R. Carow and Walker Davidson

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

Item No. 1. Call to Order. Mayor Anderson called the November 14, 2011 Regular Town Council Meeting to order at 7:02 p.m. Mayor Anderson had all of the Veterans in the audience stand in observance of Veteran's Day. Mayor Anderson read the following document from Representative Craig Horn:

**Remarks by Rep. D. Craig Horn, Representative, District 68, North Carolina General Assembly
In recognition of Veterans' Day**

War is a terrible thing. But, it is not the MOST terrible thing.

The MOST terrible thing is to be without hope. It is the veteran, that person that put themselves forward, that wrote a check for their very life, made it payable to the American people and signed it, often with their own blood that has given the world, our country and our communities hope for a peaceful and productive future.

When I was a kid growing up in small towns along the Mississippi River, I remember asking my mother why is everyone wearing a red flower on their jackets and shirts and dresses. I remember seeing the men and women standing along the street of our little town offering everyone one of those flowers. They called them "Poppies." I thought that a kind of funny name, until one day in school I heard, for the first time, "In Flanders' Fields" by John McCrea.

"In Flanders fields the poppies blow
Between the crosses, row on row,
That mark our place; and in the sky
The larks, still bravely singing, fly
Scarce heard amid the guns below.

"We are the Dead. Short days ago
We lived, felt dawn, saw sunset glow,

Loved and were loved, and now we lie,
In Flanders fields.

“Take up our quarrel with the foe:
To you from failing hands we throw
The torch; be yours to hold it high.
If ye break faith with us who die
We shall not sleep, though poppies grow
In Flanders fields.”

I never really understood the real meaning of that poem ‘til I stood among the crosses atop the cliffs at “Omaha Beach” along the Normandy Coast. I understand it now. I am in awe of those that gave their all so that I could stand there and that we could now be here. Here, in our own little town, our own home and with our families. A very long way from those beaches and fields of Europe and Iwo Jima and Saipan, a long way from the deserts and mountains of Iraq and Afghanistan. A long way from the thousands of places that Americans serve and have served their fellow man.

I hope that we will once again find the time and the opportunity to wear one of those little red flowers. What do they call them? Poppies?

Yes, that’s it, poppies.

The ones that grow in fields far, far away.

Thank you, Veterans. We are forever indebted.

Item No. 2. Pledge of Allegiance – Assistant County Manager/Captain Matthew Delk. Mayor Anderson recognized Assistant County Manager/Captain Matthew Delk to lead in the Pledge of Allegiance. Mayor Anderson advised that Captain Delk is a Town resident and has recently returned from serving in Iraq.

Mayor Anderson introduced the newly elected Mayor and Councilmembers that were in the audience.

Item No. 3. Determination of Quorum/Additions or Deletions to the Agenda. There was a quorum. Councilmember Jerry McKee moved to approve the agenda as presented. All were in favor, with votes recorded as follows:

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

Item No. 4. Public Hearings.

A. Public Hearing to Review and Consider Text Amendments to Section 58-151 – Temporary Signs. Mayor Anderson opened the public hearing to consider proposed text amendments to Section 58-151. The Town Council received a copy of the proposed text change.

Town Planner Jordan Cook reviewed the proposed text changes. He stated, “I have been going through the Signage Ordinance in an effort to improve the overall signage text. This first text amendment deals with temporary signs. This is a clarification on what we actually intended to do in June 2009. Our intent was to allow two off-premise temporary signs for a Temporary Use Permit. After looking through the ordinance that was not very clear. Also, a couple of years ago we changed the ordinance to allow one parcel to have four temporary uses as opposed to the three we had previously allowed. We are just

staying consistent with what we had already changed. We are also adding language to allow for temporary banners to be located on the Town street lights promoting special events. Temporary Use Permits are still approved by the Planning Board but the design, location and number of these banners must be approved by the Town Council. These banners can be put up 14 days prior to these special events such as Weddstock or drumSTRONG. All costs associated with the banners including manufacturing, installation, removal and reinstallation of the Town banners will be at the expense of the group that receives the Temporary Use Permit.”

With there being no one wishing to speak in favor or against the proposed text change, Mayor Anderson closed the public hearing.

B. Public Hearing Review and Consider Text Amendments to Section 58-149 – Freestanding Ground Signs. Mayor Anderson opened the public hearing to consider text amendments to Section 58-149. The Town Council received a copy of the proposed text change.

Town Planner Cook stated, “This is a housekeeping item. In April, we combined the freestanding and ground sign text amendment to create one sign. After looking through the Signage Ordinance again, we discovered there were a couple of conflicts. We revised Section F in 58-149 to state that the maximum sign area varies by type and use unless otherwise specified in the ordinance.”

With there being no one wishing to speak in favor or against the proposed text change, Mayor Anderson closed the public hearing.

Item No. 5. Approval of Minutes.

A. August 8, 2011 Regular Town Council Meeting Minutes. Mayor Pro Tem Barry moved to approve the August 8, 2011 Regular Town Council Meeting minutes. All were in favor, with votes recorded as follows:

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

B. September 12, 2011 Regular Town Council Meeting Minutes. Mayor Anderson asked to make the following correction on Page 2 under the Presentation from the Weddstock Committee:

Kids First of the Carolinas received \$8,991.72 in donations and ticket sales. In addition, the following non-profit service organizations earned money from donations, ticket sales and services provided.

Mayor Anderson stated, “I know that the Clerk recorded it verbatim. I think it was confusing the way it was stated. I knew what they were talking about when they presented it and I was confused. I think the minutes should reflect exactly what happened.”

Mayor Pro Tem Barry moved to approve the September 12, 2011 Regular Town Council Meeting minutes with the changes noted. All were in favor, with votes recorded as follows:

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

C. September 19, 2011 Continued Town Council Meeting Minutes. Councilmember McKee moved to approve the September 19, 2011 Continued Town Council Meeting minutes. All were in favor, with votes recorded as follows:

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

Item No. 6. Public Comment. There were no Public Comments.

Item No. 7. Consent Agenda.

A. Call for Public Hearing to Review and Consider Proposed Text Amendments – Construction Announcement Signs (Public Hearing to be held December 12, 2011 at 7:00 p.m. at the Weddington Town Hall). The Town Council received a copy of the proposed text change. Councilmember McKee moved to call for a public hearing to review and consider proposed text amendments to construction announcement signs. The public hearing is to be held December 12, 2011 at 7:00 p.m. at the Weddington Town Hall. All were in favor, with votes recorded as follows:

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

Item No. 8. Consideration of Public Hearings.

A. Consideration of Ordinance to Adopt Text Amendments to Section 58-151 – Temporary Signs. Mayor Pro Tem Barry moved to adopt the proposed text amendments to Section 58-151.

Councilmember McKee asked for a friendly amendment. He stated, “I have a concern with groups being able to put banners up and down on their own. I would prefer to amend this ordinance to read that they must use the same company that the Town uses to put up and replace the seasonal banners and that the material of the banners be the same material that the Town currently uses. That keeps them from putting paper up there. I just do not think you should have five different groups putting up and taking down banners.”

Mayor Pro Tem Barry accepted the amendment.

Town Planner Cook - The Temporary Use Permit will be approved by the Planning Board. The Town Council is going to be responsible for the approval of the banner.

Planning Board Chairman Dorine Sharp - The Planning Board did not want the responsibility of approving the banners that everyone in the Town is going to be seeing. We felt like it was something that the Town Council should have a chance to look at and have a chance to comment on.

Mayor Anderson expressed her concern with how long this process would take with the Planning Board approving one aspect and the Town Council the other.

Attorney Fox - One thing you may want to consider is you are creating a public forum. The ability to regulate the banner and the speech may create some unforeseen consequences. How do you permit a sign that says Welcome to Weddington Fall Festival but then when that applicant comes and wants to say something that may be offensive to some of the citizens - how do you prohibit that?

Mayor Pro Tem Barry withdrew his motion.

Town Planner Cook advised that the Town Council could ask that the Planning Board approve these types of banners.

Councilmember McKee moved to adopt Ordinance O-2011-14 which reflects the changes that were discussed:

AN ORDINANCE TO AMEND SECTION 58-151
OF THE CODE OF ORDINANCES
OF THE TOWN OF WEDDINGTON
O-2011-14

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT SECTION 58-151 OF THE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

Sec. 58-151. - Temporary signs.

- (a) *Banners, pennants and temporary signs.* The following temporary signs are permitted after the zoning administrator has issued a temporary sign permit, for a total period not to exceed 30 days:
- (3) A maximum of two off-premise signs shall be allowed per event provided** one temporary off-premise special event sign shall be allowed, per parcel fronting on a public road upon the issuance of a temporary use permit, subject to the following restrictions:
- a. Each temporary off-premises special event sign shall be on private property, outside the road right-of-way and subject to permission of the property owner;
 - b. A temporary off-premises special event sign can only be placed seven days before the special event and must be removed 48 hours after the special event;
 - c. A separate permit must be issued for each temporary off-premises special event sign;
 - d. No parcel may be issued more than ~~two~~ **four** temporary off-premises special event sign permits during any 12-month period;
 - e. Temporary off-premises special event signs shall be limited to ~~three~~ **four** times per year, per group/organization.
 - f. **After a temporary use permit has been approved by the Planning Board, the Planning Board may allow the replacement of Town street banners with banners promoting the special event. The design, number and location of these banners must be approved by the Planning Board. These banners can only be placed fourteen days before the special event and must be removed and the Town banners rehung within 48 hours after the special event. All costs associated with these event banners, including manufacturing, installation and removal, will be at the expense of the group that received the temporary use permit. The group must also use the same company and same materials that the Town uses for their banners.**

Adopted this 14th day of November, 2011.

All were in favor, with votes recorded as follows:

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

B. Consideration of Ordinance to Adopt Text Amendments to Section 58-149 – Freestanding Ground Signs. Councilmember McKee moved to adopt Ordinance O-2011-15:

AN ORDINANCE TO AMEND SECTION 58-149
OF THE CODE OF ORDINANCES
OF THE TOWN OF WEDDINGTON
O-2011-15

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT SECTION 58-149 OF THE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

Sec. 58-149. - Freestanding ground signs.

- (a) No freestanding ground sign shall be higher than 12 feet above grade as measured to the top of the sign.
- (b) No part of the sign including projections shall be located closer than 15 feet to any adjacent side lot line and shall not be located within five feet of the edge of the street right-of-way line.
- (c) All freestanding ground sign structures or poles shall be self-supporting structures erected on or set into and permanently attached to concrete foundations. Such structures or poles shall comply with the building codes of Union County and be affixed as not to create a public safety hazard.
- (d) The sign shall be located in a manner that does not impair traffic visibility.
- (e) Freestanding ground signs are permitted as long as the building or structure in which the activity is conducted is set back at least 30 feet from the street right-of-way.
- (f) **The maximum sign area varies by type and use. Unless otherwise specified in the Ordinance,** the maximum total sign area per side shall be 50 square feet and the total text area per side (including logos) shall be no greater than 20 square feet.

Adopted this 14th day of November, 2011.

All were in favor, with votes recorded as follows:

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

Item No. 9. Old Business.

A. Discussion and Consideration of Fire Department Issues - Councilmember Thomisser.

1. Budget Amendment to Increase Providence VFD Subsidy from 18 Hour to 24 Hour Day for Fiscal Year 2011-2012. Councilmember Thomisser – During our June Budget public hearing we appropriated \$236,000 to the Providence VFD for 18-hour coverage and the reason we did that was because we were under the impression that the Fire Marshal was not going to let firefighters sleep in the fire station overnight. Subsequent to that he said that they could sleep in the fire station while we were working on the issue. That \$236,000 only represents an 18-hour day and will not take Providence VFD to June 30, 2012. I would like to move to amend the budget to provide an additional \$30,660 to cover the Providence VFD 24/7 coverage for a 24 hour day. This would take them to June 30, 2012.”

All were in favor, with votes recorded as follows:

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

The Council asked that Finance Officer Gaylord go back and pay Providence VFD the difference from July 1, 2011 and going forward pay them the actual payroll until the budget number is met.

2. Grant to Wesley Chapel VFD for 2011 Fund Drive. The Town Council received a handout discussing Wesley Chapel VFD’s Fund Drive 2011.

Councilmember Thomisser – The Wesley Chapel VFD covers 75% of Weddington. I do not think it is proper to give one fire department \$236,000 for a year and not give a grant for the Wesley Chapel VFD. I

am not suggesting that we give the same amount. I feel that since they cover this Town Hall and have sent the letter to the Town Hall regarding their Fund Drive that we should give some money.

Councilmember McKee moved to give a grant to the Wesley Chapel VFD in the amount of \$10,000.

Councilmember Gilmartin - How are you coming up with these numbers?

Finance Officer Gaylord - Historically when the fire departments had a big capital outlay we did give amounts of money towards that usually in the amount of \$5,000 or \$10,000 increments. When Wesley Chapel VFD went to the fire tax we cut off their subsidy but we still gave them \$5,000 because they were building a new station. We used to give Providence VFD an extra \$5,000 when they got a new truck. They were generic amounts.

Mayor Anderson – So this would come out of the fund balance.

Councilmember McKee – So would the extra just given to Providence VFD.

Councilmember Thomisser – We have had many discussions regarding public safety; now we have an opportunity to walk the talk. This fire company is currently covering 75% of Weddington.

Mayor Anderson – Would you accept a friendly amendment to \$5,000?

Mayor Pro Tem Barry asked for a friendly amendment to change the amount from \$10,000 to \$5,000.

Councilmember McKee – No, I would accept a friendly amendment to go up but not to go down.

Mayor Pro Tem Barry - I am stunned with the level of frustration that this Council has had with the Wesley Chapel VFD Board of Directors over the last few months and now we want to give them \$10,000 since they have been such great business partners with us.

Mayor Anderson – I think part of the purpose here is to smooth over some of that.

Councilmember McKee accepted Mayor Pro Tem Barry's amendment to \$5,000.

The vote is recorded as follows:

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

3. Impact of Fire Tax to Weddington Citizens. Councilmember Thomisser discussed the following document with the Town Council:

CLARITY AND TRANSPARENCY

FIRE TAX

OBJECTIVE: To deliver exceptional Fire and EMT services to the citizens of Weddington, while maintaining the lowest possible fire tax.

Variables:

1. Current Weddington property tax rate – 3 cents per \$100 valuation. Weddington collects \$564,000 in property tax. The Town is giving Providence VFD \$267,000 which equals approximately 1 ½ cents.
2. 1 cent equals \$188,000
1.25 cents equals \$235,000
1.50 cents equals \$282,000
3. Providence VFD
 - a) Fiscal Year 2011-2012 operating expense budget - \$523,250
 - b) Fire fee - \$100 per house
 - c) Current area - 4 square miles (green on map) representing \$650 million in property value
 - d) Proposed area (yellow on map) represents \$941 million in property value
 - e) Total combined area (green and yellow on map) represents \$1.6 billion in property value
 - f) At a fire tax rate of 3 cents per \$100 valuation - \$477,112 is collected
At a fire tax rate of 3 ½ cents per \$100 valuation - \$556,630 is collected
At a fire tax rate of 4 cents per \$100 valuation - \$636,150 is collected
At a fire tax rate of 5 cents per \$100 valuation - \$795,000 is collected
At a fire tax rate of 6 cents per \$100 valuation - \$954,000 is collected
4. Wesley Chapel VFD
 - a) Fiscal Year 2011-2012 operating expense \$1,450,000
 - b) Fire Tax – 2.2 cents per \$100 valuation
 - c) Current area - 40.1 square miles representing \$5.5 billion in property value
 - d) Combined area WCVFD & PVFD would represent \$6.15 billion. Total operating expense would be \$1,973,000
 - e) Fire Tax of 3 ½ cents per \$100 valuation would return \$2,153,000

The Town Council received a Fire Districts Map.

*Map 3 Parcels contains 1648 parcels with a total tax value of \$940,615,930.

Councilmember Thomisser - It appears to me that they would have to have 5 cents per \$100 to bring in \$795,000 or 6 cents per \$100 to bring in \$954,000. The reason for that is they would have to start putting money away in a reserve fund. I believe that they have plans to enlarge that station and make modifications and a fire tax rate of 3 ½ cents is just get by money and is just covering their operating expenses. It would be either 5 or 6 cents to cover their operating expenses and to put money away in their operating/surplus budget. I checked the campaign literature for every candidate that ran in the recent election. One of the candidates during the forum said that they were concerned about the hidden costs. Another one said - do not raise my taxes and the other said to maintain a low tax rate. The key question is - How are we going to keep a low tax rate? A tax is a tax. If you have to implement a 6 cents tax rate on top of a 3 cents property rate you are at 9 cents. You would have to back off the subsidy which amounts to 1 ½ cents. You would wind up with 7.5 cents total tax which would be a double tax. We are paying 3 cents now and we would be paying 7 cents then.

Mayor Anderson – As I understand it this is for information only. I think it is clear from what this Council has said that they believe that the people best qualified to make those decisions are the elected officials of the Town which we will have new people. That would be deliberations that will go on during the budget cycle. We are clear that the citizens of Weddington should determine what level of service they want, how much they are willing to pay for it and they would figure it out from there. I know that Jack Parks is here but I am not sure this Council needs to go in this depth of detail. I appreciate you

bringing it to everyone's attention. Every time you decide to buy something you decide not to buy something else.

Councilmember Thomisser- Before you buy something, you need to know what it is going to cost.

Councilmember McKee – I find these figures astounding. I cannot believe we have been hearing off and on from Providence VFD that it would be 3 to 3 ½ cents. That does not even come close. \$523,000 is not going to be their final budget. They were \$90,000 short last time. Their budget is probably going to be in the \$600,000 range. I think this is the proper time and forum to inform the rest of the citizens of Weddington, the 70% that are not that actively involved in the process. It has been from one side and one side only. I commend Mr. Thomisser on his presentation. It has opened my eyes quite a bit. I would oppose as a resident going from a fire tax of 2.2 cents to 7 cents. In these economic times we need to be careful about raising taxes of these quantities.

Councilmember McKee - I would like to make a motion to rescind R-2011-08 adopted at the October 10, 2011 that was sent to the Union County Commissioners.

Mayor Anderson – I did not realize that we were taking action. That is not what our agenda reflected. I am not sure anyone else was prepared to do that. The figures that Councilmember Thomisser gave us are actually accurate but do not clearly reflect the true picture. The true picture is if this Council voted that we want to establish a municipal fire district/department then this fire district map becomes all the same color. We would all pay the same tax. We would have to contract with all three departments. These lines will no longer matter.

Councilmember Thomisser – Point of order. I believe that the Mayor is in active debate.

Mayor Anderson - I am making a statement.

Councilmember McKee – I care about the tax rate. I do not want to pay 7 cents for a fire tax. If those two departments would merge like they were supposed to, we would go to 3 ½ cents at the maximum. My understanding is that there are only two issues that are not resolved and one is the name of the fire department. Everybody is ranting and raving about public safety and they are concerned about the name on the fire station and then they are concerned about the Board of Directors. My understanding is that Wesley Chapel VFD has considered three on the board to compromise. There are only two issues left to be determined on merging the two fire departments. Why should we go to 7 ½ cents when you can do it for 3 ½ and still have public safety? The Land Use Plan asks for adequate and we are more than adequate.

Mayor Anderson – The chair recognizes Jack Parks, the Chairman of the Providence VFD.

Councilmember McKee – I would like to vote on my motion, please.

Mayor Anderson – The chair recognizes Jack Parks who will give information that will help the Town Council vote on the motion.

Anthony Fox – Call the Question is a procedural motion that takes precedence.

The vote on Councilmember McKee's motion is as follows:

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

Mayor Anderson called for a brief recess.

Councilmember Thomisser - I vote to invoke Rules of Procedure Number 16 to prevent reconsideration of this item for six months.

Mayor Anderson - That is not on the agenda.

Attorney Fox – It still does relate to the discussion and consideration of the fire department issues. I think the question might be whether or not rule #16 applies here.

Mayor Anderson - The motion has already been voted on and passed. It was my understanding that it had to be on the original motion which it was not.

Attorney Fox – The question with regards to Rule #16 is a matter of interpretation. It is a clincher motion – the type of motion to prevent continuing to bring up things that do not pass or are defeated.

Attorney Fox read the following rule to the Town Council:

(16) To Prevent Reconsideration for Six Months. The motion is in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote equal to two-thirds of the actual membership of the council, excluding the mayor, unless he or she may vote in all cases, and vacant seats. If adopted, the restriction imposed by the motion remains in effect for six months or until the next organizational meeting of the council, whichever occurs first.

Attorney Fox - The motion actually passed. I think the motion does not achieve the goal that it may be designed to achieve by your motion.

Mayor Anderson – The motion was not defeated so therefore, his motion would not apply.

Attorney Fox – My position would be that it is appropriate to consider under fire department and other related issues. But the attempt to clinch a discussion on the fire department issues by this rule probably does not apply because the motion that it pertains to was actually a motion that was passed and was not a substantive motion that was defeated.

Mayor Pro Tem Barry – To defer consideration would be nullified in December any way. It is a moot point.

Mayor Anderson – It is irrelevant.

Mayor Anderson asked Mayor Pro Tem Barry to take the gavel.

Mayor Anderson – I want to understand what I think your purpose was is that you were hoping that this could not come up for discussion for six months.

Councilmember Thomisser – The purpose of the motion was to give both departments enough time to get together and talk about the eight points that were presented from Providence VFD. Wesley Chapel VFD accepted six of the eight issues and to give them additional time to work on the possibility of a merger.

Mayor Anderson – The effect would be that you would be handcuffing the new Council.

Councilmember Thomisser – This Council is intact until the second Monday in December.

Mayor Anderson – I understand that but you would be passing legislation that would carry over to the new Council that you are going to have to sit with. What impression do you think that gives them?

Mayor Pro Tem Barry – Point of order. I think Attorney Fox has made a determination that this whole debate is moot until the new Council turns over. I think we need to move to the next agenda item.

Mayor Anderson – We get yelled at for talking at lunch together and not having an open discussion but when we have it in open meetings like this then you are gaveling me down. You will not let me talk when I have the gavel. I have been Mayor for 8 years. The rules keep changing.

Mayor Pro Tem Barry – I understand your point.

Mayor Anderson – No you do not. This is poor form. The conclusion from our Attorney was that your intention to not be able to bring it back up for 6 months does not apply here because the motion carried and it did not fail.

B. Review and Consideration of Town Hall Landscaping/Pavilion Plan – Councilmember McKee.

The Town Council received the following information:

- Copy of Diagram showing Community Pavilion and Stage
- Copy of Landscaping Plan
- Worksheet Detailing the Community Park and Events Facility's Function and Statistics
- Worksheet Detailing a Proposed Cost Estimate for the Project
- Information Regarding the Parks and Recreation Trust Fund (PARTF) Grant

Councilmember McKee – We met with the consultant with the NC Parks and Recreation Grant Fund and she came down here and went over the plan. She was personally very excited over the project. It is a 30 page application and quite a bit of due diligence. All requests for grants have to be in by January 31. Speaking with staff we decided if we wanted to proceed, Council would do it on next year's allocation. All of the landscaping on the plan does not qualify for matching grant funds. Only the structures are allowed. The Town already owns the land so there is no lifetime commitment on that but there is a 25 year commitment if you go with a park. There is a three year time span for you to complete the project. I am just passing this information on.

Councilmember Thomisser – Every survey that has been done indicates that people in Weddington want a gathering spot.

Mayor Pro Tem Barry – There are probably some things we could do to dress it up but I would not be in favor of spending anywhere near this amount of money on the Town Hall facility.

Councilmember Gilmartin – Ditto.

C. Discussion and Consideration of Creating an Ordinance to Limit Recreational Cycling on Week Days Between 6:30 a.m. and 9:00 a.m. – Mayor Pro Tem Barry. The Town Council received a copy of the Bicycle Laws of North Carolina and a copy of a memo drafted by the Town Attorney regarding research on a cycling ordinance. Mayor Pro Tem Barry withdrew this item from the agenda.

Item No. 10. New Business.

A. Consideration of Fireworks Display – 7005 Willow Trace Lane, Weddington, NC. Mr. Bill Brown discussed this application with the Town Council. He stated, “This is a fireworks display for Bob and Mary Johnson who live at 7005 Willow Trace Lane in Weddington.”

The Town Council received a copy of the following information:

- Union County Fire Marshal’s Office – Fire Prevention Permit Application
- Map Showing Discharge Site, Spectator Viewing Area (Discharge Site 141 Feet to Road and 160 Feet from Spectator Viewing Area)
- Product List
- Certificate of Insurance
- NC General Statute - Article 54 (14-410) – Sale, etc., of Pyrotechnics

Mayor Pro Tem Barry moved to approve the fireworks display to be held at 7005 Willow Trace Lane and asked that the Planning Board and staff determine whether they can approve these types of displays in the future.

All were in favor, with votes recorded as follows:

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

B. Consideration of Release of Bond for Preserve at Brookhaven. The Town Council received a copy of the following memo from Town Administrator/Clerk Amy McCollum:

The Town is currently holding a bond in the amount of \$45,512.20 for the completion of water and sewer in the Preserve at Brookhaven Subdivision. Please see the attached letter from Union County Public Works recommending release of the bond for this project.

The Town Council received a copy of the following letter dated October 6, 2011 from Mr. Mike Garbark, Assistant Director with Union County Public Works:

Union County Public Works Department has inspected the materials and workmanship of the water and sewer distribution systems which has been installed in the above mentioned subdivision. We find this project to be in substantial compliance and intent of the approved plans and specifications and hereby recommend releasing the current letter of credit for this project.

Mayor Pro Tem Barry moved to release the water and sewer bond for Preserve at Brookhaven. All were in favor, with votes recorded as follows:

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

C. Consideration of Amendments to the Town Council Rules of Procedures. The Town Council received a copy of the proposed amendments to the Town Council Rules of Procedures.

Mayor Pro Tem Barry – Based on the charge from the Town Council, over the last couple of months, Councilmember McKee and myself have been reviewing the Rules of Procedures and have made a couple of modifications that are outlined in your book.

Mayor Pro Tem Barry reviewed the proposed amendments. He stated, "On Page 10, Rule 10, paragraph 2 under Comments – the second sentence needs to be stricken. All of the other changes you can see."

Mayor Pro Tem Barry moved to approve the amendments to the Rules of Procedures.

Mayor Anderson – Why is the Council changing the Rules of Procedure that is going to affect the new Council?

Mayor Pro Tem Barry - Because we were asked to a couple of months ago and I have talked with several of the incoming Council members about the proposed amendments.

All were in favor, with votes recorded as follows:

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

D. Consideration of Amendment #5 to Interlocal Agreement Between Union County and the Town of Weddington. The Town Council received a copy of Amendment #5 to the Interlocal Agreement Between Union County and the Town of Weddington.

Attorney Fox - This is an amendment proposed by Union County regarding our Interlocal Agreement between Union County and the Town of Weddington pertaining to the Wesley Chapel Athletic Association and costs incurred regarding that project. This amendment does reflect additional contributions to be made by the Town and the County. It is premised upon a 50/50 arrangement. Council has some concerns about that and would like a 1/3, 1/3, 1/3 arrangement and with your direction I will make the necessary revisions if you so desire.

Mayor Pro Tem Barry moved to direct the Town Attorney to amend the Interlocal Agreement to include WCWAA as a third party contributor to the costs and costs be shared on a one third basis going forward up to \$10,000 for the Town of Weddington.

All were in favor, with votes recorded as follows:

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

E. Consideration of Memorandum of Agreement for the Development of a Regional Hazard Mitigation Plan for Cabarrus, Stanly and Union Counties. The Town Council received the following description of the project and a copy of the Memorandum of Agreement for the Development of a Regional Hazard Mitigation Plan for Cabarrus, Stanly and Union Counties:

Union County Emergency Management was contacted by North Carolina State Emergency Management officials soliciting interest in the regionalization of our Multi-Jurisdiction Hazard Mitigation Plan and allowing the state to apply for a federal grant on behalf of 35 western counties including Union County in NC which would fund writing the regional plans. If awarded this grant, Union County would be grouped with Stanly and Cabarrus Counties to create a regional Hazard Mitigation Plan. This would replace the existing Multi-Jurisdiction Hazard Mitigation Plan that we now have.

Our current Multi-Jurisdiction Hazard Mitigation Plan (HMP) just been updated, has been reviewed by the NC Emergency Management Hazard Mitigation Planning Section and is pending review by the Federal Emergency Management Agency (FEMA) Hazard Mitigation Planning Section. Once the FEMA

review is complete our HMP plan will be presented to the Union County Board of Commissioners for adoption, along with all other municipal jurisdictions. We expect the FEMA review to be completed within the next 45 days. Once the updated plan is adopted by all jurisdictions it will be in effect for five years.

One primary advantage to regionalization of the HMP is that it may take up to two years to finalize the grant process, secure a contractor, write the regional plan, send it through the review process and have it adopted. The additional time will be added on to our five year cycle for next HMP update. The Union County Board of Commissioners approved this MOA on October 17, 2011.

The Town Council received a copy of the following letter from Tiawana Ramsey, Area 12 Coordinator for NC Division of Emergency Management dated July 27, 2011:

Subject: HAZARD MITIGATION PLAN REGIONALIZATION INITIATIVE

In an attempt to further the regionalization of the hazard mitigation plans throughout the Western Branch, Mike Cook and I have submitted a request to apply for a grant to complete the remaining 8 regional plans. Attached please find a Memorandum of Agreement that was prepared for each of the regional plans that we will be submitting under the WB Regionalization Initiative. Obviously feel free to make any edits that you think would improve these MOAs or let me know and I can make the changes. Each county and municipality needs to sign the signature page included at the end of the attachment. The only thing that must be added by each county and/or municipality is the specific name and title of each community representative who is signing the MOA. By signing the MOA each county and/or municipality is agreeing to participate in a regional plan should funding be granted to move forward. The document is set up in a fairly straightforward way so that this info can be inserted into the line below the signature line without affecting the document formatting. In any case, I figured it might take a while to get all these signatures collected so I wanted to get you this documentation as soon as I could.

GEOGRAPHICAL DESCRIPTION/AREA /BRANCH/POPULATION

Cabarrus, Stanly, & Union Counties are within NC Emergency Management Areas 11 and 13 which each consist of 7 counties. These are 2 of the 5 areas within the Western Branch section of NCEM.

Union County borders the state of South Carolina and all counties surround the City of Charlotte located in nearby Mecklenburg County. However, all three counties have major urban nodes of their own. While both Cabarrus and Union Counties are highly developed counties with high populations, Stanly County is far less urbanized.

Despite differences in population, the geographic and demographic makeup of all areas in the region is very similar. Hazard mitigation planning development evolves from the same types of risks and hazards within each of their boundaries.

According to the US Census Bureau in 2009, the populations are as follows:

Cabarrus County	172,223
Stanly County	59,794
Union County	198,645

While Cabarrus and Union County have a higher relative population which can be attributed to their proximity to Charlotte, it should be noted that these counties share more in common with one another than with Charlotte.

PROPOSAL

WHAT: Regional hazard mitigation plan. North Carolina project for regionalization of hazard mitigation plans.

WHO: Cabarrus, Stanly, & Union Counties

HOW: Emergency management local coordinators jointly hire a consultant/company to combine each of their multi-jurisdictional plans into a regional plan.

WHEN: Regional plan completed and approved by December 2014.

GOAL: Acquire grant monies to proceed with regionalization of 3 hazard mitigation plans.

LEAD: Cabarrus County would serve as the lead for the project. The grant monies would be sub-granted to all counties with Cabarrus serving as the lead county and point of contact for invoice submittal and cost report reimbursement from the State of NC to the contractor. The grant would be managed by Cabarrus County for all involved parties. Reimbursement method would be utilized. No up-front monies would be issued to Cabarrus County or any other county. Actual costs incurred will be all that will be eligible for reimbursement.

SCOPE: Scope of work to be determined by the 3 counties involved with input and guidance from NC Emergency Management staff.

Mayor Anderson - We do have an Emergency Management Plan for Union County. The Town of Weddington adopted the County plan. It was just revised. We also learned that we are going to try to do a Regional Mitigation Plan. There is no cost to the Town.

Councilmember McKee moved to approve the Memorandum of Understanding for the development of a Regional Hazard Mitigation Plan for Cabarrus, Stanly and Union Counties. All were in favor, with votes recorded as follows:

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

NAYS: None

F. Discussion and Consideration of Interlocal Agreement with NCDOT for the Cost of the Sidewalks Along Providence Road. The Town Council received a copy of the following information:

- Letter dated July 9, 2003 from Former Mayor Ed Howie to Mr. Art McMillan with NCDOT
- Information Regarding Sidewalks for the NC 16 Widening Project
- Emails from 2004 Regarding the NC 16 Widening Project
- Transportation Improvement Project – Municipal Agreement

Mayor Anderson – You will see in your packet a letter dated October 31, 2011 from NCDOT asking us to pay for our share of the sidewalks that have already been installed along Providence Road and to take over the maintenance. There is a letter signed in 2003 from Former Mayor Ed Howie saying that the Town of Weddington wishes to participate in constructing sidewalks along both sides of the Highway 16 widening project. It talks about landscaping also. It is two sentences. No further action was taken after that letter was sent. It fell through the cracks with NCDOT. They thought they had a letter of understanding with us and this is their standard operating procedure to ask for municipalities to pay for a portion of the sidewalks. It is based on population and ours was going to be 10% or \$26,000 had we signed that agreement in advance. We did not sign it in advance because it was never presented to us and now they are asking for us to do this. I did speak with Barry Moose and he said he had no leverage but it is standard operating procedure. Daniel and I have talked about it and we think it is like when you walk out of the bank and you are looking at the money and you realize they gave you an extra \$20 - do you keep walking to your car or do you turn around and give the money back to the teller? What is your feeling about paying the \$26,000? When you do that you are also taking over the maintenance of the sidewalks. Several years ago the State of North Carolina adopted the complete street concept which always includes bike lanes, sidewalks and landscaping. Those extras are now standard equipment. My question to Barry Moose is why was this not considered standard equipment? Barry Moose did not have an answer. This is just information. He is going to talk to Raleigh to see how this is going to work. I am not asking you to vote on it or to write the check. Just want to let you know that it is out there.

G. Discussion of Letter from NCDOT Regarding Estimates for the Upgrade for the Traffic Circle at Weddington-Matthews Road and Highway 84. The Town Council received a copy of a letter dated November 4, 2011 from Mr. Barry Moose, Division Engineer, with NCDOT regarding the NC 84 and Matthews-Weddington Road (SR 1344) Roundabout. The following items were discussed in the letter: Sidewalks along NC 84, Irrigation to the center of the roundabout, Items that can be placed inside the center of the roundabout, Upgraded Crosswalks and sign posts and the Extension of Street Lighting.

Mayor Anderson stated, “We are getting an intersection improvement. NCDOT did meet with us. The things that we asked for were possible landscaping in the inside of the circle with irrigation and electrical may be needed. We talked about extending our decorative light poles to the other side of the circle and to add sidewalks along Highway 84 and three decorative crosswalks. In your packet is the estimated cost of those upgrades. I was surprised to learn that we would have to buy \$4,000 worth of dirt so our plants would grow nicely. The total for all of the upgrades would be \$27,500. The letter states that we have to January 15 to give our requests on these items.”

Mayor Pro Tem Barry moved to table consideration on the upgrades to the traffic circle until the next meeting.

Councilmember McKee questioned whether the Council could vote on certain items because he was concerned with lumping all of the upgrades together because some items were more appealing than others.

The vote on Mayor Pro Tem Barry’s motion is as follows:

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

H. Discussion of Options to Accelerate the Environmental Studies for Rea Road. Mayor Anderson informed the Town Council that she was unable to discuss this matter with Barry Moose; therefore, there were no options to discuss at this time.

Item No. 11. Update from Town Planner. The Town Council received the following update from Town Planner Cook:

- NCDOT has notified the Town that work on the NC 84 Weddington-Matthews Road Dual Lane Roundabout has commenced. NCDOT relocated two trees along Weddington-Matthews Road to make room for the roundabout. Construction of the roundabout should begin in the summer of 2012, while design plans will be done much earlier. Approximately 25% of the road design is complete. A letter is included in tonight's packet detailing costs for additional items in or around the roundabout. Those items are sidewalks along Weddington Road, irrigation in the roundabout, additional street lighting, upgraded crosswalks and sign posts. NCDOT needs a municipal agreement by January 13, 2012 for these items.
- The Town Council approved a Land Use Map amendment for the Spittle Property at 6874 Weddington-Matthews Road and Matthews Property at 6924 Weddington-Matthews Road. Both of these properties are now designated Business on the Land Use Map.
- At the August and September Planning Board meetings the Planning Board discussed developing a Farmers Market definition and development standards to allow a Farmers Market in Weddington. The Planning Board asked that the Downtown Committee and Parks and Recreation Committee discuss this and report back to the Planning Board before any text is created.
- Staff will begin working with the City of Charlotte to renew the annexation agreement prior to 2014, when it is set to expire. Union County asked that the municipalities with annexation agreements with Charlotte renew sooner to ease concerns of some citizens in unincorporated Union County. Town staff is still waiting to hear from the Charlotte and Union County Planning Departments to proceed.
- Planning staff is currently working with the TCC, MUMPO and NCDOT on the CTP (Comprehensive Transportation Plan). Several meetings have occurred and most of the LARTP recommendations have made it to the CTP. The CTP should go to MUMPO in July 2012 for approval and to the NCDOT Board in September 2012 for final approval.
- The Town has begun discussions with NCDOT and David Grant (Union County Urban Forester) regarding supplemental plantings in the medians along Providence Road. Plantings should be done by March 2012. NCDOT has requested a letter requesting a planting permit and a landscape plan to begin the review process. David Grant is currently working on a landscaping plan while I will prepare the letter.
- Town Council will hold a Public Hearing on the following text amendments at their December 12th meeting: Construction Announcement Signs
- The following text amendments may be on the November 28th Planning Board agenda for discussion:
 - Signage Ordinance-Staff and Planning Board member(s) will begin looking at how to improve and clarify the current signage ordinance. This may be a multi-step process and entail multiple text amendments. Staff is currently looking into creating a "quick reference table" as an element of the signage ordinance.

Item No. 12. Update from Town Administrator/Clerk. The Town Council received the following update from Town Administrator/Clerk McCollum:

The installation of the Town markers has been completed for the following locations: Meadows at Weddington and the Highgate Subdivision. We are currently working on the landscaping and lighting of these monuments. Paperwork has been turned into NCDOT to get approval for the third location at Rea Road. We are waiting on their approval for the placement of that monument.

Christmas Decorations for the Town Hall and street lights should be completed by the end of this week.

We have ordered four decorative Town Limit signs to be placed in the Town. Installation of those signs should be completed within the next month.

We are currently working on a new Welcome Magazine for the Town of Weddington. There is no cost to the Town and we will be able to place approximately 8 to 10 informational pages in the magazine.

There will be a reception at 6:00 p.m. on December 12 honoring Deputy Gene Baucom on his retirement from the Union County Sheriff's Office and the Town of Weddington. Also in conjunction with that a reception is being planned for a Meet and Greet for the new Council and Reception for the Outgoing Council starting at 6:00 p.m. Light refreshments will be served.

Staff is currently exploring different options for IT services for the Town and will be meeting with companies over the next few weeks.

The following terms on Boards and Committees will expire in December.

- Planning Board – Scott Buzzard and Jeff Perryman
- Parks and Recreation Advisory Board – Scott Buzzard, Jeff Perryman, Barbara Harrison and Robert Gilmartin
- Downtown Core Committee – Scott Buzzard and Jerry McKee
- Public Safety – Walker Davidson, Jerry McKee

Events Scheduled

- 4th Annual Tree Lighting will be held December 2, 2011 from 5 to 8 here at the Town Hall. The rain date is scheduled for the next night, December 3, 2011. Several school and church groups will be performing. Kids are encouraged to bring a homemade ornament for the tree.
- 2012 Easter Egg Hunt is scheduled for March 31, 2012.

Upcoming Dates:

November 15	-	Regular Parks and Recreation Advisory Board Meeting at 6:30 p.m.
November 24 and 25	-	Town Hall Closed for Thanksgiving
November 28	-	Planning Board Meeting beginning at 7:00 p.m.
December 2	-	Tree Lighting (5 to 8 p.m.)
December 12	-	Reception for Deputy Gene Baucom – 6:00 p.m.
December 12	-	Reception for New and Outgoing Council – 6:00 p.m.
December 12	-	Town Council Meeting beginning at 7:00 p.m.

Item No. 13. Public Safety Report.

Providence VFD

Union County Fire Call	-	20
Union County EMS Calls	-	9
Meck County Fire Calls	-	4
Meck County EMS Call	-	1
Total	-	34 Calls
Total Training Hours	-	107.5

The Town Council also received the Income and Expense Budget Performance and the Balance Sheet for October 2011.

Weddington Deputies: 434 Calls

Item No. 14. Update from Finance Officer and Tax Collector.

A. Finance Officer's Report. The Town Council received the Revenue and Expenditure Statement and Balance Sheet for 10/1/2011 to 10/31/2011.

B. Tax Collector's Report.

Monthly Report – October 2011

Transactions:	
Balance Adjustments	\$(98.06)
Discoveries	\$20.74
Releases	\$(150.23)
Penalty and Interest Payments	\$(30.60)
Refunds	\$765.44
Overpayments	\$(224.52)
Taxes Collected:	
2011	\$(32,017.49)
2010	\$(39.00)
2009	\$(39.00)
As of October 31, 2011; the following taxes remain Outstanding:	
2002	\$82.07
2003	\$196.11
2004	\$159.59
2005	\$291.65
2006	\$180.70
2007	\$308.39
2008	\$2,945.33
2009	\$4,398.10
2010	\$8,514.36
2011	\$413,497.11
Total Outstanding:	\$430,573.41

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

Item No. 15. Transportation Report. Mayor Anderson advised the Council of the next MUMPO Meeting.

Item No. 16. Council Comments. Mayor Anderson advised that Union County Public Works was having a work session on Wednesday morning to present the final Water and Sewer Master Plan.

Item No. 17. Adjournment. Mayor Pro Tem Barry moved to adjourn the November 14, 2011 Regular Town Council Meeting. All were in favor, with votes recorded as follows:

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

The meeting ended at 9:15 p.m.

Nancy D. Anderson, Mayor

Amy S. McCollum, Town Clerk