

**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, NOVEMBER 14, 2011 – 7:00 P.M.
WEDDINGTON TOWN HALL
1924 WEDDINGTON ROAD
WEDDINGTON, NC 28104
AGENDA**

Prayer – Nancy D. Anderson

1. Call to Order
2. Pledge of Allegiance – Assistant County Manager/Captain Matthew Delk
3. Determination of Quorum/Additions or Deletions to the Agenda
4. Public Hearings
 - A. Public Hearing to Review and Consider Text Amendments to Section 58-151 – Temporary Signs
 - B. Public Hearing Review and Consider Text Amendments to Section 58-149 – Freestanding Ground Signs
5. Approval of Minutes
 - A. August 8, 2011 Regular Town Council Meeting Minutes
 - B. September 12, 2011 Regular Town Council Meeting Minutes
 - C. September 19, 2011 Continued Town Council Meeting Minutes
6. Public Comment - *Speakers are limited to three (3) minutes or less and Large Groups are Encouraged to Designate a Spokesperson*
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)
8. Consideration of Public Hearings
 - A. Consideration of Ordinance to Adopt Text Amendments to Section 58-151 – Temporary Signs
 - B. Consideration of Ordinance to Adopt Text Amendments to Section 58-149 – Freestanding Ground Signs
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
 2. Grant to Wesley Chapel VFD for 2011 Fund Drive
 3. Impact of Fire Tax to Weddington Citizens
 - B. Review and Consideration of Town Hall Landscaping/Pavilion Plan – Councilmember McKee
 - 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
10. New Business

- A. Consideration of Fireworks Display – 7005 Willow Trace Lane, Weddington, NC
- B. Consideration of Release of Bond for Preserve at Brookhaven
- C. Consideration of Amendments to the Town Council Rules of Procedures
- D. Consideration of Amendment #5 to Interlocal Agreement Between Union County and the Town of Weddington
- E. Consideration of Memorandum of Agreement for the Development of a Regional Hazard Mitigation Plan for Cabarrus, Stanly and Union Counties
- F. Discussion and Consideration of Interlocal Agreement with NCDOT for the Cost of the Sidewalks Along Providence Road
- G. Discussion of Letter from NCDOT Regarding Estimates for the Upgrade for the Traffic Circle at Weddington-Matthews Road and Highway 84
- H. Discussion of Options to Accelerate the Environmental Studies for Rea Road

- 11. Update from Town Planner
- 12. Update from Town Administrator/Clerk
- 13. Public Safety Report
- 14. Update from Finance Officer and Tax Collector
- 15. Transportation Report
- 16. Council Comments
- 17. Adjournment

This agenda is tentative and is subject to change up to and including at the time of the meeting.

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:
- (1) Except for temporary off-premises signs authorized under subsection 58-151(a)(3) of this Code, special event signs set out below, unlighted portable signs, banners and wind-blown signs such as pennants, spinners, flags and streamers for special events, grand openings and store closings. Any such sign shall be no greater than 20 square feet and shall be limited to one sign per address. For the purposes of this section, special event shall mean any festive, educational, sporting or artistic event or activity for a limited period of time, which is not considered as part of the normal day-to-day operations of the group, organization or entity.
 - (2) Temporary banner-type signs customarily located at athletic fields containing signs shall be directed solely towards users of the athletic field. Fencing, scoreboards and structures in the athletic fields may be utilized for customary signs in order to raise funds for these same facilities. Such individual temporary signs shall not exceed 20 square feet in size, may be permitted for a period not to exceed one year, and may be renewed so long as the sign remains in compliance with the requirements of this article.
 - (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 four temporary off-premises special event sign permits during any 12-month period;
 - e. Temporary off-premises special event signs shall be limited to four times per year, per group/organization.
 - f. **After a temporary use permit has been approved by the Planning Board, the Town Council 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 Town Council. 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, removal and**

reinstallation of Town banners will be at the expense of the group that received the temporary use permit.

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.

(Ord. No. O-2011-09, 5-9-2011)

Editor's note—

Ord. No. O-2011-09, adopted May, 9, 2011 deleted § 58-149 "Freestanding signs" and § 58-150 "Ground signs" and further adding new provisions as § 58-149 as set out herein. Former §§ 58-149, 58-150 derived from Ord. No. 87-04-08, §§ 8.6, 8.7, adopted Apr. 8, 1987.

**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, AUGUST 8, 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 August 8, 2011, with Mayor Nancy D. Anderson presiding.

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

Absent: Councilmember Robert Gilmartin

Visitors: Walker Davidson, Roger Hawk, Steve Constantellos, John H. Parker, Richard Propst, Russell Davis, Kathy Davis, Johnie Flint, Bob Golden, Elaine Golden, Richard Karriker, Bruce Judd, Joshua Dye, William Donnegan, Joan Donnegan, Craig Bohlen, Josee Lemmetti, Karen Pollock, Dan Garvey, Todd Burke, Hans Kwaku, Mala Kwaku, Stephanie Belcher, Jennifer Romaine, Andrew Moore, Paul Garbon, Crystal Flint, Heather Perryman, Jeff Perryman, Gayle Bohlen, Gary Romaine, Judy Johnston, Bernadette Parker, Shirley Jacobs, Gary Nelms, Jean Love, Wilbert Love, John Houston, Craig Hurt, Chris Phelps, David Osmolski, Lee Grice, Steven Carow, Will Sanburg, Roland White, Alice White, Jim Myers, Bruce Johnston, Jan Taylor, Wallace Kirk, Anthony Burman, Carol Axtenhofen, Chuck Kohen, Valerie Kohen, Pat Harrison, Barbara Harrison, Jessica Wolfe, Steve Graybill, Kim Graybill, Jessica Elliott Michael, Clive Burger, Ron McClure, Willy McClure, David Strunk, Rajendre Pate, Judy Enderle, Art Enderle, Rocky Caponigro, Pete D'Adamo, Ginger Edgeworth, Ken Evans, Gary Palmer, Boris Dunn, Matt Sharon and Bill Price

Mayor Pro Tem Daniel Barry led the Council in prayer prior to the opening of the meeting.

Item No. 1. Call to Order. Mayor Nancy Anderson called the August 8, 2011 Regular Town Council Meeting to order at 7:00 p.m.

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

Item No. 3. Recess. Mayor Pro Tem Barry moved to recess the meeting to the Weddington United Methodist Church Helms Hall located at 13901 Providence Road. All were in favor, with votes recorded as follows:

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

Item No. 4. Reopen Meeting. Mayor Pro Tem Barry moved to reopen the Regular Town Council Meeting at 7:20 p.m. All were in favor, with votes recorded as follows:

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

Item No. 5. Determination of Quorum/Additions or Deletions to the Agenda. There was a quorum. Mayor Anderson advised that Councilmember Gilmartin had been delayed but hoped to arrive in approximately 30 minutes.

Attorney Anthony Fox asked to add a Closed Session Pursuant to G.S. 143-318.11 (a) (5) - To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

Attorney Fox also asked that the following item be moved until after the Closed Session: Consideration of Authorizing The Moser Group, Inc. to Proceed to Task 2 - Site Acquisition and Development Services.

Councilmember McKee moved to approve the agenda with the changes noted. All were in favor, with votes recorded as follows:

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

Item No. 6. Town Council Rules of Procedure.

A. Review and Discussion of Rules of Procedure #12 – Presiding Officer when the Mayor is in Active Debate – Mayor Pro Tem Daniel Barry. Mayor Pro Tem Barry asked Attorney Fox to review Rule 12 in the Council's Rules of Procedure and to give the Town Council guidance on this issue.

RULE 12. PRESIDING OFFICER WHEN THE MAYOR IS IN ACTIVE DEBATE

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 may designate another council member to preside over the debate. The mayor shall resume presiding as soon as action on the matter is concluded.

COMMENT: Good leadership depends, to a certain extent, on not taking sides during a debate. On a small board this may not always be feasible or desirable; yet an unfair advantage accrues to the side that advocates controls access to the floor. This rule is designed to insure even-handed treatment to both sides during a heated debate. Ordinarily the mayor should ask the mayor pro tempore to preside in this situation, but if he or she is also engaged in the debate, the mayor should feel free to call on some other council member in order to achieve the purpose of this rule.

Attorney Fox - The Town Council has adopted certain Rules of Procedure to govern the conduct of the Council. The latest version of these rules is dated January 14, 2010. Rule #12 of the Rules of Procedure does have a specific rule relating to the presiding officer when the Mayor is in active debate. This rule provides that the Mayor shall preside at meetings of the Council unless he or she becomes actively engaged in the debate on the specific proposal in which case he or she may designate another Councilmember to preside over the debate. The Mayor shall resume presiding as soon as action on the matter is concluded. What this rule contemplates is that when the presiding officer (Mayor) is involved in an item that comes before the Town Council, then the Mayor shall then turn over and designate to another Councilmember the responsibility of presiding over this debate such that he or she is freed up to participate in the debate that is before the Town Council. This rule was adopted almost verbatim from proposed rules by the Institute of Government. It is designed to really help the functioning of Council and to provide for good leadership and for even handed treatment of both sides during a heated debate.

Councilmember Werner Thomisser - Who makes the call?

Attorney Fox – The rule is not specific on that point and perhaps that could be further clarified. The current language does not talk about who makes that decision. The assumption is that the presiding officer would state in advance that he or she would like to participate in the debate and therefore asks to turn the gavel over. That is not necessarily required. It does not tell you when the matter may constitute debate. That is somewhat a difficult target for you as a governing body to deal with. The other thing is it does not address who the presiding officer is to turn the gavel over to if no one is willing to accept the gavel because he or she may want to participate in the debate as well.

Councilmember Thomisser – Let's assume that the Mayor turns over the gavel to the Mayor Pro Tem - does she request the gavel back or does she vote on the issue?

Attorney Fox – It is my opinion that it does not affect the transfer of voting rights by a particular member.

Mayor Anderson – I have quite a few issues to bring up with this. The next agenda item deals with reviewing the entire Council Rules of Procedures. Can we roll this into that review?

Councilmember Thomisser – It is my understanding that the Town Attorney, Councilmember McKee and Mayor Pro Tem Barry would work together and I would like them to also address Pages 9, 10, 12 and 17.

Mayor Anderson – I wanted to see if the entire Council could be actively involved. Adopting Rules of Procedure is a major thing. I was wondering if we wanted to have a Work Session and knock it out in three hours and be done with it.

Councilmember Thomisser – I have all the confidence in Mayor Pro Tem Barry, Councilmember McKee and legal doing the changes.

Councilmember McKee – I think the reason that Mayor Pro Tem Barry brought this up is because of the topic tonight. I think that he wants to ensure that when the opportunity comes and the Mayor wants to be actively involved in the debate that she hands over the gavel.

Mayor Anderson – We have discussed this several times since I have been here for four terms. This states that he or she may designate another Councilmember; it does not say shall. I think that maintaining a spirit of the rule which is to ensure even handed treatment to both sides during a heated debate is really what you are looking for. We have had before on this Council when the Mayor wanted to enter into debate and ask the Mayor Pro Tem to take the gavel. The Mayor Pro Tem declined and no one on the Council would take it. In effect if you do not want the Mayor to talk you could decline to take the gavel. We have no provision in our rules on how to do this. The Mayor is required to vote in a tie. I think there is a fine line in asking clarifying questions and debating. I think it is the Mayor's responsibility to cast an informed vote and if I have questions about an issue that is not being answered by other members of the Council, how do you want that to be handled?

Councilmember McKee – It is not a question of whether you have a question. You have just as much right as anyone else on the Council to ask questions. If you are going to be in the debate, someone else should take the gavel.

Mayor Pro Tem Barry – I just wanted Attorney Fox to clarify the matter.

B. Consideration of Directing Legal, Mayor Pro Tem Daniel Barry and Councilmember Jerry

McKee to Review Current Town Council Rules of Procedure for Possible Amendments. The Town Council received a copy of the Council Rules of Procedures dated January 14, 2010.

Councilmember Thomisser moved to direct legal, Mayor Pro Tem Barry and Councilmember McKee to review the current Town Council Rules of Procedure for possible amendments. All were in favor, with votes recorded as follows:

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

Item No. 7. Public Hearing.

A. Public Hearing to Review and Consider – Union County Water Tower Conditional Zoning Application. Mayor Anderson opened the public hearing to review and consider the Union County Water Tower Conditional Zoning Application.

Mayor Anderson - The purpose of the public hearing is for us to hear what you have to say. We are not going to respond back to you directly. The first presentation will be our Town Planner and then the applicant will do their presentation. The Council will have the right to ask questions and then we will ask for Council input. It is important to respect each other and the Council. Please direct comments to the Council and not each other. We did have one person to ask to speak longer than we normally allow but they are speaking on behalf of an organization. What is your feeling about the length of time that they should be allowed to speak?

Councilmember Thomisser – If an individual is speaking on behalf of numerous residents and they have written approval to do so I would think it would be reasonable to let that person speak for ½ hour.

Mayor Anderson – I tend to go liberal on this sort of thing because it is your Town and we represent you and how can we do that without listening to you. We do have a Councilmember that is absent. We are expecting him to arrive shortly. It could be that we do not make a decision on this tonight. We do not want two people making this decision. At the end of the hearing, we may recess the hearing and let him listen to the tapes and allow him to ask questions and we may have to vote on this at our next meeting.

Councilmember Thomisser – You stated that we have a quorum. If we have a quorum, we should have the ability to vote on the issue.

Mayor Anderson – For something this important I would respectfully request that the Council wait until everyone is present.

The Town Council received the following memo from Town Planner Jordan Cook and the following narrative for the application:

Union County requests a Conditional Zoning Permit (CZ) for a 198 foot, 1.5 million gallon elevated water storage tank. The tank will be located at 247 Providence Road South.

Application Information:

Date of Application: May 27, 2011

Applicant Name: Cynthia Coto (Union County-County Manager)

Owner Name: Margaret H. Hemby, Kenneth H. Hemby and Laura H. Heffner

Parcel ID#: 06-153-013C, 06-153-013D and 06-153-007A

Property Location: 247 Providence Road South (western side of Providence Road just south of Rea Road)

Existing Zoning: R-40 and RCD

Proposed Zoning: R-40(CZ) and RCD(CZ)

Existing Land Use: Traditional Residential and Residential Conservation (no change proposed)

Existing Use: Vacant

Proposed Use: Elevated Water Storage Tank, Class II Essential Service

Parcel Size: 8.255 Acres (comprised of three separate parcels that will be combined)

General Information:

- A Conditional Zoning Permit is required for a Class II Essential Service in the R-40 and RCD zoning districts. Water Storage is included as a Class II Essential Service in the *Town of Weddington Zoning Ordinance*.
- The applicant is proposing a 198 foot tall, 1.5 million gallon elevated water storage tank within a fenced in area along Providence Road. The fenced area will encompass 2.53 acres.
- The proposed spheroid type water tank will have a 52 foot concrete diameter base and 86 foot diameter bowl.
- The proposed facility will be accessed by a 20 foot wide gravel access road from Providence Road. A decorative entrance gate will be placed 20 feet from the property line while an access gate at the facility entrance will be placed approximately 400 feet from the property line to reduce visibility of the facility from Providence Road. The actual water tower will be located over 550 feet from Providence Road.
- In addition to the water storage tank, the site will include a drainage structure with a rip rap apron and a detention pond and spillway near the rear of the property.
- There is an existing stream on site but the property is not within any FEMA regulated flood zones.

Minimum Standards for a Class II Essential Service in R-40 and RCD Zoning Districts:

Minimum Lot Area- 40,000 square feet—Combined lots are 8.255 Acres

Minimum Front Yard Setback- 75 feet—proposed setback is greater than 550 feet

Minimum Lot Width- 120 feet as measured at the front yard setback—proposed width is approximately 350 feet

Minimum Side Yard Setbacks- 15 feet—proposed left and right side yard setbacks are 180 feet and 100 feet respectively

Minimum Rear Yard Setback- 40 feet—proposed setback is greater than 350 feet

- The proposed water storage tank complies with all minimum yard regulations and front, side and rear yard setbacks for a Class II Essential Service in the R-40 and RCD zoning districts as set forth in the *Town of Weddington Zoning Ordinance*.
- The applicant has submitted a lot line revision plat that is currently under review. This lot line revision plat includes parcels 06-153-013C, 06-153-013D and 06-153-007A. All of parcels 06-153-013C and 06-153-013D will be included on the water tank site while only 0.735 acres of parcel 06-153-007A will be included. Parcel 06-153-007A is 7.923 acres in its entirety.

Additional Information:

- Screening and landscaping will be provided using new vegetation and existing, mature vegetation currently on site.
- A 40 foot landscape buffer is required around the proposed water tank. Landscaping will be added to the front and southern perimeters of the property to meet these buffer requirements. A natural/existing tree buffer will surround the rear and northern perimeters of the property.
- Clearing will only occur where the access road will be installed and within the tank construction limits. All proposed landscaping complies with the *Town of Weddington Zoning Ordinance*.

- Outdoor lighting will be minimal. Lighting on top of the tank will comply with Federal Aviation Administration requirements.
- The water tank does not have any pumps or other moving parts, therefore noise should not be a factor.
- The applicant has provided a map and pictures of the proposed water tank from various locations surrounding the water tank.
- The proposed water tank is exempt from the Town's maximum height restrictions per *Section 58-15 of the Town of Weddington Zoning Ordinance*.
- All property owners have provided authorization to Union County to apply for the CZ Permit.
- Two Public Involvement Meetings (PIM) were held in accordance with *Section 58-271 of the Town of Weddington Zoning Ordinance*.
 - The first PIM was held on-site at 247 Providence Road South on June 16, 2011 from 2:00-4:00pm. There were approximately 15 attendees at that meeting.
 - The second PIM was held at Weddington Town Hall on June 20, 2011 from 5:30-7:30pm. There were approximately 25 attendees at that meeting.
 - Most attendees were from the Stratford on Providence subdivision and were not in support of the proposed water tank.
- The Planning Board gave this project a favorable recommendation at a 5-1 vote and added condition number four below.
- The Town Council held a Special Meeting workshop on Wednesday, July 20th. Union County Public Works Director Ed Goscicki discussed the potential of building ground storage tank(s) as opposed to the currently proposed elevated water tower. Mr. Goscicki stated that ground tanks would cost \$1.6 million more than the elevated tower.

Conclusion and Conditions of Approval:

Staff has reviewed the application and submitted documents and finds the Conditional Zoning Application is in compliance with the *Town of Weddington Zoning Ordinance* with the following conditions:

1. All engineers (USI-Bonnie Fisher) comments must be addressed and completed prior to any construction;
2. Applicant must apply for NCDOT Driveway Permit for proposed driveway along Providence Road;
3. Lot line revision plat must be approved and recorded by the Union County Register of Deeds prior to any construction;
4. Applicant must consider additional screening/buffering/landscaping closer to Providence Road to reduce the visibility of the water tank from the road (Applicant has included a revised landscape plan showing vegetation along Providence Road).

Narrative for Conditional Zoning Permit Application

Union County, the project applicant, is proposing to construct approximately 198 foot tall, 1.5 million gallon elevated water storage tank in the Town of Weddington. The tank style will be spheroid with approximately 52 foot diameter base and 86 foot diameter bowl. The proposed project site is 8.25 acre group of parcels located on Providence Road, approximately 1000-feet south of Rea Road and Providence Road intersection. The parcel ID numbers of the sites are 06-153-007A, 06-153-013C and 06-153-013D. Parcels 06-153-013C and 06-153-013D will be purchased by Union County in their entirety whereas only 0.735 acre of Parcel 06-153-007A will be purchased. The parcels are currently zoned as R-40 district and RCD. The approval of the site plan and construction of a water storage tank will require a conditional

zoning permit which will change the zoning to R-40CZ and RCD-CZ. The proposed use is classified as an Essential Service, Class II, water storage, under the Town of Weddington's ordinance.

Parcel ID	Total Acreage	Acreage Purchased
06-153-007A	7.923 ac	0.735 ac
06-153-013C	5.34 ac	5.34 ac
06-153-013D	2.18 ac	2.18 ac

The proposed water storage tank will be strategically located on the west part of the property in order to decrease the visibility of the tank from the surrounding roads and adjacent properties. The tank will be approximately 600 feet from Providence Road. Currently, half of the site is wooded. With the exception of the access road and parking area around the tank and the area needed to facilitate the erection of the tank, stormwater pond and the drainage structure, the proposed project will be constructed with minimal clearing to maintain a natural tree buffer around the tank perimeter.

In addition to the water storage tank, the proposed development will include a 20 foot wide access road for use by Union County personnel. The area along the fence parallel to Providence Road will be landscaped to decrease the visibility of the tank site. The chain link fence will also be located approximately 460 feet from the road. Other structures on site include a tank drainage/overflow vault and stormwater pond. The tank drainage structure will be a 12 foot x 12 foot precast or cast-in-place concrete structure with riprap area around it to dissipate flow and energy during routine maintenance and tank overflow.

The need for the proposed Weddington Tank Elevated Water Storage Tank was identified in the County's 2005 Water Master Plan Update. Siting a tank at the proposed project site provides numerous benefits to the Town of Weddington and surrounding community including:

- Provides a more reliable water supply by coupling the operation of the existing Waxhaw-Marvin Pumping Station solely to the proposed Weddington Tank.
- Improved capability to meet existing and future domestic water demands in the Marvin-Weddington area.
- Increased static and dynamic water pressures in the Marvin-Weddington area and in particular for those areas situated at higher elevations where current water pressures are sometime marginal.
- The proposed tank will provide increased fire flow capability which is critical to protecting property and life in the area influenced by the proposed tank.

The proposed project site facilitates these benefits for several reasons. The site allows for the construction of a tank high enough to meet the County's hydraulic grade requirements to provide improved fire flow and pressure, has sufficient size to allow construction of the tank while providing additional buffer area, is adjacent to the County's 24-inch transmission main which facilitates distribution of the finished water to the service area, and provides positive drainage away from the site as needed when the tank is drained for maintenance purposes.

Constructing the proposed Weddington Elevated Water Storage Tank as planned at this location will not materially endanger the public health and safety and will provide numerous benefits including improved protection of public property and life through improved fire flow, improved water pressure in higher elevation areas where water pressure is marginal and minimizing the possibility of low or negative water pressures which can result in cross connection contamination.

The proposed project is required to provide adequate water supply to the existing customer base, as well as provide for future anticipated growth in the water service area and, therefore, is a public necessity. The proposed project will be in harmony with the surrounding developed area.

The Town Council also received the following information:

- § Conditional Zoning Application dated May 27, 2011
- § Aerial Map
- § GIS Location Map
- § Zoning Map
- § Weddington Future Land Use Map
- § Image Map of the area showing the locations of Pictures 1 through 4
- § Pictures 1 through 4 showing the proposed water tank from various locations surrounding the water tank
- § Diagram showing 20' Entrance Gate and 20' Wide Gravel Access Road
- § Section IX – Amendments from the Code of Ordinances
- § Cover Sheet, Sheet Index and Vicinity Map
- § General Legend and Project Notes
- § Standard Details
- § Drainage Structure Plan and Sections
- § Erosion Control Details
- § Storm Water Details
- § Site Plan
- § Yard Piping Plan
- § Erosion Control and Grading Plan
- § Stormwater Plan
- § Landscaping Plan
- § Tank Piping Plan
- § Waterspheriod Elevated Storage Tank Details

Town Planner Cook – I have received approximately 60 signed petitions mostly from the Providence Acres Subdivision stating that they are not in favor of the water storage tank. This is a conditional zoning process as opposed to the previous conditional use permit process. Conditional district decisions are a legislative process. Conditional district decisions shall take into account applicable adopted Land Use Plans for the area and other adopted land use policies, documents and/or ordinances.

Mayor Anderson – When we were talking about the ground tank versus the elevated tank, it was said that it was \$1.6 million extra but then at the work session I believe I heard that it was going to be \$2.5 million extra.

Mr. Ed Goscicki – The number that we presented at the work session was based on a very preliminary engineering analysis and was in the order of approximately \$1.5 million. I do not have those numbers in front of me. It was not \$2.5.

Mr. Pete D'Adamo – I am with HDR Engineers and I am here on behalf of Union County. We appreciate the opportunity to speak to you tonight and I appreciate the public being here to voice their opinion about this project. We want to review the history of the project and give you a brief overview. In 2005 Union County updated their Master Water Plan and we try to do that every five years. As a part of that planning process, it identified a need for an elevated water storage tank in the Weddington area and it programmed

that tank to be built by 2010. The County has two major water pumping stations – Waxhaw-Marvin and Watkins Road. The goal of this planning process was to separate out the Weddington area from the Stallings area and dedicate one pump station in each area and provide a better operation as well as improve water pressure and fire flow requirements. This slide gives you an overview of the infrastructure of the general vicinity. The different colored lines represent water mains that are part of the County system serving the general area in Weddington and outside of Weddington. As part of the planning process we developed a hydraulic model. What you do with the tank process is you set up a model and you predict what the water pressures and fire flows would be in the region and then you identify if there are any deficiencies and then you identify what are some improvements that could be made to address the deficiencies. As part of that process we identified based on the 20 mgd max day demand which has occurred in the county before, some areas based on the modeling that had pressures below the NCDENR requirement for 30 psi. Those areas were one of the reasons as well as looking to the future why we are recommending a Weddington storage tank. In addition to the modeling and in response to some customer concerns about low pressures at their houses, the Union County Public Works installed pressure data loggers at various locations to confirm whether there really was an issue of low pressure. This is the result of a couple of days of testing. The red horizontal line represents the State's requirement of 30 psi static pressure. There were several readings in the Rose Hill area that the pressures dropped below that 30 psi requirement and even close to 15 psi. Why is that a concern? From a homeowner's standpoint – you need a certain amount of pressure to operate your fixtures - toilets and shower. If you have a two-story building it is going to be even a bigger difference. A lot of these measurements were taken out of hydrants where you would have an additional head loss by the time you get into the house. If pressure gets below 0 it can pull a vacuum and creates a concern with public health. That is the reason there is a State requirement and the desire to provide that level of service to meet those requirements. This is the results of another data logging that was done at the Chestnut area. Any responsible utility has to make plans for the future and serve their customers. Even though things have slowed down a lot compared to the mid 2000s growth we continue to have people want to move to North Carolina. Projections were made to look at what would happen when the max day demand would be 25 mgd. The areas shown in pink are the areas of low pressure. This is a situation that is not sustainable for the County and one of the reasons why they are recommending putting an elevated storage tank in the Weddington area.

Councilmember McKee - Which areas for low pressure are you talking about?

Mr. D'Adamo - Everything in the pink. This is probably five to ten years from now. We are faced with low pressures now and are predicting more. More water is being drawn out of the pipes to meet customer demand and that creates hydraulic issues.

Councilmember McKee – Right now there is no building. We do not know how long that will go. It could be further out than ten years.

Mr. Goscicki – Five to ten years is based upon the 2.5 % growth rate that we anticipate for the next 10 to 15 years.

Mr. D'Adamo – These are based on 25 mgd max day demand. No date is associated with this drawing. It is when that demand has to be met.

Councilmember Thomisser – I am having trouble differentiating between the pink area and the lighter pink area. Is there a difference?

Mr. D'Adamo – This large area here which I am calling the pink area is the area predicted for low pressure. Inside of here as you saw on the previous map is an area that is a Weddington area that

overlaps. The area in white is Union County. This whole area is outside of Weddington but in the future will have low pressure areas as well as this area.

Mayor Pro Tem Barry – We are not just looking at the Town of Weddington but the Village of Marvin and up into Stallings.

Mr. D'Adamo – That is correct. The proposed tank is located south of Rea Road and west of Providence Road and is referred to as the Hemby property. That black circle is the approximate location as it relates to the three parcels. The parcel size is 8.2 acres with a disturbed area of 1.5 acres. Because we are building a tank with a concrete base we are adding some new impervious area which is a little less than ½ acre. There is a chain link fence that surrounds a portion of the property where the tank is and the area inside that fence is 2 ½ acres. The flood plain is 635 feet. The tank finished floor elevation is 688 feet and maximum tank water level is 873 feet mean sea level with the top of the tank approximately 883 feet. The tank base diameter – that is really the concrete foundation and not the steel tank is 52 feet and the bowl diameter where the water sits is 86 feet in diameter.

Councilmember McKee – Would you explain the 100-year flood elevation?

Mr. D'Adamo – It is established based on certain elevations in certain regions. It is based on the occurrence of a 100-year flood and that is the elevation that the water would reach. When we look at utilities obviously we do not want to build in the 100-year floodplain. We certainly do not want to have moving parts or electrical equipment in that area. That is a requirement that you have set up in your Zoning Ordinance to identify the floodplain and whether any proposed structures are in the floodplain. We are not in the floodplain. This is an aerial photograph showing the tank and these circles represent different distances from the tank. The closest one is 500 feet. This gives a real context to the aerial and the surrounding homes in the area. The project has access off of Providence Road with a 20-foot wide gravel entrance road that has four parking spaces. This is the tank in this area and this larger circle is the clearing area that is required by the people that construct these types of tanks. There is a stream in the back. As mentioned previously in public hearings, our goal was to move it as far back as we could and try to take advantage as much as we could of the natural tree buffers that are there. There are wetlands back there so we could only push it so far back. We had to meet certain buffer requirements and we start getting into soils that are less desirable for putting a foundation on a large structure like this. We have a chain link fence that goes around the site. As mentioned there is a stormwater dry pond here. The dry pond is designed to meet Weddington's requirements and it provides some nutrient removal. This is the yard piping plan. There is a 24-inch water line on Providence Road. We come off of that with two 18-inch water lines. One is a fill line and one is a drain line. A question was asked about contamination. We are dealing with potable water. This is water that you drink. This water has been treated to meet safe drinking water requirements. It is disinfected. This overflow structure is designed to chlorinate any water if it were to overflow into the tank which is a requirement of the State.

Councilmember McKee – I know the water comes from Waxhaw – does it go up one pipe and goes up to Stallings and then comes back down another pipe to service this area here?

Mr. D'Adamo – It is an integrated piping network that has a lot of loops. There are larger sized mains that are main contributors to the flow that comes over from the pump station but there are smaller ones that also branch off. It is not just one pipeline.

Councilmember McKee – The service right now is from the Stallings water tank.

Mr. D'Adamo – Pump stations and water tanks provide the water flow and pressure.

Councilmember McKee – All the homes in Weddington that are on County water - does it come from Stallings or from the branch offs that you described?

Mr. D'Adamo – It comes from both. Pump stations operate and fill the line and fill the tank but while they are filling the tank people are withdrawing water from those water mains as well.

Councilmember McKee – That is from the pump station doing its pumping and when the tank is full they quit pumping.

Mr. D'Adamo – The line is still pressurized so when people start to use the water the tank level drops and that lowers pressure in those lines as well. If you have a fire that is a much larger flow that is withdrawn. It is a pressurized system feeding off of a tank.

Councilmember McKee – But some of it does come from the tank in Stallings and comes back down this way. Why does the Rose Hill area that is closer to Stallings have low pressure and I have busting the pipes pressure and I am near that area?

Mr. D'Adamo – A lot of it is based on elevation. I do not know what elevation your house is. The things that remove pressure from the system are what we call dynamic and static head. Static is really the difference in elevation from the water source from where you take out. The dynamic is water flowing through the pipelines with a certain amount of friction associated with that. That removes head as well.

Councilmember McKee – So Rose Hill is a higher elevation.

Mr. D'Adamo – Yes they are.

Councilmember McKee – For that area that is having low pressure it is because of their elevation and it cannot get up to them?

Mr. D'Adamo – That is a big part of the problem. At the Planning Board meeting we received comments on the landscaping plan. Originally we had some landscaping inside this fence further off of Providence Road and then landscaping on the side. There was a request to move landscaping closer to Providence Road. We now show four different species. There are two species of pine and there are two types of evergreen shrub. They are from Weddington's list of approved landscaping species. The vegetation at the front of the site is a mix of Virginia Pine, Lacebark Pine, Evergreen Euonymus and Glossy Privet.

Councilmember McKee – Are these mature plantings?

Mr. D'Adamo – These will be a reasonable size but they will have to continue to grow. We were asked to generate a landscape rendering. These will be mature trees. These are not trees that will be planted day one. These trees typically run depending on what species you get from 12 to 20 foot. They can grow a foot a year then. We took some photos of some locations around the site to give a view of what it may look like. The tank site is here and there are four picture locations. *Mr. D'Adamo discussed the different picture locations showing the tank.*

Mayor Pro Tem Barry – How far back is the fence from Providence Road?

Mr. D'Adamo – I am guessing 400 feet.

Mayor Pro Tem Barry – The entire balance of this property that is not fenced in would just be left open?

Mr. D'Adamo – Yes. Approximately 2.5 acres is inside the fenced area and approximately 5 acres outside.

Mayor Pro Tem Barry – What is the intent of Public Works for the balance of that property?

Mr. Goscicki – There is no plan for that property for anything else.

Councilmember McKee – The last time that we went through this process I looked at designer water tanks. Have you ever considered that other than these standard tanks?

Mr. D'Adamo – We did not. We looked at three different styles. This style is called the spheroid. We did not look at a designer type of a tank.

Councilmember Thomisser – Reading the narrative for the conditional zoning permit application at the bottom of the page it says the need for the proposed Weddington elevated water storage tank was identified in the County's 2005 Water Master Plan. Going back six years, Union County was the fastest growing county in North Carolina and there was a lot of building going on in 2006 and 2007 and then the bottom fell out in 2008 and 2009. We have a tremendous amount of inventory of houses in Weddington currently. Most recently I found out that one of the premier builders has foreclosed on six of his lots in the Highgate Subdivision and four of his lots in Bromley. I know that you are trying to establish a need for the water tank but I have difficulty understanding your basing your need for it on a Master Plan in 2005 when growth was unbelievable and growth now is practically down to nothing.

Mr. Goscicki – The 2005 Water Master Plan which identified the need for this tank initially indicated that the tank needed to be constructed almost 1 ½ years ago and be online. It is because of the slowed down growth that we are not in a much more serious issue right now. We are in the process of updating the new Master Plan. It is not finished but we have taken it to the point where our current Master Planning Consultant has validated the need for a storage tank in this area. Our growth rate at that time in 2005, 2006 and 2007 was seeing 5 to 7% growth. We are still seeing in the utility system 1 ½% growth last year. We are anticipating 3% growth next year. There is still activity. There is a huge inventory of lots out there with water and sewer in front of them.

Councilmember Thomisser – Is the growth in Weddington or is it somewhere in the County?

Mr. Goscicki – Yes in Weddington - I just moved in. They are selling a house a month in my community.

Councilmember Thomisser- How long does it take to build a water tank?

Mr. D'Adamo – Typical the period of construction would be nine months to one year.

Mayor Pro Tem Barry – Give me some idea of the impact of that water tower if we were to construct a full service YMCA and library project in the Town of Weddington right now.

Mr. Goscicki – Part of the problem that we have right now in some of the residential communities is we are seeing low pressure to existing customers. As more development is put on the system that would make that problem worse. If we put on high end users, that makes it even worse. If we put on high end users that build multi-story facilities, there will be challenges depending on where that facility might be. If it is sitting on high ground with a multi-story facility it would still be challenging.

Mayor Pro Tem Barry – Public facilities are required to have sprinkler and irrigation systems installed. What kind of pressure is required to have a sprinkler system for a multi-story facility?

Mr. D'Adamo – Probably 60 to 70 psi.

Mayor Pro Tem Barry – In the Rose Hill Subdivision your maps shows approximately 25 psi at times.

Mayor Anderson – I want to clarify for the record that the Town of Weddington does not operate its own public works department. We are dependent on the County for both our water and sewer. For water and sewer facilities we are relying upon the County to integrate into their system. Our Land Use Plan and ordinances say that. Our Land Use ordinances state that all new subdivisions that are built are to be hooked on to County water. We have had discussions in our prior meetings regarding the difference between supply and distribution. You have already addressed the supply issue. This tank will enable us to pump into our homes.

Mr. D'Adamo – That is correct.

Mayor Pro Tem Barry – It does not add users.

Mr. Goscicki – Correct. It does not add users. It is just a pressure issue.

Councilmember Thomisser – The water is coming up Providence Road in a 24-inch water main.

Mr. Goscicki – Correct.

Councilmember Thomisser – Have you measured the water pressure in that pipe at the intersection of Providence Road and New Town Road?

Mr. Goscicki – Not that I am aware of.

Mr. D'Adamo – The tank fills up and shuts off at a certain elevation. They are designed with an overflow. There is a pipeline that goes right outside the tank to a concrete structure. This is potable water and it has to be disinfected. The concrete structure is there to remove the chlorine. If it ever overflows then it would flow through that structure, the chlorine taken out and then go to the stream.

Attorney Ligon Bundy – I am the County Attorney. I appreciate the opportunity to address your concerns on this issue. As I understood your staff report, there is a legal basis for you to allow the construction of this tower. The Planning Board has already given a favorable recommendation. I am not going to speak to the details of this proposal. I want to talk about the policy decision that you have to make. I think it is a discretionary and legislative decision on your part as to whether you should allow the construction of this water tower. It is a stated purpose as set forth in your Subdivision Ordinance to require new subdivisions to be tied into the Union County system. Section 46-78 basically says for major subdivisions the developer must connect to the county lines to provide water service and fire protection for the subdivision. This is a policy decision that you made a long time before Union County came to you with this proposal to put in this tank. This policy for the Town of Weddington says if you are building a new subdivision you are to connect it to the County water system if it is within a certain distance of existing lines. I think there is a misconception that this proposal is to take care of new development that comes to Weddington. That is not necessarily true. Even existing residents of Weddington want water when it is available. I want to cite to you four examples of that. We have four subdivisions that we are aware of in Weddington which recently tied into the Union County water system. One of them is Wellington Woods I, which tied into the County water system on October 19, 2009 and added 32 existing homes to the water system. Another one is Wellington Woods II and III which went active on March 2, 2011 which added an additional 40 existing residences to the Union County water system. Another

subdivision is Greylyn which went active on June 15, 2011, only a couple of months ago. It added 35 new existing residences in Weddington to the Union County water system. The last one is Lake Providence which went active on April 28, 2011 and added 18 existing residences to the Union County water system. This is a total of 125 new customers to the Union County water system. These were homes that were already built probably coming off of wells. This is not just talking about new growth and new people moving into Weddington. This is talking about serving your existing residences. I might add that the Town of Weddington obviously agreed with adding these residences because the Town contributed \$20,000 to the infrastructure improvements necessary for Wellington Woods II and III. Your Subdivision Ordinances require that new residences be added into the system, you have already thrown in \$20,000 yourselves to add existing residences to the system so you obviously believe that this system is needed in Weddington.

Mayor Pro Tem Barry – I am the past treasurer for Lake Providence. We do not have County water. We contacted Union County about getting County water and could not.

It was advised that it was Lake Providence East instead of Lake Providence.

Councilmember McKee – For Wellington Woods II and III, my understanding is those types of plans have been done away with in Union County.

Mr. Goscicki – The County had a program in place called the Self-Help program that required local communities to give so much money, the County contributed through the general fund a certain amount of money and the utility contributed a certain amount of money. That program is not being funded this year. The Board has asked us to come back and develop an alternative to that program. There is direction from our Board to come back with a structure for the program that would allow for communities that want to connect to the system an economical way to do that. We are still working on those scenarios. I think it will be different on how we will structure that with cost sharing, etc.

Councilmember McKee – There are some developments like the one like Wellington Woods that could not even drink the water out of their well. They hauled in bottled water. My question is if there are other developments that are on wells that have similar circumstances like Wellington Woods had, would they fit into this new program?

Mr. Goscicki – That is the intent of the program is to come up with a methodology that makes it affordable and equitable to the property owner. One development paid this much and another paid this much. The County paid the same amount but the residents markedly different depending on how the geometry worked out for your water lines. We are trying to come up with something equitable and not get penalized if you are a lower density to a dense development.

Councilmember Thomisser – In order to maintain total transparency on the issue, the example that you gave with the Town giving \$20,000 for water hookup - I believe there was \$12,000 in the budget that we were carrying year to year and we were not using it. We were approached by the Homeowners Association President and they decided to put some of their money into the costs and since we had the \$12,000 we were carrying from year-to-year for water, we had an opportunity to use it. The Town Council decided to utilize that and added an additional \$8,000.

Attorney Bundy – The only point that I am trying to make is your policies, Subdivision Ordinance and your actions recognize that public works is a good thing and provides a service to the existing residences of Weddington. The numbers I read to you were 125 new customers in the Union County water system in the Town of Weddington. You have every reason to believe that this will continue in the future. We are not just talking about new houses being built; we are talking about people in this room. We believe about

1/3 of the existing residences in the Town of Weddington are provided water service by the Union County water system. I would remind the board the last time this matter came before you on the proposed water tank across the street from the Town Hall it came before you in a slightly different posture. It was an application for a conditional use permit. We had to make Findings of Fact. The majority of the board who heard the evidence and voted found as a fact that the proposed water tower was a public necessity. It was voted down because you found that it was not in harmony with the surrounding neighborhood. You are already on record deciding that it was a public necessity. I would contend to you that it seems inconsistent for the Town to promote the use of a public water system in Weddington through its Subdivision Ordinance and through your actions and then not assist the County in upgrading the system in making it a first class sound system to deal with the pressure issues. The County came in and installed the first lines and started providing service to Weddington in the 1980s. We went through the process of trying to find a willing seller because we do not want to condemn a piece of property. We especially did not want to condemn a piece of property, take title to it and then find out we could not put a water tank on it. It was important for us to find a willing seller that we could contract to purchase contingent upon the approval of the water tower. There was a procedure for doing that. One of the persons that was contracted to sell the property to us is here tonight. She is not going to speak. We obtained an option to contract to buy the property contingent upon permission to put the water tank there. When we came before you before on the site across the street, there was a very vocal group of folks. I will contend to you that it is a small group compared to the population of Weddington. You told us that you recognized the need for a tower and to go find another place. We have done that. We are back here tonight asking permission to put in a tower. If you reject this site, we will have to come before you with another site. Because nobody wants a water tower near their property and I can appreciate that. It has to go somewhere. I am not going to tell you that it is pretty. The thing is I would contend to you if you put it in you will notice it a lot for a few days then it will start to fade in the background.

Mr. Bundy referred to a picture on the screen of the tower. He stated, "You have to have power, water and sewer. The infrastructure has to go somewhere. In this picture you see a water tower. You know what you do not see in the picture is the telephone pole and power lines. You do not notice it in the picture because it is a fact of everyday life. In the next picture you hardly see the tower because of the screening. You did not even notice the power lines. When you are driving down the road and see a water tank, you do not say that is an ugly water tank – you probably do not even notice it. It is a part of everyday modern art. I would argue that if you authorize this, that in a few months you would not even notice it. It is just a part of everyday life. I would contend for the purposes of public health and general welfare of the community, the statute says that we need it here in Weddington. You should allow this use and not exclude a public service that would provide for the public health and safety."

Councilmember Thomisser – I am trying to understand this issue. You seemed to have concentrated on water hookup; however at the work session with Director Goscicki, I specifically asked him the question do we have a water problem or do we have a pressure problem. Mr. Goscicki said we have a pressure problem.

Attorney Ligon – That is correct and the pressure problem will get worse as more people go on line. This is needed to provide pressure. You have pressure problems now. We would not be doing this to promote people to tap into the system. People are going to tap into the system whether we promote it or not. The demand on the system will increase and as demand increases the water pressure problems will get worse.

Councilmember Thomisser – Is the water coming from the Stallings water tower to service the subdivisions you discussed earlier?

Attorney Ligon – It comes from the Union County water system. We do not have a Weddington system, a Stallings system and a Waxhaw system. We have a Union County water system and it is all integrated and everyone shares the same system.

Councilmember Thomisser – That location Wellington Woods I, II and III - is that water coming from the Stallings water tank?

Mr. Goscicki – Water distribution is not as simple. We have a pipeline network and in that network is the Stallings tank, Indian Trail tank and it would be this tank. Those tanks help maintain and equalize pressure in the system. The pipeline runs through Weddington so people are pulling off those lines and those tanks have to stabilize and maintain the pressure in that system. Without the tanks you get areas of low pressure like we have here.

Mayor Pro Tem Barry – As I understand from the earlier presentation from your engineers, it is really like a spider web underground that is all connected together and you are going to shoot out the different spots in your system to put water towers in place. This is not to add volume for your system because you are addressing that through the water system through Anson County and the one from Lancaster County. This is to stabilize pressure as more and more users attach to the system through the County's allocation process.

Mr. Goscicki – That is correct.

Mayor Pro Tem Barry – It is not lost on me that the County's Attorney is here helping us to understand what our requirements are under our ordinance. It is troublesome to me that the County did not come to the Town to discuss the location of a tower, after the failure of the County to get their water tower approved a year or so ago and with the knowledge that we changed our process from a CUP to CZ (legislative process).

Attorney Bundy – The County several years ago did a study. The location of where we want to put the tower is based on several factors.

Mayor Pro Tem Barry – There are eight sites. We have all seen the map. We changed our zoning in Weddington to allow us to interact with petitioners about the use of their property. The first conversation I had with Union County about this property was at the public involvement meeting standing in the heat on Providence Road. Why did the County not ask the Town Council to meet with them in an effort to find the best location for the water tower?

Attorney Bundy – This is the only site that we located that has a willing seller at this time.

Councilmember McKee – According to the study done by HDR – this site was not on the original study. The Reid Dairy Site is Number 5. It is my understanding this present site and that site were the two sites in consideration and the County Commissioners voted for this site because one of the commissioners used to be on the Board of Education and there was going to be a fight with the school board to put the water tower on that location.

Mr. Goscicki – We had met with the School Board Facilities Planning Committee which includes several of their board members. They were not supportive of selling the property to Union County for a water tower on an elementary school site. It is owned by the Union County School Board.

Mayor Anderson – For further clarification, bond money was used to purchase that. They have all types of legal requirements on that property.

Councilmember Thomisser discussed the original sites. I believe the Rea View Elementary site was part of the original five.

Mr. D'Adamo – The original study which was almost four years ago now mentioned eight sites and then we reduced that number to five or six.

Councilmember Thomisser – HDR Engineering recommended the Pittenger property because it had the highest elevation.

Mr. D'Adamo – It had the highest elevation that is correct. We also stated the County should also approach other property owners simultaneously because the other sites were acceptable also.

Councilmember McKee – The plan to discuss further hook-ups is that going to have public hearings?

Mr. Goscicki – We have not even had workshops with our board and it is only at the staff level. That process should be done with our water and sewer line extension policy. That policy we are starting to shape now in the form of an ordinance. As part of an ordinance we would be required to have a public hearing on that.

Councilmember McKee – I think that the Town of Weddington should be notified of the public hearing. There are a lot of neighborhoods in Weddington where the wells are going bad. I think it is a very important issue and we should be acknowledged on how that plan will work so we can inform our citizens.

Councilmember Thomisser – I want to go back to the original five sites. It was interesting to me that most of the votes of the County Commission go 3 – 2 but this was a unanimous vote not to put it at the elementary school site. My question is the fact that you had to run 3,450 feet of 24-inch pipe to hook up to Providence Road – did that have anything to do with your decision?

Attorney Bundy – There was never an official vote of the County Commissioners to object to the school site.

Mr. D'Adamo – There was a vote on the Cox Road site. The instruction to public works was to take that money you are going to spend on that additional water line and see if you can find another site.

Attorney Bundy – This question of site came up during the public informational period concerning this proposal and many of the people in this room were present at that meeting. There was discussion at that meeting of the County's original proposal to put the tank across the street from the Town Hall. There were a number of people who obviously were not involved in that decision and felt that is where the tank ought to be across the street from Town Hall. Wherever we come to you with a proposal to put a tank there is going to be a discussion where there is a better site. We cannot make all these people happy. You cannot make all these people happy either. It has to go somewhere. There is always going to be opposition and discussion. It takes about 1 to 1½ years to tie the property up negotiating with the property owner, doing the engineering and paperwork to come to you with a proposal.

Councilmember Thomisser – In the application for this water tower, one of the points you made was that the proposed tank would increase fire flow capability which is critical in protecting property and life. It is my understanding that the fire departments have 3,000 gallon tanker trucks that carry water and when they get to a fire they have an inflatable pool that they dump the water into and then they go and get more

water. You mentioned fire flow capability. Can you explain to us what you mean by that? Is that the volume of water coming out of the hydrant and the pressure or both?

Mr. Goscicki – It is both. As a Weddington resident, I would much rather have that firefighter hook up to a hydrant across from my house than to deploy a tank and rubber raft, fill it up and refill it if he is putting out a fire at my house.

Councilmember Thomisser – There must be a method to measure this pressure and fire flow coming out of the hydrant. Have you measured it in the Town of Weddington? Do you have any statistics to show us there is the need for a water tower based on fire flow?

Mr. Goscicki – If you have pressure problems under 30 psi that is not sufficient to fight a fire. I think the fire chiefs and the firefighters could speak to that question a lot better than I can. We do routinely check our hydrants and work with the local fire departments around the county. We do flow and pressure testing when we do that. I could not give you a number right now. I would refer to the fire chief on that.

Councilmember Thomisser – A former fire chief for the Providence VFD requested that the fire hydrants be tested for fire flow and pressure and he told me that he was denied by the County because they did not have any money.

Mr. Goscicki – My water superintendent is a fire chief here in Union County. He is very in tune to the fire issues of this County and we work very cooperatively with the fire departments.

Councilmember Thomisser – You have no statistics to show decreased fire flow out of the fire hydrants.

Mr. Goscicki – I have nothing here for you tonight regarding fire flow.

The Town Council took a small break.

Mr. Ken Evans - I am the Vice President of Providence VFD. In May of this year, in off peak hours we tested 113 hydrants which are in our district – 110 of the 113 had a pressure of 50 psi. One had a pressure of 48 psi and two were dry which are on Providence Road close to the County line.

Councilmember Thomisser – What does that mean relative to the fire department? Is that normal or high?

Mr. Evans – 50 psi is our minimum requirement for pressure in a hydrant.

Mr. Will Sanberg – You do not necessarily just need pressure; it is a volume issue also. We flow test the hydrant. While we are running the hydrant fully open we check the static pressure. We check the pressure inside the hydrant while it is being flowed - 50 psi is a pretty weak hydrant. I also work for the City of Charlotte – I just had a 120 psi hydrant. I am a paid staff member of the Providence VFD.

Mayor Anderson – All of the hydrants were substandard.

Mr. Evans – They are not substandard - that is the minimum. As he was saying 70, 80, 90, 110 psi is better but these are minimum. One was below minimum at 48 psi and we had two dry ones.

Mr. Sanberg – We were checking those during the day when people were not using the system. Unfortunately we cannot plan when we are going to need to draw off of the system.

Councilmember McKee – So if they were done during the early morning they would be lower.

Mr. Evans – It depends also if the pumps are running. This is only a snapshot.

Mr. Sanberg – What Mr. Thomisser described earlier is what we call a drop tank. The drop tank is what we call a Plan B. If there are no hydrants to supply a fire truck with water, they carry a small amount of water in the tank. We have what we call a tanker truck which can carry around 3,000 gallons of water. That is in the event we cannot find a hydrant – we carry our own water. The first arriving company that pulls up to the fire establishes their own water supply, they are going to draw the water off the truck that they carry with them until another company or another truck can lay a supply line to lay on the street to the closest hydrant. That is Plan A of the attack. That is our best situation in the event there is an emergency. A lot of places in our response area do not have the infrastructure or hydrants present so we have to bring our own equipment. We have to bring a drop tank. That is not our go to method. It is an old technology. It works. It is a lot safer for us as firemen being in an ideal environment to have an established water supply through a municipal water system.

Councilmember Thomisser – When there is a fire both Providence and Wesley Chapel respond to it?

They answered that was correct.

Councilmember Thomisser – In addition to the water that you are bringing, we also have the water that Wesley Chapel brings also.

Mr. Sanburg – Every engine company has the water that they bring.

Councilmember Thomisser – We have approximately 73 subdivisions in Weddington that are on wells. We have 11-13 subdivisions that have county water so those subdivisions would have fire hydrants. The majority of Weddington does not have fire hydrants.

Chief Joshua Dye – The problem that we run into is unless we have a pond or pool we still depend on those hydrants to fill our trucks - 3,000 gallons of water takes a long time to fill that truck up if the pressure is not there. We go to Waxhaw where the pressure is really bad it may take our 3,000 gallon tanker 5 to 6 minutes to fill up.

My name is Barbara Harrison. I live at 2001 Belle Forest Court. I want to present to the Town Clerk 28 signatures from people in Stratford on Providence that have asked me to speak on their behalf – *signatures are attached to the minutes as an exhibit*. The reality is that no one wants a water tower. I heard at the Planning Board Meeting “well it has to go somewhere”. I heard that again today. Implied but not stated “Thank God it isn’t by my home or subdivision”. In fact, Mr. Goscicki, who lives in Weddington stated at the public work session on July 20 that he would not want a water tower across from where he lives. The reality is this is not about water but about water pressure. In the UCPW 2008-2012 Capital Improvement Plan Project Review on their website the following is a direct quote: This project has been identified as infrastructure needs in the 2005 Water Master Plan Update. This project will enhance the ability of the County's water distribution system to maintain water pressure during peak summer demands. I did not hear them state this before. I thought this was all the time but apparently it is just spring and summer. This is not about water allocations or infrastructure. On Page 35 of Weddington’s Land Use plan it states: Infrastructure includes adequate means for access and mobility, water and sewer service, and storm water systems. There are water main lines on Providence Road, Highway 84, Weddington-Matthews Road, Hemby Road, Beulah Church, Waxhaw-Indian Trail Road and Marvin-Weddington Road. These water lines deliver water to 16 out of 73 subdivisions in Weddington. Mr. Goscicki stated at the public work session on July 20 that there are approximately 1,000 customers in Weddington and 40,000 total for Union County. When further questioned about the 1,000 customers, the

number does include water meters for irrigation systems. In Stratford on Providence, we have six meters dedicated for our irrigation systems for our common grounds. For the past several months, I have spent a good portion of every day researching water towers. In fact, I have taken pictures of water towers in three states and from an airplane. So when I hear you say that I am not going to notice that water tower I certainly am. I realize that in order to convince this Council to vote no, it won't be because this proposed water tower will be in the middle of a residential area. It won't be because the Council has received almost 100 emails giving the Council some very salient points on why the proposed site is not a good idea. It has to be based on the process and procedures put in place to grant the proposed Conditional Zoning Application. "A statement analyzing the reasonableness of the proposed rezoning shall be prepared for each application for a rezoning to a conditional district." Typically a Conditional Zoning must also be consistent with the Land Use Plan, Zoning Ordinance and any other adopted plans. Town Planner Cook told me that we do not really have any other adopted plans. Council, you will be asked to state that the proposed CZ Application either meets or not meets the reasonableness and consistency of the Land Use Plan, Zoning Ordinance and any other adopted plans. There is not much that I can say about the Zoning Ordinance. We can argue about essential service but I am not going to go there. I am not aware of any other adopted plans so I will concentrate on the Land Use Plan. On Page 10 of the Land Use Plan, "Local leaders are aware of the fact that the Town cannot prohibit new growth from occurring, thus, a primary community goal is to maintain the Town's character as new growth occurs. New growth must occur within a framework which is in keeping with the existing community character and which avoids negative social, economic and environmental effects on the town." On Page 14 of the Land Use Plan under **PLAN FOR APPROPRIATE AND COMPATIBLE LAND USES:** Adopt land use regulations that protect and maintain the Town's open space, unique character and overall quality of life. In all I found references to the unique character of Weddington on Pages 6, 7, 12, 13, 15, 16, 17, 18, 21, 22, 27, 29, 36 and 49. I don't think a 198-foot water tower in the middle of a residential area meets the criteria intended in the Land Use Plan for unique character. Council, you will be asked to state that the proposed CZ Application either meets or not meets the reasonableness and consistency of the Land Use Plan, Zoning Ordinance and any other adopted plans. On Page 16 of the Land Use Plan, it states "To preserve open space and scenic views, while providing opportunities for low-density development." The construction of this water tower is in direct conflict with these goals. That was also stated in January of 2010. In March 2007, Union County Public Works first presented Town Council with a synopsis of its search for a parcel for a water tower in our Town. According to the County's own report, the site search was guided by a number of factors including quoting here, 'surrounding environment – the County desires to locate the new tank where the tank's impact on the surrounding aesthetics is minimized.' Apparently those statements no longer mean anything. The placement of the water tower in the middle of a residential area will have a tremendous negative impact on the aesthetics of our Town. Because of its height and size of its tank, you are going to be able to see this tower for miles. It not only affects Weddington but the surrounding homes in Marvin. On Page 17, it states "Ensure that development is consistent with the Town's quality and aesthetic values, thereby preserving and enhancing property values." The water tower will have the opposite effect detracting and reducing the values of surrounding properties. Ask any realtor about the effect a water tower has on the ability to sell a property. Last January there was a realtor who was considered an expert witness that answered a lot of questions about property values. I don't think that anyone could possibly believe that the property values for the surrounding subdivisions, homes and land in the southern portion of Weddington will not negatively be affected. In these diminished economic times, it is a buyers market, why further devalue someone's property? Stratford on Providence is the 2nd highest taxed subdivision in Weddington. Will we and the surrounding subdivisions, single-home owners and land owners be given a tax break because our values are going to be diminished? Council, you will be asked to state that the proposed CZ Application either meets or not meets the reasonableness and consistency of the Land Use Plan, Zoning Ordinance and any other adopted plans. On Page 21 of the Land Use Plan has the following paragraph: **Community Design and Image Policies:** The overriding objective of the policy guidelines set forth in this section is to protect and promote the health, safety, and welfare of the citizens, and future citizens of the Town.

Policy 1: Encourage the preservation of older homes and structures in the community to preserve a sense of history

Policy 2: Support the adaptive reuse of historic structures in the community.

Policy 5: Give the highest priority for beautification efforts and corridor design to major thoroughfares and key entryways.

Policy 10: Continue to support the Weddington Historic Preservation Commission's efforts to preserve historically significant structures and sites.

The Howard House which is located across from the First Baptist Church of Weddington is the oldest home in Weddington. It has been estimated that it was built in 1865. This home may not have been identified by Union County Historical but neither is the Weddington United Methodist Church's cemetery. That was taken into consideration the last time the tower was brought up.

No matter what you do to the major thoroughfares or key entryways, (if you vote yes for a Water Tower) there will always be a 198 foot tower, with a big tank and flashing lights announcing "you have made it to Weddington".

The following quotes are from Pages 29 and 48 of the Land Use Plan:

The Role of Planning - Land use planning is designed to provide strategic guidelines for the future growth and development of a community. Land use decisions made by a community are fundamental. They shape the community's very character—what it is like to walk through, what it is like to drive through, who lives in it, what kind of jobs and businesses exist in it, how well the natural environment survives and whether it is an attractive or ugly place. Because land development patterns affect property taxes and the level of public services, land use planning decisions are closely tied to the fiscal health of the community.

Historical Preservation

The Weddington area has deep historical roots. Weddington faces challenges due to evolving suburban sprawl development. New development within the fast growing community has superimposed land uses onto what had been vacant undeveloped land. One point that will provide stability, as well as a sense of tradition, is the existence of historic sites throughout the planning area. As Weddington continues its pattern of new residential and non-residential development, it will be important for the Town to see that these important references to the past are preserved.

COMMUNITY DESIGN AND IDENTIFICATION

Appearance is an issue that affects all aspects of physical planning, as well as a community's environment. All too often the visual environment has been neglected in American communities. Many communities throughout America are virtually indistinguishable today, containing numerous architecturally similar structures, flashing lights, large signs, strip commercial development, etc. Many communities today are realizing, with the support of court decisions, that they must take an active role not only in promoting, but in regulating for an improved visual appearance.

Council, you will be asked to state that the proposed CZ Application either meets or not meets the reasonableness and consistency of the Land Use Plan, Zoning Ordinance and any other adopted plans. The water tower does not serve all of Weddington. It doesn't serve 80% of Weddington, in fact, it serves a small percentage. Mr. Goscicki stated that there was a "band-aid" solution for the community with low water pressure but he did not want to implement it. Since this issue has been going on since 2007, it seems a "band-aid" solution could have been put in place for a lot less money than what has been presently spent. This would then allow UCPW to find a solution and site that would not violate the Land Use Plan. Tonight the community and Council are at a crossroads; you can take measures to avoid the negative visual elements suffered by most urban areas or we can be just another town with no more

distinction and not such a nice place to live. If you say yes – when will UCPW come back and say we need another water tower or maybe this time we will need a public sewer system. Please vote no to the proposed site for the water tower, it does not meet the Land Use Plan in the areas of character, aesthetics, property values and historic preservation. And lastly, I have heard that the Council would give UCPW money to fund a better solution; however, on Page 37 of the Land Use Plan it states “The Town of Weddington relies on Union County Public Works for the provision of public water and sewer services. The Town will not be involved in funding, operating, or maintaining a public water and/or sewer system.”

Ms. Kim Graybill – I live in the Rose Hill Subdivision. First of all I want to say that this is not a question of new construction. There are existing homeowners that have no water pressure. Thank you firemen - we appreciate you. I am glad that we are not one of the two dry fire hydrants out there and my house caught on fire tonight. That is unbelievable to me. We have no water pressure. We built in 2009. I love Union County. This is my church. But we have no water pressure. I think Rose Hill is six to seven years old. This is not new construction. This is existing homes that have no water pressure. My neighbors have four children and they cannot take showers in the morning because they have no water pressure. My husband has very thick hair - I do not. I do not know how he gets the soap out of his hair in the morning. It is not just peak pressure times; it is all day long. I am a stay at home mom. Sometimes I cannot run the dishwasher because I have no water. My husband went to the other meeting at the fire station about a year ago. He came back and said the response was to build a well. Do you understand that as a new homeowner you have to use Union County water? You do not have an option. We built a well. We cannot tie it into our house - it is against the rules. I do not know who made those rules. They are ridiculous. We can water our grass but we cannot tie into our home for the water pressure. We still have no water pressure. Wells are very expensive. Not everyone can afford to build a well. We actually gave up some things to build a well and now we still do not have water pressure. This has to be dealt with and as long as we fight amongst ourselves instead of trying to find a solution we are going to keep fighting and there is not going to be a solution. There needs to be a solution because I would not want to be that home that has that dry fire hydrant next to my home when my house catches on fire.

Councilmember McKee – How many homes are in Rose Hill?

Ms. Graybill – We have 42 lots and there are 37 homes.

Mr. David Osmolski - I live on Cottonfield Circle underneath the proposed new moon. We spent three hours discussing the need for increased water pressure. There is no question that we need increased water pressure. I would appreciate your understanding that the issue is not whether we need or do not need a water tower. The question is where to put the water tower. The place to put the water tower is where it has the least impact. As the County Attorney pointed out, it does not matter where you put it - it will make someone angry. You look for the area that will impact the fewest people. Tonight the area discussed impacts a lot of people. It is not really the right place for it. We need a water tower and additional pressure. I do not care how difficult it is to fund it or to find a willing seller. You can condemn property, you have done it before.

Citizen (Name not audible) – I live in Rose Hill as well. Apparently we are in agreement that we need water pressure. I have tested the water pressure at my house over the last two years. Many times the pressure dipped below 20 psi. There are times, not as many but it dropped as low as 10 psi. That is totally unacceptable - 30 psi is an average high for Rose Hill. I know some of the questions from the Councilmembers seem to doubt whether or not there is a water pressure problem in that particular area. For someone that lives in that area - that is the case. I do not know what kind of legal ramifications would result from the fire department not having the adequate water supply and that be a factor in a house burning down. I think it is something that should be considered and looked at in this decision. I have learned a lot about the character of Weddington. It is a beautiful area. I love it here. I have heard about

property values being degraded with a tower being there. I did see the big high tension power lines when I drove by that property and wondered why someone would be concerned with the tower when I saw that. Can you imagine what the property values for a house that does not have adequate water pressure would be?

Mr. Craig Hurt – I live at Cottonfield Circle. I do not speak for the HOA but I am on the board. *Mr. Hurt presented pictures of how the tower would look from his property – pictures attached as an exhibit.* It is obvious we need water pressure and I am sorry for the people in Rose Hill. My suggestion is to put the solution near them and address the problem where it is. I do not want a 16 story building in my backyard. I am 800 feet away from that tower. My property values are going to suffer from it. It will be tough to sell my house with that in my backyard. I want you to understand my feelings as a taxpayer. It is hard for me to believe that in this economy it is difficult to find a willing seller. I think some property needs to be relooked at. Thank you for the fire department for showing up. I know that they have needs. From our standpoint we do not have fire hydrants, we have nothing. I do not want this to be us against them. There has to be a better solution for my house and my neighborhood.

Mr. Matt Sharon – I live off of Beulah Church Road. I love Weddington. I have to give it to the first speaker tonight. She did a wonderful job of speaking about the Land Use Plan and really laying out a clear story. The unique character of Weddington started to change a few years back when there was a lot more development going on here in Weddington. We heard earlier there was a large inventory of homes that we have in Weddington that are not occupied yet. When they become occupied this problem is going to get even worse. We have water pressure issues just down the road from here. It is coming like a wave on top of this. We are going to have a severe problem. Then the unique character of Weddington will be low water pressure homes and low pressure hydrants. We need to do something and we need to do it soon.

Mr. Boris Dunn – I am strongly opposed to the tower for reasons that have been stated and restated. The reason of property values was discussed. The thing that bothers me now is that we have not heard that there is a way to improve pressure that involves a ground storage tank and pumping facilities. These facilities are more complex in design but nevertheless they could be achieved at a higher cost. We need to really rethink and should consider that as an alternative. Maybe another site in the past that was objected to or not considered certainly could be considered for a ground storage tank with a pumping facility. This facility could be designed with the proper noise abatement and proper vegetation and trees.

Mayor Anderson – We did call for a special work session regarding discussing the ground level storage tank option. We have to hear this application tonight. We could not cross over to the ground storage discussion.

Attorney Fox – You are correct, the applicant did submit an application. It is the applicant's right and has an application before this board and is proceeding with the application that was submitted.

Mayor Anderson – When I spoke to the President of the Homeowners Association for Stratford on Providence, I did not get any support for the ground storage tanks.

Ms. Josee Lemmetti - When you mentioned that you spoke to the HOA regarding the ground storage tanks, you did not get much support because it was my understanding that you expected Stratford to pay for a lot of the costs.

Dr. Chris Phelps – I live in Stratford on Providence. I just moved into Stratford two weeks ago from Hunter Oaks. One of the things that my wife and I always talked about in our neighborhood battle against Wal-Mart was that we wished we lived in Weddington because they have this image and would protect us

from something like the Wal-Mart coming near our neighborhood. You can image our surprise and disappointment with the water tower being proposed across from our house. As a local business owner I have four dental offices around the area and I know something about the business of decisions. This is really a business decision. The board is putting pressure on them to make an economical decision. We need to get water pressure to these people. We do not want to spend money for the band-aid solution that will get you water in two months. There is a solution ready. They do not want to spend the money. I think the anger is displaced on where it should go. They are looking for the cheapest, most economical solution possible. The higher up we build the water tower the more we can cheat and use gravity to add more pressure to our system the less our costs are going to be. The County Attorney said that you are not going to please everybody. There is a solution right now that you can put it on the same site by telling the board to get their checkbook out to pay an extra \$1.5 million dollars and put it underground. Spend the money now to fix the problems in the short term and spend a little extra money to fix it in the long term. I definitely agree that it is coming. For safety issues I did a little Google and You Tube search on water towers. I saw 15 different videos posted in the last year of water towers throughout the country where someone either fell off it, died, got seriously injured or a kid was injured trying to vandalize it. There were even people falling into the water tower. The majority of the people that were injured or killed were the ones doing routine maintenance. In my mind the question is not is someone going to get seriously injured or killed but when and how many. I have serious safety concerns with the tower. In North Carolina there is actually a course on water tower rescue. It is a three-day course. Some of the fatalities are service men that are trying to save people that are trying to do something crazy on the water tower.

Mayor Anderson – I find it hard to believe that people are going to be able to climb up this particular design.

Mr. Goscicki – It is hard for me to reference the statistics that were discussed. Any utility operation has some transient safety issues with it. Safety is a primary concern. This is not the type of tank that you can climb up the outside and fall down. There is an internal access that the door is locked and bolted.

Councilmember Thomisser – I believe over the past year there was a water tower in the United States that was shot at with a rifle. Also it is my understanding on April 7, 2011 a water tower in Florida collapsed and two people were killed.

Mr. Goscicki – That was a ground storage tank and not an elevated storage tank. From what I read there was operator error in what they were doing. I keep hearing the term underground storage tank. There is no underground storage tank that is being proposed or would be proposed. We are talking about a ground level storage tank which would be a 30 to 40 foot tall structure, 80 feet in diameter. You would still have the size of the structure you are just not putting it in the air.

Mayor Pro Tem Barry – It is like the petroleum tanks that you see up at the airport.

Mayor Anderson – You and I have had long discussions about this. I have always been an advocate of ground storage tanks because it is the ugly factor that we are trying to take care of and I think that would be the solution. At your last presentation at the work session you explained why it was not just a substitute but you have to isolate off certain parts of the system.

Mr. Goscicki – Water distribution in a county this size is not a simple straightforward process. Within Union County right now, we operate five different zones depending on the elevation. All of our system is based on elevated water storage tanks. The concept that was discussed earlier is you have this network and you maintain the pressure in these pressure zones and these elevated tanks. That is your equalizing point. That is how you keep your pressure balanced by putting water up in that tank and that acts to equalize the pressure in that system. To change part of the system and say from this corner of

Weddington we will no longer use an elevated tank we are going to use a ground storage tank it is more complicated. You literally have to re-plumb the system because now you are not floating off of this elevation. You are on the ground and you need to put a pump station at the tank. Right now we pump up to that tank and the pump station we use is down at the Waxhaw-Marvin area. We pump up to this tank and we have to maintain that elevation. To put a ground storage tank we have to put a pump station at that ground storage tank because what you are doing now is you are pumping into that tank. Now you need to pump out of it to maintain pressure. It is a different pressure than your other zones so you have to isolate it from the other zones. You are putting in a pump station, new piping, pressure reducing valves and that is why it gets more complicated and more expensive and that is where the additional \$1.5 million comes in with that solution.

Councilmember McKee – What would be the timeframe for building from this day forward? What do you have to do to move forward?

Mr. Goscicki – We are not ready to build tomorrow but we are pretty close.

Mr. D'Adamo – Your requirements to meet this conditional zoning takes us to about 85% designed so there would be some things that would have to be approved. There is another month in design work and fixing what your engineer commented. At that point we would go through a bidding process which takes two or three months and then about a nine month construction period.

Councilmember McKee - The people in the pink area - we are talking about a period of 18 months. Is there not anything you can do for them in the meantime?

Mr. D'Adamo – Operationally we can optimize the pump station the best we can to try to get the pressure up as high as we can.

Councilmember McKee – Is that not being done now?

Mr. D'Adamo – The pressure is just not good now.

Mr. Lee Grice – I live on Cottonfield Circle. It is about the same view from my house. I know that everyone needs water and it is a horrible situation with the water pressure. That corner down at Providence Road and Rea Road if that tower goes up you are going to turn that corner to a commercial zone. No one is going to build a subdivision in there across from a water tower. You are taking the Grahams' land. They have been in this community for years. No one is going to build a subdivision that backs up to that water tower. That corner is done. From now to eternity that would be commercial at that area. The land just cannot sit there.

Mr. Johnie Flint – I live on Cottonfield Circle. This is wrong what you are doing to the people on the south part of Weddington asking us to sacrifice the value of our home so that someone can take a shower in the northern part of the Town. The way technology is today there has to be a solution. You can do better than putting this water tower in these individuals' back yard. This does not hold with the surrounding neighborhoods. The reason I moved to Weddington was it was a small town, village type of environment, limited commercial zoning and I always thought there was no way individuals of Weddington would let something this distasteful as the water tower to be placed in the town limits. I am appalled of putting this water tower inside the city limits or at least put a ground tower where trees could cover most of it. You are sticking another moon in Craig and Lee's back yard. It is wrong. I urge you to not let this take place. It will have such a negative impact on so many residents so a few people can take a shower. We do not have fire hydrants. We took that risk. We have no issues with our wells. Make them go back and use different technology, get another engineer - there has got to be another solution.

Ms. Valerie Kohen – I live on Cottonfield Circle. I do not want to take water away from anyone. I would ask that they respect my property values. No one is going to want to buy a house in Providence Acres. You are going to diminish the property values more than they have already. Weddington is unique. Everybody that spoke tonight speaks about the unique character of Weddington. We thought it was a safe haven and protection from the other things going on. You guys have done a really good job of protecting the town center and allowing the access road behind for Harris Teeter. I am asking you to give the same consideration down the road. Providence Road is a major thoroughfare to get to Weddington. They are going to get to Weddington and say, “This is Weddington.” It is ridiculous that you are going to let that mushroom represent Weddington and be a landmark for Weddington. I hope that you do not allow this to happen. You would not want it in your backyard. I do not want it my backyard. I do not want it in Weddington’s front yard either.

Ms. Ginger Edgeworth – I live on Cottonfield Circle. I mentioned to Mayor Anderson that I have been on line to look for Union County Water Towers. I ended up at Union, New Jersey where the tallest water tower in the world is located. It is 212 feet - 14 feet taller than this proposed tower. Jordan has 60+ petitions from our neighborhood. One neighbor said to me that I am not opposed to the water tower. I am opposed to the height. I am not opposed to the water or water pressure. I am not opposed to anybody having the utilities that they need. I have great water through my well. Rose Hill needs them. Mr. Goscicki after the workshop the other week said, “I would love to see more commercial development in Weddington, there is not near enough.” That is what he is going to get if we put in a 198 foot tower. At the bottom of his notes it says that the height of this tower is subject to change. It could be taller. Put it at ground level. I agree with Mayor Anderson. Spend the extra money, put in the pumps that are needed to pump the water to Rose Hill but do not devalue my property to increase the value of Rose Hill’s property. It is not right. There are other alternatives. There is a better solution to this 198 feet plus tower that I will never forget Ligon Bundy. It will be there every day in my face. It will not go away.

Mr. Chuck Kohen – I live on Cottonfield Circle. I listened to the lady earlier that had the well drilled saying she was not allowed to use the well. Why? Is the whole reason for this is that we are looking for more utility customers?

Mr. Gary Palmer – I live in Stratford on Providence. We do need water. We need water pressure. Sardis Road Park at the corner of Sardis Road and Highway 51 - they have a ground level tank. There is a little community park which I helped design years ago. You cannot even see that tank and is probably only 75 feet from Sardis Road. I do not know the volume or capacity of that tank.

Mayor Anderson – Since we are missing a Councilmember tonight, I am going to ask the Council to entertain a motion to recess this hearing.

The crowd yelled no.

The Council took a brief recess.

Councilmember McKee moved to close the public hearing. All were in favor, with votes recorded as follows:

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

Item No. 8. Approval of Minutes.

A. July 11, 2011 Special Town Council Meeting. Councilmember McKee moved to approve the July 11, 2011 Special Town Council Meeting minutes. All were in favor, with votes recorded as follows:

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

B. July 20, 2011 Special Town Council Meeting. Councilmember McKee moved to approve the July 2, 2011 Special Town Council Meeting minutes. All were in favor, with votes recorded as follows:

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

Item No. 9. Public Comment. Mr. Jeff Perryman – As we all know the Providence VFD is facing many challenges right now. This is an opportunity for our citizens and the leadership of our Town. The challenges that we are looking at include the fact that a large portion of Weddington does not benefit currently from 24/7 staffed EMT coverage that the Providence VFD currently provides. This service is currently only provided for those citizens who reside in District I. The station is out of code compliance to allow fire fighters to sleep overnight and the entire facility is in need of upgrades and repair. We as citizens have the voice in this and to maintain and control the fire and emergency services that we want. How can we reach some solutions on this issue? To start I would propose change from a fire fee district to a fire tax district and also in conjunction with that expand the current district to increase the revenue base for the fire department. Also make sure that all residents are paying the same amount or the same type of fees for their services. We need to help the fire department stabilize their financial issues and by doing these two things we can accomplish that. The fire district can be expanded in one of two ways. We can ask the County Commissioners to support an expansion of the districts or we can work with the State and County to create a municipal fire district which would give the Town taxing authority and control of the service boundaries and also allow the citizens more control and voice in the quality of service that we would receive. Recently the merger talks between Wesley Chapel VFD and Providence VFD were suspended indefinitely. I do not believe a merger would be a solution to solve the financial problems that currently face the department or would be in the best serving interest of the citizens of the Town and provide the services that we want. Fire and emergency services for the Town of Weddington should be decided and controlled by the citizens.

Mr. Ken Evans – I have a letter of request from the Board of Directors from the Providence VFD. The Providence VFD requests that the Weddington Town Council immediately send a letter to the Union County Board of Commissioners requesting the Providence VFD's fire fee district be changed to a fire tax district effective July 1, 2012. This continues the necessity of moving toward resolving the funding issues with the Providence VFD. At a meeting that some of you attended a comment was made that a fire tax for Providence was a no brainer; however, we have had two meetings and the fire tax has still not been on the agenda.

Mr. Walker Davidson - On July 25th the Town of Weddington sent a letter to the UCBOCC asking the County Commission to: "Do whatever is necessary to redraw the fire district lines to expand the district for the PVFD. This action is a precursor to a future request to convert PVFD from a fee district to a tax district." In other words, the Town's first priority is to move the lines and the second priority is to change to a fire tax district. Each one of these changes will allow PVFD to collect more revenue directly from the citizens that it serves. However, there are those in the county who do not want the lines moved, but they are not opposed to the change to a fire tax district. On July 27th the Village of Wesley Chapel sent a letter to the UCBOCC stating that it opposes moving the lines. On August 4th the WCVFD sent a letter to the UCBOCC stating that it is opposed to moving the lines. It will be difficult to move the lines and we will keep working on that part. But in the meantime I don't see any reason not to move forward with

the fire tax district. The only concern I have heard in moving to a fire tax district without moving the lines is the fear of a large tax increase to those who live in the Providence district. I am not sure this should be a concern to the Town Council. After all, the fire fee increased this year and I have not heard anyone blame the Town Council. The county will allow at most a 5 cent rate. I would like to see Providence charge no more than what the WCVFD charges next year. According to Jack Parks if Providence had a 2.2 cent tax rate it would collect an additional \$40,000 in revenue. That is moving in the right direction. It is my understanding that the PVFD will ask the County Commission for a fire tax district at next week's County Commission meeting. Here is what I am asking for tonight. I would like for the Town Council to pass a motion tonight to request that the County Commission move forward with the process to change Providence to a fire tax district.

Ms. Judy Johnston – Our Town has almost 10,000 residents and it has greater needs than ever before and it has greater expectations for leadership. I along with many in the community have asked for you to work with us as residents of this Town to improve and protect our homes and families. I am here tonight and the community is here tonight and we will continue to be here month after month until solutions are implemented. You have the power to resolve the issues and the sooner that is done all of us can move on to other things. I would like to go over the benefits of creating a municipal fire district not to be confused with a municipal fire department. A municipal fire district benefits include the Town gains control of the fire services for the entire municipality. All three fire departments remain independent. Providence VFD would be designated as a primary fire department. Wesley Chapel VFD and Stallings VFD would negotiate and contract with the Town to continue to cover areas that need their service from a public safety standpoint. Providence VFD would be considered the first responder for the entire town with Wesley Chapel VFD and Stallings VFD as assisting departments. Why does this make sense? Because the Providence VFD is almost 99% inside the Town limits while Wesley Chapel VFD and Stallings extend far outside of the Town. The Town would have the authority to determine the fire boundaries working with the Department of Insurance to make sure that Providence's primary boundaries are within the five mile radius. The Town would set the fire tax rate for the entire Town which provides an equitable rate for all of Weddington. With Providence as a first responder for the entire town the entire town benefits from 24/7 staffed EMT coverage. Currently only Providence VFD District has this benefit. I might add that Wesley Chapel VFD is paying more for your fire protection right now and receiving less in your quality of service. It allows the Town to make changes in vital services as future needs require and it provides a long term goal for a use of some of the Town reserves. Currently there is no long term vision or plan for those reserves. Change is coming and you must do your job in the interest of public safety. Doing nothing or postponing decisions is not in the interest of public safety. A municipal fire district is the best solution for the Town, for residents and for the Providence VFD. We need you to engage and work towards resolution. I request that you have a vision for the future of our Town and put your names on the historic step for the Town.

Item No. 10. Consent Agenda.

A. Call for Public Hearing to Review and Consider Emergency Gate and Entrance Gate Text Amendment (Public Hearing to be held September 12, 2011 at 7:00 p.m. at the Weddington Town Hall). The Town Council received a copy of the proposed text amendments. Councilmember McKee moved to call for a public hearing to review and consider emergency gate and entrance gate text amendment. The public hearing is to be held September 12, 2011 at 7:00 p.m. at the Weddington Town Hall. All were in favor, with votes recorded as follows:

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

B. Call for Public Hearing to Review and Consider Conditional Use Permit (CUP) to Conditional Zoning (CZ) Changes in the Weddington Code of Ordinances (Public Hearing to be held

September 12, 2011 at 7:00 p.m. at the Weddington Town Hall. The Town Council received a copy of the proposed text amendments. Councilmember McKee moved to call for a public hearing to review and consider conditional use permit to conditional zoning changes in the Weddington Code of Ordinances. The public hearing is to be held September 12, 2011 at 7:00 p.m. at the Weddington Town Hall. All were in favor, with votes recorded as follows:

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

C. Consideration of Proposal for Professional Engineering Services for Proposed Street Improvements for Stratford Hall, Bonner Oaks and The Meadows Subdivisions. The Town Council received a copy of the proposal for professional engineering services for proposed street improvements for Stratford Hall, Bonner Oaks and The Meadows Subdivisions.

Scope of Work

Task #1 – Field Inspection and Bid Package	-	\$6,115.00
Task #2 – Construction Administration and Inspection	-	\$8,650.00
Expenses Allowance	-	\$250.00
Total Not-To-Exceed Fee	-	\$15,015.00

Item No. 11. Consideration of Public Hearing.

A. Consideration of Union County Water Tower Conditional Zoning Application. Councilmember Thomisser - I move that we not approve the Union County Water Tower conditional zoning application for the following reasons. The document that you are looking at is a list of the subdivisions that have water. I personally talked to residents in each one of these subdivisions and not a single one said that they had a water pressure issue. I introduced myself and I asked if the water pressure is too low. They said “no”. I asked if it was too high. They said “no”. I also would like to point out that we have had some discussion from some folks here tonight about Rose Hill. If you look on this list Stratford Hall is at the corner of Tilley Morris Road and Weddington-Matthews Road. It is directly across the street from Rose Hill and I talked to a resident in there and he said that he had no problems. As far as Rose Hill is concerned that is an individual problem that I feel Union County Public Works needs to address but not spend 4.5 million dollars for a water tower where everybody on this list that has water has indicated to me that there is not a water pressure problem. If you will look on Page 17 of the Land Use Plan Policy 5 states: Ensure that development is consistent with the Town’s quality and aesthetic values, thereby preserving and enhancing property values. I do not think there is anything aesthetic about an 18 story water tower and I do not believe that it will have a positive impact on property values. I believe that it has a negative impact on property values. On Page 21 **Community Design and Image Goals, Goal 1 says to** maintain and enhance the Town’s aesthetic qualities and physical character. Again I do not believe a water tower will enhance the aesthetic values in the Town of Weddington. The overriding objective of the policy guidelines set forth in this section is to protect and promote the health, safety, and welfare of the citizens, and future citizens of the Town. Another policy states the following: Encourage the preservation of older homes and structures in the community to preserve a sense of history. I believe we had a speaker here tonight that said across the street from the proposed water tower is the oldest house in Weddington built in 1865. On Page 10 the Weddington Land Use Plan states, “New growth must occur within a framework which is in keeping with the existing community character and which avoids negative social, economic and environmental effects on the town.” Goal 3 on Page 16 states: To preserve open space and scenic views, while providing opportunities for low-density development. I believe the gentleman here showed a picture tonight of the view from his back yard. On Page 32 - According to the Union County Health Department, the Weddington area has an adequate supply of good quality ground water. I believe that Mr. Goscicki said earlier that we do not have a water problem we have a water pressure problem. The handout I just gave you lists 16 neighborhoods that do not have a water pressure

problem. I believe that is almost every neighborhood with the exception of Rose Hill. Council, if we are not going to follow our Land Use Plan we might as well throw it in the trash can. In your black book the last page under Section 5 - Conditional Zoning District decisions shall take into account applicable adopted Land Use Plans and adopted land use policies and all ordinances. I believe this water tower will have a health and safety negative effect on the First Baptist Church as a preschool program is very close to this water tower and our Union County Board of Commissioners and former school board member came out in the newspapers and said that they did not want to put the water tower on the Rea View Elementary School because she was very concerned with the water tower breaking and drowning all of the kids. But it is okay to put the water tower next to the First Baptist Church. I do not see any difference. This site was never one of HDR's original five sites and the water tower belongs in a commercial and industrial area and it does not belong in the town limits of Weddington.

Councilmember McKee – Jordan, did the Planning Board consider the Land Use Plan in their decision?

Town Planner Cook – They did.

Councilmember McKee – And their conclusion was that this was in the guidelines of the Land Use Plan?

Town Planner Cook – They considered both the Land Use Plan and the Zoning Ordinance and their recommendation is that it did comply with both.

Councilmember McKee – Do you recall the conversation as far as that it was well within the means of the Land Use Plan?

Town Planner Cook – No, they did not have a conversation based on that. Their decision or their recommendations on a conditional zoning were still based on the same criteria that the Town Council would vote on.

Mayor Anderson – As I understood your motion you are against it because you do not feel that it is needed, the ugly factor, it does not preserve the original value of the property that is diagonal from the site which is also owned by the seller of this property, it may be dangerous to the children and you believe it to be out of compliance with the Land Use Plan. Does that summarize your position?

Councilmember Thomisser – That is correct.

Mayor Pro Tem Barry – This is a tough issue. Everybody wants to turn on a faucet and have water come out but no one wants to put this in their backyard. I was reminded this weekend of when I was working on election night and the person who I ran against said do not forget you got 684 votes, now you represent 11,000 people. That is people who have water like me on a well and those in Rose Hill who do not and those on South Providence Road that do not want a water tower in your front yard. Every neighborhood in Union County does not want a water tower in their front yard but everybody who is required to be on the public utility wants the water to come on. On Page 35 of the Land Use Plan it states: In order to maintain a high quality of life for residents in residential areas the Town needs to ensure that public facilities and infrastructure is available to serve them in a convenient and functional manner. Infrastructure includes adequate means of mobility, water and sewer service and stormwater systems.

Councilmember Thomisser – Mr. Goscicki said that we do not have a water problem, we have a water pressure problem. What you just read does not state water pressure it states water and I put in front of you 16 neighborhoods that have water and do not complain about their water pressure.

Mayor Anderson – You say that it is out of compliance with the Land Use Plan and the Land Use Plan is a guideline. Your fellow Councilmember just cited another area in the Plan that contradicts you. How do you reconcile this with our ordinances that Jordan read to us that we require County hookup?

Councilmember Thomisser – You and Mayor Pro Tem Barry are talking about water. Mr. Goscicki said that they are here tonight because of water pressure and the need for the water tower is because of water pressure.

Mayor Pro Tem Barry – Infrastructure states adequate it is not just water it is also pressure. The Town of Weddington relies on Union County Public Works for water and sewer services. As a stated desire, when you and I campaigned, was the development of a library structure and YMCA, which would put substantial demand on the system and as discussed they could not adequately support those items.

Councilmember Thomisser- I asked Mr. Goscicki if we had a water pressure problem at the intersection of New Town Road and Providence Road. He said he had not tested it or that we do not have a problem.

Mr. Goscicki – I believe you asked if we had data from a pressure recorder at that location. I told you that I was not aware of whether we do or not.

Councilmember Thomisser – We do not have a water pressure problem in that area.

Councilmember McKee – The Town allocated \$20,000 for Wellington Woods to help them hook on to County water. I know someone that lives in that neighborhood who told me how bad their well water is and has been for years. We found out that the plan from Mr. Goscicki will not be used anymore. Tonight I got inspired by his comments about they are going to have another plan that should be more user friendly and he is going to make sure that the Town of Weddington would be apprised of the process and the standards. If 80% of Weddington is on wells, eventually these neighborhoods on well water will want to hook onto public water.

Councilmember Thomisser – You cannot vote on something that might happen in the future. Mr. Goscicki may have the policy changed but he does not have any specific dates or decision. The only thing that we have to go on here tonight is whether we want to approve this elevated storage tank. We have listened for almost four hours. I submit that 16 neighborhoods do not have a water pressure problem.

Councilmember McKee – Also stated from the Providence VFD that they had tested all of the fire hydrants in their area and they are only meeting minimum standards. I do not know if that is acceptable if your house is on fire.

Councilmember Thomisser – I do understand that you need pressure for the fire hydrants. Eighty percent of Weddington is not on water - it is on wells. We have two fire departments that respond to every fire with the possibility of mutual aid from another fire department. They carry their own water. Mr. Evans pointed out that one of the low hydrants is at the entrance of Highgate and I live very close to the entrance of Highgate and I have to put a pressure reducing valve on my house because the pressure was 157 psi. I do not understand why there would be low pressure at the entrance of Highgate and yet four or five houses down we have enough pressure to bust the pumps. My pipes that go to my house have busted.

Mayor Anderson – I believe Mr. Evans said it was a dry hydrant.

Mayor Pro Tem Barry – I would like to make a substitute motion to approve the water tower for Western Union County on Providence Road and to set aside all of the unused property and for County Attorney

Ligon Bundy to work out the details so that the property could be allocated and titled over to the Town of Weddington to be used for a park/open space.

Mayor Anderson – I would like to ask for a friendly amendment to make a condition of approval that the tower height not to exceed 60 feet therefore making it a ground tank which solves the problem.

Mayor Anderson gave the gavel to Councilmember McKee so that she could participate in the debate.

Mayor Anderson – It seems to me that I think people accept that we need water now and in the future. I think I am the only person in this room that volunteered to have a water tower close to their home. I thought I could put it on the farm somewhere out of everyone's problems but I was not able to do that because of the restriction on the land by the Catawba Lands Conservancy. It seems to me that we have the technology and engineering that we can solve the problem that everyone is talking about. They said they wanted water they just do not want to look at it. Let's accept this site. Let them move on. There will be extra money. I am quite certain we can work that out with the County. If we cannot then they can come back to us. I am asking for a friendly amendment to accept a water storage facility on this site with a height restriction not greater than 60 feet and I like the condition about the park.

Mayor Pro Tem Barry – I do not accept the friendly amendment.

Councilmember Thomisser – A ground level storage tank is considered an update and it would cost \$1.6 million more. Who is going to pay for that?

Mayor Anderson – I am not sure. He did not accept my amendment so it does not matter.

The vote on the substitute motion is as follows:

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

Attorney Fox – The approval of the substitute motion carried with the finding that the approval of this tower is consistent with the Town's Land Use Plans.

Item No. 12. Old Business.

A. Update on 2011 Weddstock Festival. The Town Council received the following Weddstock Update:

WEDDSTOCK UPDATE

This year it will be an all day music fun festival with lots to do for everyone! The day kicks off at 7 a.m. with a 1 mile fun run, 5k and 50 yard Durango "boot" Dash. Followed by the Cowboy Breakfast on the farm along with horse shoe games, cow call contest, learn how to lasso and more!

The main stage kicks off at 10am with a wide variety of rock, country, and fantastic bands. Bring your chairs and blanket to spend the day.

The Kids Corral includes the bungee jump, climbing wall, wide array of crafts, and tons of fun! Hop on the free wagon rides to take you to more fun. Kids can catch a fish in the pond, meet new friends at the petting zoo, ride a pony and learn how to milk a cow in the milking barn! Later that day The Teen Stage will run from 7pm till 11pm with music, DJ, photo booth and water gun battle.

You can stop by the vintage car and tractor show, or try your aim in the paint ball area!

There will be lots of food choices at the chuck wagon food circle and beverages at the “Pistol Saloon” proudly named after the resident goat!

We have sponsorship through 4 radio stations – The End 106.5, Lite 102.9, The Beat 96.1 and Kat Kountry 96.9 providing on-air and on-site promotion. Other promotional options include Twitter and Facebook. Sponsors have many opportunities to participate including on-site booths, banners, print ads and even have your logo painted on a real cow!

Have a wonderful day with your family and help local needy families too. All proceeds benefit Kids First of the Carolinas!

Many local charities and the local schools will also benefit from the event:

The R2R, race to resurface the high school track, will benefit the Cross Country Team.

The Paintball Club run by Officer Louie Rodriguez, the High School Resource Officer is doing the entire paint ball experience and his club will benefit.

The Middle School Cheerleaders will perform and sell snow cones and ice pops to benefit their squads.

The “droplets” group from Elevation Church, which is youth group, will do all the parking and most of the proceeds will go to help them build a well in Africa.

Threads of Hope will sell their bracelets made overseas.

Local Girl Scout troops and a French Club will benefit from the pancake breakfast.

Offers to participate have been extended to every business in Weddington Corners.

The Town Council also received two flyers announcing Weddstock and the Cowboy Breakfast to be held on August 20, 2011.

Item No. 13. New Business.

A. Update on Merger Discussions Between Wesley Chapel VFD and Providence VFD – Providence VFD Vice President Ken Evans. The Town Council received a copy of the following letter signed by Jack Parks, President of Providence VFD and Butch Plyler, President of the Wesley Chapel VFD:

July 20, 2011

Re: Merger of Providence VFD and Wesley Chapel VFD

The Steering Committees for Providence VFD and Wesley Chapel VFD have decided, based on recent actions by the Town Council of Weddington and a movement by Weddington citizens to consider alternative options for Providence VFD, that all merger discussions will be indefinitely suspended.

The Town Council received a letter from Frank Pippin, CPA dated August 8, 2011 discussing the services that they provide to PVFD and a letter dated July 18, 2011 to the Providence VFD from Wells Fargo regarding that they were unable to approve their credit request at this time.

Mr. Ken Evans – I would like to discuss two letters with the Town Council. The first letter is from Wells Fargo. Providence VFD applied for a loan for \$450,000 to do the renovations and obviously with a lack of cash flow to support such a loan they turned us down. There is also a letter from our CPA on how they conduct our business. In that letter it states the following: “All payments are received or deposited into an account with BB&T. We do not receive subsidized payments from Union County at our office. The County deposits funds directly to the operating account at BB&T. When deposits are made we receive an email from the County in the amount of the deposit and then they are created in a quick post transaction. Accounts payable is paid by check from the operating account. Checks from our office require a double signature before mailing except funding for payroll account which is automatic. We receive payroll data from the fire department which is prepared biweekly. We prepare payroll filings and various tax deposits. Reconciliations are completed monthly. We send reports to the Board monthly. We prepare the annual tax filing.”

Mr. Evans - I faxed a copy of the above letter regarding the merger to Commissioner Jerry Simpson. The letter outlined reasons for terminating the merger talks between Providence and Wesley Chapel. It is our desire that the BOC look in favor of moving the fire lines for Providence VFD. By moving the fire lines Providence will become a financially independent fire department.

Mayor Pro Tem Barry – So the Board of Directors with Wesley Chapel sent a letter to the Board of Commissioners that they supported your desire to move the fire district lines.

Mr. Evans – No, that is not what I am saying. They support the letter indefinitely suspending the merger talks. It is Providence’s hope and desire to move the fire district lines.

Councilmember Thomisser – I was surprised to read the newspaper to hear that talks were suspended between Providence VFD and Wesley Chapel VFD. Why were the talks suspended?

Mr. Evans – In that article that you read one of the remarks by Jack Parks was there were too many balls in the air. Under those circumstances it was felt that there was no sense in continuing the merger talks because we felt that they would have no results because everything else was being suggested. We were being pulled in too many different directions.

Councilmember Thomisser - I heard that the Providence VFD put a list of demands on the Wesley Chapel VFD such as in order to execute a merger that both boards would have to be dissolved and five members of the Providence VFD and five members of Wesley Chapel would constitute the new board. I also heard that if the merger was completed that the name on the door would still be Providence VFD. Wesley Chapel VFD covers 80% of Weddington and they have 44 volunteers.

Mayor Anderson – I do not think Mr. Evans, even though he is on the Steering Committee, can speak for the Board of Wesley Chapel. Why he is here tonight to say is that they have sent a letter. As we have heard many times from all parties our Council cannot force a merger. He has brought to us a letter from the Steering Committee that they are no longer talking about a merger. There is no legislation that we can pass to change that.

Councilmember Thomisser – The point that I was trying to make was that unrealistic demands were being made.

Mayor Anderson – We are not here to place blame on either department.

Councilmember McKee - The letter states that they called off the merger. He is asking questions of why it was stopped.

Mayor Anderson – They stopped talking about the merger until things get settled. When Mayor Pro Tem Barry made that motion I asked him does that mean we are not going to talk about the merger any more. He said, “No, that we wanted both going simultaneously.” I was confused by that. The next day I talked to one of the Board members of Wesley Chapel and he was confused by that and the paper reported that the merger was off. I think that it is a confusing issue. The public and the people involved and certainly I did not get it. I do not want to sit here at this late hour trying to place blame on one party or the other. Facts remain that we have received a letter stating that they are no longer discussing the merger and I think we need to bring this up at our work session.

Mayor Pro Tem Barry – I think the concern that Councilmember Thomisser is driving at is the motion that was made and passed said to move with all due speed with the merger. It was my expectation that it would drive you closer together understanding the financial impact. I think there is some frustration about that. I understand where you are today.

Councilmember Thomisser – Mr. Evans is on the agenda tonight and I am trying to address this subject.

Mayor Anderson – I understand that. I am just suggesting to you that because it is so complex and so many balls in the air and so many personalities involved that you may be served better to discuss it at the work session.

Councilmember Thomisser – Union County spent \$75,000 on a fire study. I am curious why your board feels differently than what was suggested in the study. This ties into the question I asked earlier as to why talks were suspended.

Mr. Evans – I believe it says in there that it is a suggestion that Providence and Wesley Chapel merge. There was a suggestion in there that Stallings and Baker merge also. It was a suggestion and not a recommendation. There was nothing in there that said that the fire lines cannot be moved. By the request of this Town Council, we entered into merger talks with Wesley Chapel. I believe that they began in February. I believe that we had three or four merger discussions up until June. We had one scheduled for this week but it has been cancelled.

Councilmember Thomisser – I took the liberty of going into the records and on September 10, 2007 when you were on the Weddington Town Council you were quoted as saying, “It is my intent that the Town Council support a resolution for Providence VFD to acquire a fire tax district and to move the fire lines. We have been discussing this for the last two years and I have not seen any progress in this area.” This Town Council Meeting was September 10, 2007 so you are saying that this goes back to 2005 and there was no progress then and you were on the Town Council. What has changed if you could not get it done in 2005 and you could not get it done in 2007? What information do you now have?

Mr. Evans – The Council has changed. What the Council did 18 months ago is request that we have 24/7 service.

Councilmember McKee – That is not true.

Mr. Evans – We provide 24/7 coverage and now the Council is saying that they do not want it anymore. That is what has changed. We were riding a Cadillac and now you are asking us to drive a Ford.

Councilmember Thomisser – The paper that you are looking at is a document from the Providence VFD Board of Directors. I want to address the statement that Mr. Evans just made about overnight coverage. That document is dated November 2009.

Mayor Pro Tem Barry – In the interest of the hour - I think I know where you are going. You and I addressed the issue on the phone. In the Long Range Plan adopted November 2009 right before we were elected there was a comment in there that says we need to go and talk to the Town Council about overnight coverage but we recognize that our facilities are not in compliance. The concern that this Council has tonight is that request was made of the Town Council in January 2010 knowing that your facility was not in compliance.

Councilmember Thomisser read the actual language from the Long Range Plan. He stated, “Basically the facility back in 2009 your board knew that it was not in compliance for people to be sleeping there and yet your board came in front of this Town Council 18 months ago and requested overnight staffing knowing full well that you were not in compliance and I want to know why you misled this Town Council.”

Mr. Evans – I was not there when this was written in 2009; however I will address it. This end of Union County is becoming highly populated. There is a need and a necessity for not only Providence VFD but also Wesley Chapel VFD to provide 24/7 service. Whether or not Wesley Chapel has to do it today or tomorrow we do not know but in the next 5 to 10 years this end of the County because of its population is going to require 24/7 service and this document basically addresses that issue as a future concern.

Councilmember Thomisser – I do not have a problem with that. Eighteen months ago you knew your fire station could not sleep people overnight and yet your board came to this Town Council and requested overnight staffing.

Mr. Evans – The question has been asked and the question has been answered.

Councilmember Thomisser – I have stated on several occasions that it is the responsibility of your board to go in front of the Union County Fire Commission and plead your case and it is the responsibility of your board to go before the Board of Commissioners.

B. Presentation on Estimates for Modular Buildings with Sprinkler System for Providence VFD – Providence VFD Board Vice President Ken Evans. The Town Council received copies of two quotes for modular buildings with sprinkler systems.

28’ x 64’ Modular Building with Sprinkler System	-	\$133,700
24’ x 56’ Modular Building with Sprinkler System	-	\$91,900

Councilmember McKee moved to put this item on the work session when the date is set. All were in favor, with votes recorded as follows:

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

C. Discussion of Scheduling a Work Session to Discuss Options for Future Fire Service in the Town – Mayor Nancy Anderson. Staff was directed to schedule a work session to discuss options for future fire service in the Town. Mayor Anderson asked that the Council explore the possibility of a municipal fire district in this process.

D. Consideration of Bid Proposals for Landscaping Maintenance of Medians and Shoulders on Highway 84, Highway 16 and Rea Road – Councilmember Jerry McKee. Councilmember McKee

moved to recommend A to Z Farms to do the landscaping maintenance of the medians and shoulders on specific roads in the Town. All were in favor, with votes recorded as follows:

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

A to Z Farms	\$21,450
Twin Sparrows	\$20,400
Daryl's Lawn Care	\$31,056

1. Cut grass along shoulders 10' – 15' behind sidewalks and medians as marked on attached map. Grass will be cut as needed or as deemed necessary to maintain a high degree of curb appeal. Grass will be cut bi-weekly during the accepted normal growth period except when weather dictates otherwise.
2. Edge all curbs, sidewalks, and medians as needed during the growing season. Normally, once monthly edging will suffice to maintain a manicured appearance.
3. Weedeating around tree beds, signs, and along banks will be done after each mowing.
4. Clean all grass and debris from walkways, curbs, driveways, and/or streets after mowing and edging operations.
5. Police grounds to remove trash, limbs, litter prior to mowing. (There will be an extra charge for labor time of any excessive littering.)
6. Weeds in joints of concrete and beds around trees will be treated with herbicides.
7. Maintenance of Mulched beds, trees and shrubs are NOT included in this contract.
8. During the fall season, leaves will be blown from the grassed areas and removed from the maintained ground area.
9. During winter months, grounds will be policed periodically for trash and debris. Paved areas will also be blown clear.
10. Remove all dead plants and trees under 6" in diameter within the primary maintenance area. All contract tree removal will occur between November 1 and March 30, unless otherwise jointly agreed.
11. Perform work in a professional manner and minimize the inconvenience to management and/or resident.
12. Provide adequate supervision of employees to insure complete and satisfactory performance.
13. Groundskeeper will have periodic communications with management and/or resident to maintain satisfactory for both parties.

Item No. 14. Closed Session. Mayor Pro Tem Barry moved to go into Closed Session pursuant to G.S. 143-318.11 (a) (5) - To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract. All were in favor, with votes recorded as follows:

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

Item No. 15. Consideration of Authorizing The Moser Group, Inc. to Proceed to Task 2 - Site Acquisition and Development Services. Mr. Dennis Taylor discussed the following information with the Town Council regarding Task 2 - Technical Evaluation of Site Groupings

Upon completion of Task 1 and written authorization to proceed from the Town, the Team will begin a technical evaluation of the site groupings to provide the Town with an objective review and recommendation of the best site available for the defined development. During this phase of the project the Team will:

- § Review Surrounding Land Use
- § Investigate Physical Site Attributes
- § Evaluate Off-Site Considerations
- § Investigate Environmental Considerations

Task 2 Schedule: 12 weeks from completion of Task 1 and authorization by Town

Task 2 Budget: \$10,000 for the first site group
\$8,500 for each additional site grouping

Mayor Pro Tem Barry moved to proceed to Task 2 on Parcel A and to continue with negotiations. All were in favor, with votes recorded as follows:

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

The following items were taken as information and not discussed due to the lateness of the hour.

Item No. 16. Update from Town Planner. The Town Council received the following update from Town Planner Cook:

- NCDOT has acquired the right-of-way needed to install turn lanes and a traffic signal at the intersection of Hemby Road/Beulah Church Road and Weddington-Matthews Road. Installation of the traffic signals has begun. NCDOT will begin roadwork this week and will complete all work by the end of August 2011.
- Work on the NC 84 Weddington-Matthews Road Dual Lane Roundabout has begun. NCDOT will have engineers, surveyors, geologists, and others gathering data for the next several months.
- The Town Council will hold a Public Hearing on September 12th to consider text for Emergency Gates and Entrance Gates.
- The Town Council will also hold a Public Hearing on September 12th to consider text to replace the term Conditional Use Permit (CUP) with Conditional Zoning (CZ) where applicable.
- The Planning Board approved the Weddstock Temporary Use Permit at their June 27th meeting. Weddstock is scheduled to take place on Saturday, August 20th from 8:00am to 11:00pm on The Hunter Farm.
- Staff has received an inquiry for a stand-alone or walk-up ATM machine in the Weddington Corners parking lot. This project may be on a future Planning Board agenda.
- Staff has received a land use amendment application from Jim Spittle at 6874 Weddington-Matthews Road. This application should be on the August 22nd Planning Board agenda.
- The following text amendments may be on the August 22nd Planning Board agenda for discussion:
 - Farmers Market definition and development standards-the Planning Board and Parks & Recreation Committee will hold a joint meeting on August 22nd to discuss the farmers market concept and text.

Item No. 17. Update from Town Administrator/Clerk. The Town Council received the following update from Town Administrator/Clerk Amy McCollum:

A joint meeting with the Union County Board of County Commissioners is tentatively scheduled for October 10, 2011 at 4:30. Once I have confirmation from County Manager Cindy Coto we will start working on an agenda for that meeting. A light dinner will also be served that night.

Update on Streetscape Project

- § Ornamental Post & Panel is in the process of rebuilding the stone portion of the light poles. The street light at Town Hall has been redone.
- § The Downtown Core Committee has made a recommendation on the location of two of the monuments for the Downtown area. Those recommendations will be on your September agenda for consideration.
- § Buzz Bizzell is working on a banner concept for the upcoming Christmas/Holiday season.
- § Buzz Bizzell has also developed a Weddington Town Limits sign that is being considered by the Downtown Committee.
- § Mr. Bizzell has designed a new Weddington Town Hall sign which will be on the September Town Council agenda for review and consideration.

Once a contractor has been selected for the mowing of the medians and shoulders for Providence Road, Weddington Road and Rea Road, we will work with NCDOT on a Municipal Agreement for reimbursement for some of the mowing costs.

I have included Code Supplement No. 6 in your packet. Please update your Code of Ordinances or staff will assist you.

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 and Robert Gilmartin
- § Downtown Core Committee – Scott Buzzard and Jerry McKee
- § Public Safety – Jerry McKee

The 2011 NCLM Annual Conference will be held October 22 through October 25 at the Raleigh Convention Center. Please let me know by September 12 if you are interested in attending.

New chairs have been ordered for the upstairs conference room and should be delivered next week.

Work on the next Town newsletter will begin in the next two weeks.

WCWAA – Attorney Fox will provide an update by memo on this issue.

IPADS – There was a question as to whether the purchase of the Ipads should wait until November. Please let me know if you would like to proceed now or wait until November or December.

Upcoming Dates:

August 10	-	Auditors will be at Town Hall
August 10 – 12	-	Amy attending conference in New Bern
August 22	-	Parks and Recreation Advisory Board Meeting
August 22	-	Planning Board Meeting
September 5	-	Town Hall Closed for Labor Day

Item No. 18. Public Safety Report.

Weddington Deputies – 368 Calls

Providence VFD – July 2011

Union Fire Calls	19
Union EMS Calls	5
Mecklenburg Fire Calls	3
Mecklenburg EMS	1
Total Calls:	28

Training Hours for the Month 105

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

Item No. 19. 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 July 1, 2011 to July 31, 2011.

B. Tax Collector's Report.

Monthly Report – July 2011

Transactions	
Pay Interest and Penalties	\$(108.13)
Adjust Under \$5.00	\$(1.02)
Advertising Costs	\$503.50
Interest Charges	\$103.34
Taxes Collected:	
2010	\$(969.74)
As of July 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	\$4,591.57
2010	\$14,391.99
Total Outstanding:	\$23,147.40

Item No. 20. Transportation Report. There was no report at this time due to the lateness of the hour.

Item No. 21. Council Comments. The Town Council received information regarding the Union Symphony Society, Inc. and an invitation to Farm-City Celebration to be held September 22, 2011 at 6:30 p.m.

Item No. 22. Adjournment. Mayor Pro Tem Barry moved to adjourn the August 8, 2011 Regular Town Council Meeting. All were in favor, with votes recorded as follows:

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

The meeting ended at 12:27 a.m.

Nancy D. Anderson, Mayor

Amy S. McCollum, Town Clerk

**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, SEPTEMBER 12, 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 September 12, 2011, with Mayor Nancy D. Anderson presiding.

Present: Mayor Nancy D. Anderson, Councilmembers Werner Thomisser and Jerry McKee, Town Attorney Bobby Sullivan, Finance Officer Leslie Gaylord, Town Planner Jordan Cook and Town Administrator/Clerk Amy S. McCollum

Absent: Mayor Pro Tem Daniel Barry and Councilmember Robert Gilmartin

Visitors: Craig Hurt, Steven R. Carow, Ken Evans, Jane Evans, Daryl Matthews, Matthew Carow, Jim Vivian, Bill Price, Walker Davidson, Sharon Sanders, Jerilyn Davidson, Barbara Harrison, Judy Johnston, Jennifer Romaine, Sam Lowe, Lisa Stewart and Pam Hadley,

Mayor Nancy D. Anderson led the Council in The Lord's Prayer prior to the opening of the meeting.

Item 1. Call to Order. Mayor Nancy D. Anderson called the September 12, 2011 Regular Town Council Meeting to order at 7:05 p.m.

Item 2. Pledge of Allegiance. Mayor Anderson led in the Pledge of Allegiance. Everyone in attendance applauded the firemen and deputies in the room in honor of 9/11.

Item 3. Determination of Quorum/Additions or Deletions to the Agenda. There was a quorum.

Councilmember Jerry McKee requested that Item 10.e. be moved to the September 19 Continued Meeting and reworded to say the following: Discussion and Possible Action on the Water Tower Including Possible Clarifying or Rescinding of the Council's Prior Decision on the Water Tower Application.

Councilmember Werner Thomisser asked that the following items be moved to the September 19 Continued Meeting: 10 B, D, E and F and 11 B, C, F and G. Councilmember Thomisser also requested to move Item 8A from the Consent Agenda to New Business.

Councilmember Thomisser moved to approve the agenda with the changes as noted. All were in favor, with votes recorded as follows:

AYES: Councilmembers Thomisser, McKee and Mayor Anderson
NAYS: None

Item 4. Presentation by Weddstock Committee. Ms. Jerilyn Davidson discussed the Weddstock 5K race. She stated, "The parents of the kids in the Track and Field Program at the Weddington High School came together to plan the 5K. Our goal was to raise awareness of the poor conditions of the high school track and to hopefully raise some funds that could eventually be used for resurfacing. We had 126 5K runners ranging in ages from 3 to 70 years old. It was a fun morning that transitioned into a fun day. I want to now discuss the financial documents for the Weddstock Event. We had in-kind donations of \$168,290.00 and expenses were \$33,282.92. The total cost of the Weddstock Event was \$201,572.92. Income from the event was \$47,575.73 and expenses were \$33,282.92 with a profit of \$14,292.81.

Donations went to the individual charities which was Kids First of the Carolinas (\$8,991.72), the Weddington Cheerleaders (\$574.00), the Paint Ball Club (\$820.00), Droplets - Build wells in Africa (\$2,907.00), the Girl Scouts' French Trip (\$500.00) and Waddell MS Exchange Trip (\$500.00)."

A slideshow of highlights of the event was shown to the Council and public. Ms. Sharon Sanders stated, "We had good music and good food. All of the bands were local and two were Weddington residents. We had nothing but compliments. There were over 5,000 in attendance with 350 volunteers. Next year we would like to add a Marine Mud Run on the farm and would love to have more of a county fair feel with a dance floor. We already have commitments from five radio stations, a TV station and a car dealership for next year. It was a great event. Overall it was a successful event and we had a lot of support from the community. It was put together by 12 moms of the community."

Councilmember Thomisser – I would like to personally thank you for your leadership for putting this event together. To get 5,000 people in one day versus 5,000 people in four nights last year is quite the accomplishment. I think it shows that people really want an annual event where they can gather and socialize together.

Councilmember McKee - I would like to second that. What I saw from the packet and financials it looked outstanding. I applaud the effort that all the ladies put into this. I look forward for having it for years to come.

Mayor Anderson - This is what the people of Weddington said that they wanted. We used to have the Weddington fair every year. We were raising money for the schools. I think it is a wonderful event. You guys are awesome.

The Town Council was provided a packet of information regarding Weddstock.

Item 5. Public Hearings.

A. Public Hearing to Review and Consider Emergency Gate and Entrance Gate Text Amendments.

Mayor Anderson opened the public hearing to consider emergency gate and entrance gate text amendments. The Town Council received a copy of the proposed text amendments.

Town Planner Jordan Cook reviewed the text change with the Town Council. He stated, "At the Planning Retreat in March, our Town Attorney brought this subject up. He wanted stronger language in our code regarding entrance or emergency gates. The first section (46-76) is in regards to emergency access gates where it is a stubbed road similar to the one Highgate has off of Providence Road. What we are doing in this section and the next section (58-23) is requiring the Homeowners Association to perform an annual inspection and send those results to Town Hall. The second section (58-23) deals with the entrance gates in gated subdivisions. We are also requiring the annual inspection on these types of gates and the results be sent to Town Hall. We are requiring in this section that the HOA provide the access number to fire, police and any other emergency personnel. This is tightening up the code at the Attorney's request."

Mayor Anderson - Are these gates activated by sirens?

Town Planner Cook – Yes, that is the reason for the annual inspection. We want to make sure that the "yelp" is going to open those gates.

Councilmember McKee – Do all the gated communities have the siren part that will open the gate?

Town Planner Cook - We do not require that. We want to make sure that everyone has the access code.

Mayor Anderson - Dispatch is what you are talking about and they can relay to the first responders.

Councilmember Thomisser - In case of a fire – both departments respond. I know Providence VFD has the remote control for Highgate. What about Wesley Chapel VFD? Do they have a remote control as well?

Providence VFD Representative – As far as I know, they do not. The yelp on the truck should activate the gate.

Ms. Barbara Harrison – I live in a gated community. We do not give remotes. For the local deputies, we give a personal code. For fire we use the yelp. We do have that tested periodically to make sure that it still works.

With there being no further comments or questions, Mayor Anderson closed the public hearing.

B. Public Hearing to Review and Consider Conditional Use Permit (CUP) to Conditional Zoning (CZ) Amendments in the Weddington Code of Ordinances. Mayor Anderson opened the public hearing to consider CUP and CZ Amendments to the Weddington Code of Ordinances. The Town Council received a copy of the proposed text amendments.

Town Planner Cook - This is a housekeeping item. As you know a couple of months ago, we changed the majority of our code from conditional use permits to conditional zoning permits. At that time I advised everyone that we would still need to take a detailed look at the code and make sure that we did not miss any areas and update anywhere else where it refers to conditional use permits. What you are looking at here is five different sections. All I did in these sections is replaced “conditional use permit” with “conditional zoning permit”. That is throughout the code to make it consistent.

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

Item 6. Approval of Minutes.

A. July 11, 2011 Regular Town Council Meeting Minutes. Councilmember McKee moved to defer consideration of the July 11, 2011 Regular Town Council Meeting minutes until the September 19, 2011 Continued Meeting. All were in favor, with votes recorded as follows:

AYES:	Councilmembers Thomisser and McKee
NAYS:	None

B. August 17, 2011 Special Town Council Meeting Minutes. Councilmember McKee moved to approve the August 17, 2011 Special Town Council Meeting minutes. All were in favor, with votes recorded as follows:

AYES:	Councilmembers Thomisser and McKee
NAYS:	None

Item 7. Public Comment. Mr. Ken Evans – On the agenda you have an item for reconsideration of landscape bids. I would request that the Town Council consider the local bidder, Daryl’s Lawn Care, since he does live in Weddington and he is a local company. I believe that our tax dollars should be spent in Weddington. I realize he is not the lowest bidder but he is not the highest bidder.

Mr. Sam Lowe – What is happening at the corner of Beulah Church and Weddington-Matthews Road? Is there anything being done on this? Does the Town have some type of junk ordinance?

Ms. Lisa Stewart – I want to thank the Town Council for Weddstock. I was not a part of the initial planning. I came in at the end. On 11:00 a.m. on Saturday morning, I looked out at the sea of cars in your pastures and sea of people and I was proud to be a resident of Weddington.

Item 8. Consent Agenda.

A. Call for a Public Hearing to Review and Consider Spittle and Matthews Land Use Map Amendment from Residential Conservation and Traditional Residential respectively to Business. Spittle property is located at 6874 Weddington-Matthews Road (Parcel # 06-150-059). Matthews Property is located at 6924 Weddington-Matthews Road (Parcel # 06-150-058). Public Hearing is to be Held October 10, 2011 at 7:00 p.m. at the Weddington Town Hall. This item was moved to New Business for consideration.

B. Consideration of Proclamation Proclaiming September 17 – 23, 2011 as Constitution Week.
Councilmember McKee moved to approve Proclamation P-2011-06:

**TOWN OF WEDDINGTON
PROCLAMATION PROCLAIMING
SEPTEMBER 17 THROUGH SEPTEMBER 23
AS CONSTITUTION WEEK
P-2011-06**

WHEREAS, The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

WHEREAS, September 17, 2011 marks the two hundred twenty-fourth anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week

NOW, THEREFORE I, Nancy D. Anderson, by virtue of the authority vested in me as Mayor of the Town of Weddington in the State of North Carolina do hereby proclaim the week of September 17 through 23 as

CONSTITUTION WEEK

AND ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through the guardian of our liberties.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Town to be affixed this 12th day of September of the year of our Lord two thousand and eleven.

The Town Council also received a copy of a letter dated August 3, 2011 from Elizabeth R. Gibson and a document discussing the history of Constitution Week.

All were in favor, with votes recorded as follows:

AYES:	Councilmembers Thomisser and McKee
NAYS:	None

Item 9. Consideration of Public Hearings.

A. Consideration of Ordinance Adopting Text Amendments - Emergency Gate and Entrance Gate.

Councilmember Thomisser moved to adopt Ordinance O-2011-12:

Mayor Anderson – I would suggest that we require all of the information to be submitted during National Safety Month.

**AN ORDINANCE TO AMEND SECTIONS 46-76 AND 58-23
OF THE CODE OF ORDINANCES
OF THE TOWN OF WEDDINGTON
O-2011-12**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT SECTIONS 46-76 AND 58-23 OF THE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

Sec. 46-76. Road standards and buffering along thoroughfares.

(g) *Culs-de-sac*. Permanent dead-end streets shall not exceed 600 feet in length in conventional subdivisions unless necessitated by topography or property accessibility and if the town council grants a modification per section 46-15. In conservation subdivisions, culs-de-sac may be greater than 600 feet in length in order to prevent the degradation and development of primary and secondary lands within the subdivision, thereby conserving the integrity of the conservation subdivision by preserving open space in an unaltered state. Cul-de-sac in conservation subdivisions shall not inhibit emergency vehicular access. The planning board shall review the sketch plan and existing resource and site analysis plan for a conservation subdivision that proposes culs-de-sac greater than 600 feet in length. Measurement shall be from the point where the centerline of the dead-end street intersects with the center of a through street to the center of the turnaround of the cul-de-sac. The distance from the edge of pavement on the vehicular turnaround to the right-of-way line shall not be less than the distance from the edge of pavement to right-of-way line on the street approaching the turnaround. Cul-de-sac must be terminated with a circular right-of-way not less than 90 feet in diameter for curb and gutter section with not less than 37 feet of pavement from center to face of curb, and not less than 100 feet in diameter for shoulder section with not less than 40 feet of pavement from center to outer edge of pavement. Cul-de-sac designs other than the "Bulb" end design with a circular right-of-way will be subject to the approval of the Division Engineer of the Division of Highways, North Carolina Department of Transportation and the town council after review on an individual basis. Cul-de-sac in conventional subdivisions shall not be allowed where connection with an existing street is possible.

In certain cases where connectivity is either not possible or not recommended, the Town may require the installation of one or more emergency access gates. The homeowner's association is responsible for the maintenance, testing and repairs of all functions of emergency access gates. An annual inspection and test of the gate shall be performed and the results submitted to Town Hall.

Any homeowner's association that is found to be in violation shall be required to maintain a service agreement with a qualified contractor to ensure year round maintenance and to submit a copy of the service agreement to Town Hall.

Sec. 58-23. Planned residential developments.

- (6) The maintenance and upkeep of any guardhouses or entry structures, and subdivision walls, fences or berms located at the external periphery of the PRD, as well as the maintenance and upkeep of any private streets in the PRD, shall be the sole responsibility of the developer and/or any duly incorporated and active homeowners' association. Accordingly, any bond accepted by the town per subsection 46-49(b) for a PRD subdivision shall be calculated using the construction costs of all such facilities (in addition to the cost of streets as provided in subsection 46-49(b)) and shall remain in place until the town council is satisfied (in its own exclusive discretion) that the homeowners' association is controlled by individual lot owners other than the developer (which generally the town council shall not deem to have occurred until one year, at a minimum, after a homeowners' association is incorporated and active) and has made necessary assessments for, and has otherwise taken over the full responsibility of, maintaining and repairing such streets and facilities. The decision to release such bonds shall rest entirely within the town council's discretion and shall be made based upon the homeowners' association's financial ability to properly maintain and repair these streets and facilities. After the bond is released by the town council, the homeowners' association shall be required to submit to the town, by January 15 of each calendar year, the names, addresses and telephone numbers of all duly elected members of its board of directors as well as a copy of its annual financial statements showing, at a minimum, the amount of funds budgeted to maintain such streets and facilities. In the event the town council, in its discretion, believes the homeowners' association is not adequately maintaining or repairing the streets or facilities or is not making assessments necessary to cover the cost of said maintenance or repairs, it may, after holding a hearing, require the homeowners' association to provide a bond as required in subsection 46-49(b). The hearing described above, shall be duly noticed by publication as provided in this chapter and by mailing notice of the hearing to at least one officer (according to the most recent list of officers the town has received) of the homeowners' association or to the homeowners' association's registered agent at least ten days before the hearing. The homeowners' association's bond may be eliminated, modified, or reinstated at the discretion of the town council after a hearing notice as described above.

(7) Subdivisions which have an entrance gate are subject to the following regulations:

The homeowner's association will provide the access code to the gate and an emergency contact number to the fire department, the Union County Sheriff and other emergency services and will be responsible for maintenance, testing and repairs of all functions of the gate. An annual inspection and test of the gate system shall be performed and the results submitted to Town Hall. Should there be a problem with the operation of the entrance gate, the gate shall remain open and accessible until the gate is repaired and tested. Any homeowner's association that is found to be in violation shall be required to maintain a service agreement with a qualified contractor to ensure year round maintenance and to submit a copy of the service agreement to Town Hall.

Adopted this 12th day of September, 2011.

All were in favor, with votes recorded as follows:

AYES:	Councilmembers Thomisser and McKee
NAYS:	None

B. Consideration of Ordinance Adopting Text Amendments - Conditional Use Permit (CUP) to Conditional Zoning (CZ) Changes in the Weddington Code of Ordinances. Councilmember McKee moved to adopt Ordinance O-2011-13:

**AN ORDINANCE TO AMEND SECTIONS 38-62, 58-147, 58-270,
58-5, 58-295, 58-301, 58-302, 58-303 AND 58-305
OF THE CODE OF ORDINANCES
OF THE TOWN OF WEDDINGTON
O-2011-13**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT SECTIONS 38-62, 58-147, 58-270, 58-5, 58-295, 58-301, 58-302, 58-303 AND 58-305 OF THE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

Sec. 38-62. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approval authority means the town council or other board or official designated by ordinance or this article as being authorized to grant the specific zoning or land use permit or approval that constitutes a site specific development plan.

Site specific development plan means a plan of land development submitted to the town for purposes of obtaining one of the following zoning or land use permits or approvals:

- (1) Conditional use permit (article III, pertaining to conditional uses, of chapter 58, zoning).
- (2) Subdivision as defined in chapter 46, pertaining to subdivisions.
- (3) Conditional zoning permit (Chapter 58-271, pertaining to conditional zoning districts).**

Notwithstanding the foregoing, neither a variance, a sketch plan nor any other document that fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property shall constitute a site specific development plan.

Zoning vested right means a right pursuant to G. S. 160A-385.1 to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan.

Sec. 58-147. - General requirements.

- (a) Any lighted sign or lighting device shall be so oriented as not to cast light upon a public right-of-way so as to cause glare, intensity or reflection that may constitute a traffic hazard or a nuisance, or cast light upon adjacent property that may constitute a nuisance.
- (b) Lighted signs shall employ only devices emitting a light of constant intensity, and no signs shall be illuminated by a flashing, intermittent, rotating or moving light.
- (c) No electric sign shall be so located with relation to pedestrian traffic as to permit such sign to be easily reached by any person. The bottom of such sign shall be located a minimum of ten feet above the grade immediately under said sign, if the sign is within 15 feet of the edge of the street right-of-way.
- (d) The area of a sign shall be measured by measuring one face of the entire sign including any border or trim and all of the elements of the matter displayed, but not including the base or apron, supports or other structural members. The area of a double face sign shall be the area of one face of the sign.
- (e) Nonconforming signs shall be subject to the provisions contained in section 58-112

(f) Fencing, scoreboards, and structures in the athletic fields may be utilized for customary signs, and all such signs shall be directed solely towards users of the facility. Such individual signs, whether temporary or permanent, shall not exceed 32 square feet in size and shall be permitted by the zoning administrator in the manner of other permanent, attached (on-structure) signs under section 58-148, or temporary signs under section 58-151, without amendment to the conditional use permit **or conditional zoning permit** so long as compliance with all standards in this chapter are met.

Section 58-270

(g) The zoning administrator shall transmit any decision of the planning board to the town council. Once action has been taken by the planning board or the time for action by the planning board has expired, the town council shall, no later than their next regularly scheduled meeting, consider calling for a public hearing or a requested conditional use permit, **conditional zoning permit**, zoning change, or other matter providing for public hearing under this chapter. Notification of the public hearing shall be made in the following manner:

(1) A notice shall be published in the newspaper having general circulation in the area once a week for two successive weeks, the first notice to be published not less than ten days, nor more than 25 days prior to the date established for the hearing. In computing such time the date of publication is not to be included but the date of the hearing shall be included.

(2) A notice shall be conspicuously placed in the town hall not less than ten days nor more than 25 days before the date established for the public hearing. However, failure to post a notice as provided by this section shall not invalidate any action taken with regard to the application.

(3) A notice shall be prominently posted on the subject property or on an adjacent public street or highway right-of-way. When an application concerns multiple parcels, a posting on each individual parcel is not required, but sufficient notices shall be posted to provide reasonable notice to interested persons.

(4) A notice shall be sent by first class mail to all owners of parcels of land abutting the subject property. The owners shall be identified by county tax listings and the notice shall be sent to the last address listed for each owner on the county tax abstracts. The notice shall be deposited in the mail at least ten, but not more than 25, days before the date of the public hearing. In computing notice periods under this section, the date of mailing is not to be included, but the date of the hearing shall be included.

(5) A notice shall be sent by first class mail to the owner of the subject property. The owner shall be identified by county tax listings and the notice shall be sent to the last address listed for the owner on the county tax abstracts. This notice shall be deposited in the mail at least ten, but not more than 25, days before the date of the public hearing. In computing notice periods under this section, the date of mailing is not to be included, but the date of the hearing shall be included.

(6) The zoning administrator shall certify that the requirements of subsections (g)(1)—(g)(4) of this section have been met. The town shall charge the applicant a separate fee to cover costs incurred.

Sec. 58-5. Zoning districts established.

In order to achieve the purpose of this chapter, the following districts, based on the concepts and proposals of the land development plan of the town, are hereby established. In addition to the primary uses which are permitted by right or through the issuance of a conditional ~~use~~ **zoning** permit, other uses, including accessory uses, off-street parking and signs, are permitted as listed in this chapter:

(1) *R residential districts.* These districts are established to encourage the retention of existing farms and low density residential areas, which are compatible with the land development plan concept of retaining the suburban, rural character of the community. Residential development must be restricted to a sufficiently low density since there is no public water supply and development is dependent upon septic tanks on individual lots for sewage disposal. In order to provide for a healthful, rural environment, residential development must continue in a large lot, low density fashion.

- a. *R-80 single-family and agricultural.* This district allows for agricultural uses and single-family residential development. The minimum lot size is 80,000 square feet.
- b. *R-60 single-family and agricultural.* This district allows for agricultural uses and single-family development. The minimum lot size is 60,000 square feet.
- c. *R-40 single-family and agricultural.* This district allows for agricultural uses and single-family residential development. The minimum lot size is 40,000 square feet.
- d. *R-40(D) two-family development.* This district allows duplexes on lots with a minimum size of 40,000 square feet. This district was established to regulate one specific geographical area in the town. Since the area has been developed recently and contains a number of duplexes, the town does not want to label the area with a nonconforming status. However, in adhering to the policies and goals contained in the land development plan, the town has no intention of creating any other duplex districts elsewhere in the town. The concern with this type of residential development is that the higher density is in conflict with the low density and single-family character of the town.
- e. *R-CD residential conservation district.* The purpose of this district is to promote conservation subdivisions and encourage the preservation of open space and unique environmental features in the town, including, but not limited to, viewsheds, forestland, farmland, historic sites, steep slopes, rock formations and land adjacent to parks. Incentives are included in the R-CD district to encourage conservation subdivisions in the future by allowing residential lot sizes smaller than those found in other zoning districts in the town.
- f. *R-E residential district.* This district allows single-family residential development with a minimum lot size of 20,000 square feet. This district is established to regulate subdivisions that are annexed by the town and do not meet any existing zoning district. Since these lots are existing, the town does not want to label the area as nonconforming. However, in adhering to the policies and goals contained in the land development plan, the town has no intention of creating any other of these districts elsewhere in the town. The concern with this type of residential development is that the higher density is in conflict with the low density character of the town.

(2) *B business districts.* These districts were established before conditional zoning was available for use by municipalities. The town has no intention of creating any other of these districts elsewhere in the town. Conditional zoning districts are available for future retail, commercial and business.

- a. *B-1 general business district.*
 - 1. This district is established to provide an area for neighborhood business without undue conflict with, detriment to, or disruption from nearby land uses or zoning districts.
 - 2. This district is designed primarily for retailing of merchandise such as groceries, drugs and household items for furnishing certain personal, business, and professional services for the convenience of residents of the town area. This district is located at an accessible location with respect to traffic circulation in order to conveniently serve the resident population. All permitted uses locating in the B-1 district shall have a maximum gross floor area of 3,000 square feet. Uses otherwise permitted

within this zone which exceed a gross floor area of 3,000 square feet may be permitted on a conditional ~~use~~ **zoning** basis only.

b. *B-2 local shopping center district.* This district is established to provide for the controlled development of more intense retail and service uses designed to serve the immediate town area. Certain uses will be permitted on an individual use basis only. The purposes of a planned local shopping center district is to provide for an orderly arrangement of convenience and comparison shopping outlets and adequate off-street parking and other amenities. However, local shopping centers are allowed in this district only on a conditional use basis. This zone is not shown on the zoning map of the town at the time of the adoption of the ordinance from which this chapter is derived.

(3) *Conditional zoning district.*

a. The conditional zoning district process allows for the establishment of certain uses that, because of their nature or scale, have particular impacts on both the immediate area and the community as a whole. The development of these uses cannot be predetermined or controlled by general district standards. In order to accommodate these uses, this section establishes specific development standards for these uses that allows for flexibility in development while protecting existing nearby areas. The process for approval of a conditional zoning district is explained in section 58-271. The rezoning of any parcel of land to a conditional district should be a voluntary process initiated by the property owner. Any application to rezone an area to a conditional zoning district shall be reviewed in light of the goals, objectives and implementation strategies of the town land use plan and all other plans and regulations officially adopted by the town council. The review process established in this part provides for the accommodation of such uses by a reclassification of property into a conditional zoning district, subject to specific conditions which ensure compatibility of the use with the use and enjoyment of neighboring properties and in accordance with the general plans of development of the town.

b. *B-1(CD) general business district.* The B-1(CD) general business district is hereby established as a conditional zoning district. The B-1(CD) district is intended to provide an area for a neighborhood business without undue conflict with, detriment to, or destruction from nearby land uses or zoning districts. These districts were established before conditional zoning was available for use by municipalities. The town has no intention of creating any other of these districts elsewhere in the town. Conditional zoning districts are available for future retail, commercial and business. Any development or redevelopment occurring after August 1, 2010, shall comply with MX development standards.

This district is designed primarily for retailing of merchandise such as groceries, drugs and household items for furnishing certain personal, business, and professional services for the convenience of residents of the town area. This district is located at an accessible location with respect to traffic circulation in order to conveniently serve the resident population.

c. *B-2(CD) local shopping center district.* The B-2(CD) local shopping center district is hereby established to provide for the controlled development of more intense retail and service uses designed to serve the immediate town area. Certain uses will be permitted on an individual use basis. The purpose of a planned local

shopping center district is to provide for an orderly arrangement of convenience and comparison shopping outlets and adequate off-street parking and other amenities. These districts were established before conditional zoning was available for use by municipalities. The town has no intention of creating any other of these districts elsewhere in the town. Conditional zoning districts are available for future retail, commercial and business. Any development or redevelopment occurring after August 1, 2010, shall comply with MX development standards.

d. *MX mixed-use district.* The MX mixed-use district is hereby established as a conditional zoning district. The MX mixed-use district is intended as a limited use district with a very high level of design control including both site and building features. It is designed to allow a variety of office, commercial and limited residential uses only in carefully considered locations requiring a high level of design control by the town. Each site proposed for MX mixed-use district zoning must be evaluated by the town council as to its appropriateness for such designated use. Factors to be taken into consideration include, but are not limited to, accessibility, surrounding uses, site design including building arrangement, aesthetics, signage, height, size and elevation design, traffic impact within the proposed development and the surrounding service area including vehicular and pedestrian circulation and parking area design and location, setbacks, buffer effectiveness and stormwater management. It is the intent of the district to encourage high quality design and innovative arrangement of buildings, parking and open space. Because of the nature of all the factors listed, the approval of a location for the MX mixed-use district is at the sole discretion of the town council and in no way implies that any other site will be found acceptable for similar designation.

(4) *E-D educational district.* This district is established to provide for the specific circumstances and needs of the educational institutions, (limited to elementary, middle and high school) within the town's jurisdiction. The uses permitted within this district shall be limited to those of an educational nature for the necessary operation of the educational institutions. Requirements specific to this district are listed in article II, section 58-61 of this Code. Discontinuation of any school shall result in the loss of the educational district zoning and will initiate a rezoning back to the original zoning district. Additionally, discontinuation of any school after five years will require the property owner to remove the buildings.

Section 58-295. - Compliance with federal standards.

The town recognizes that a tower cannot be prohibited, nor can a conditional ~~use~~ **zoning** permit be denied on the basis of environmental or health concerns relating to radio emissions if the tower complies with the Federal Radio Frequency Emission Standards. The town requires that the applicant must provide documentation proving that the proposed tower complies with the Federal Radio Frequency Emission Standards.

Section 58-301. - Increasing tower height.

Normal maintenance and repair of the structure can be completed without the issuance of a conditional ~~use~~ **zoning** permit. Co-location of additional providers to an existing tower or an upgrade of the equipment on an existing tower requires review and approval by the zoning officer to ensure the tower will continue to satisfy this ordinance and other applicable requirements. Notwithstanding any other language in this section, any change to an existing tower that will increase the tower's height, alter the

tower's lighting, or alter the painting or exterior appearance of the tower requires the issuance of a new conditional ~~use~~ zoning permit for the tower.

Section 58-302. - Freestanding signs.

Freestanding signs are prohibited. Wall signs, limited to identification area, shall be allowed on equipment structures or fences surrounding the telecommunication tower, provided it does not exceed nine square feet in size. Any signage must be specifically addressed in the conditional ~~use~~ zoning application and permit.

Section 58-303. - Proof of insurance.

The provider must show proof of adequate insurance coverage for any potential damage caused by or to the tower prior to the issuance of a conditional ~~use~~ zoning permit. Once approved, documentation of adequate insurance must be provided to the town every 12 months.

Section 58-305. - Conditional ~~use~~ zoning permit application requirements.

All applications for a conditional ~~use~~ zoning permit for a telecommunication tower must include the following information, in addition to any other applicable information contained in this chapter:

- (1) Identification of intended provider;
- (2) Radiated signal strength and direction of signal;
- (3) Documentation by a registered engineer that the tower has sufficient structural integrity to accommodate more than one user;
- (4) A statement from the provider indicating intent to allow shared use of the tower and how others will be accommodated;
- (5) Evidence that the property owners of residentially zoned property within 300 feet of the site, in addition to adjacent property owners, have been notified by the applicant within 14 days of the public hearing. This notification should include the date and time of the public hearing, as well as the proposed tower height and design;
- (6) Documentation that the telecommunication tower complies with the Federal Radio Frequency Emission Standards;
- (7) Screening, if applicable, must be shown on the site plan detailing the type, amount of plantings and location;
- (8) Documentation of collapse area; and
- (9) Documentation that the provider has explored all means for stealth tower locations and co-location opportunities, which must accompany requests for new towers.

Adopted this 12th day of September, 2011.

All were in favor, with votes recorded as follows:

AYES:	Councilmembers Thomisser and McKee
NAYS:	None

Item 10. Old Business.

A. Consideration of Rescinding Award of Landscaping Bid Approved at the August 8, 2011 Town Council Meeting – Councilmember McKee. The Town Council received a copy of the following memo from Town Administrator/Clerk Amy McCollum:

At your August 8, 2011 meeting, the Town Council awarded a bid for landscaping maintenance of the medians and shoulders for Providence, Hemby, Rea and Weddington Roads. Following the award and before contract execution, Staff notified the contractor that the Town was reconsidering its landscaping

contract requirements and had decided to rebid the landscaping opportunity. At that time the contract language had not been finalized and a contract had not been signed. Staff notified the contractor on August 15 to refrain from incurring any expenses relating to the contract opportunity and also instructed the contractor that he could submit a bid for consideration. The Town, however, has paid the contractor for all invoices received to date.

Councilmember McKee moved to rescind the award of the landscaping bid approved at the August 8, 2011 Town Council Meeting. All were in favor, with votes recorded as follows:

AYES: Councilmembers Thomisser and McKee
NAYS: None

B. Review and Consideration of Bid Proposals for Landscaping Maintenance of Medians and Shoulders – Councilmember McKee. This item was moved to the September 19, 2011 Continued Meeting.

C. Review and Consideration of Town Monument Locations – Councilmembers McKee and Thomisser. The Town Council received a copy of the following memo from Town Administrator/Clerk McCollum:

The Downtown Core Committee met on August 3, 2011 to discuss and consider the location of the Town Gateway Markers. The Committee recommended placement of the marker between the 5th and 6th light pole (near the current Weddington Dental Adopt-a-Highway Sign) as you enter Weddington and before you get to the Highgate Subdivision. The Committee also recommended that another marker be placed at Providence/Ennis Road and possibly on Rea Road at the Weddington Town Limits sign. Highgate has advised that if the Town places the marker at the above mentioned location that they would allow the Town to place it on their property. Property owners would have to be approached regarding the Providence/Ennis site. Proper paperwork would have to be completed and approved by NCDOT regarding the Rea Road site. If the Town Council approves these locations, the property owners and NCDOT will be contacted and the necessary agreements will need to be signed. Buzz Bizzell has advised that the monuments have been built and could be placed on the sites as early as next week.

The Town Council received excerpts from the minutes from the Downtown Core Committee Meeting regarding this subject. The Town Council was shown pictures of the proposed marker/monument at each location.

Councilmember McKee stated, “If at some time the Council entertains the idea of moving the monuments to another location, they can be moved. The landscaping will be done by the Town and maintained by the Town. When we put up the monuments, then we will determine what type of landscaping.”

Councilmember Thomisser moved to approve the locations as discussed above for the placement of the Town monuments. All were in favor, with votes recorded as follows:

AYES: Councilmembers Thomisser and McKee
NAYS: None

Mayor Anderson stated, “Let the record show that I fully support these recommendations.”

D. Review and Discussion of Future Fire Service in Weddington. This item was moved to the September 19, 2011 Continued Town Council Meeting.

E. Clarify Previous Motion Regarding Park/Open Space for the Water Tower Site. This item was moved to the September 19, 2011 Continued Town Council Meeting and reworded.

F. Explore Support from Town Council Regarding a Redesign of the Water Storage Facility. This item was moved to the September 19, 2011 Continued Town Council Meeting.

Item 11. New Business.

A. Consideration of Fees Schedule Amendment. Town Planner Cook stated, “This is developing a fee for a Land Use Plan Map Amendment. Currently we allow for citizens or developers to actually apply for a Land Use Plan Change or Land Use Map Amendment. There is a lot of work and detail involved in that. I think it would be appropriate to set up a fee for that for those reasons and so we do not have an influx of applications for Land Use Plan changes throughout the Town.”

Councilmember McKee moved to approve the proposed Fees Schedule Amendment:

SCHEDULE OF FEES ZONING AND SUBDIVISION ADMINISTRATION	
Code of Ordinances	\$175.00 plus shipping and handling
Zoning Confirmation	\$5.00
Floodplain Development Review	Reimbursement of Engineering Fees
Application for temporary structure permit (Section 58-13(1) & 58-13(2))	\$50.00
Application for temporary use permit for sales for civic organizations, etc... (Section 58-13(3)a)	\$25.00
Application for temporary use permit for public events (Section 58-13(3)b)	\$100.00
Application for permit for subdivision sales office	\$100.00
Application for conditional use permit in hardship cases (Section 58-14a)	\$250.00
Application for conditional use permit for mobile classrooms (Section 58-14c)	\$350.00 + Notification
Application for conditional zoning district (Section 58-271)	\$1,500.00
Application for conditional zoning district minor amendment	\$500.00
Application for temporary sign permit (Section 58-151)	\$25.00 – Non-profit organizations as recognized by the IRS are exempt
Application for permanent sign permit (Section 58-147 thru 58-153)	\$35.00
Land Use Plan or Map Amendment	\$250.00
APPLICATION FOR ZONING PERMIT(S)	
a. Residential	\$100.00
b. Non-residential	\$250.00
c. Non-residential – up-fit	\$50.00
d. Accessory or Agricultural	\$25.00
e. Additions	
1. Minor, no more than 25% or 500 square feet total (unheated)	\$25.00
2. Minor, no more than 25% or 500 square feet total (heated)	\$50.00
3. Major	\$100.00
Application for renewal of zoning permit:	\$100.00
APPLICATION FOR CERTIFICATE OF COMPLIANCE	
a. Residential	\$100.00
b. Non-residential	\$250.00
c. Accessory or Agricultural	No Charge
d. Additions	
1. Minor, no more than 25% or 500 square feet total	No Charge

Application for variance (Section 58-234) and Modification of Subdivision Ordinance (Section 46-15)	\$650.00 + Notification
Appeal of decision of zoning officer to Board of Adjustment (Section 58-208(6), 58-209(4)) and Application to Board of Adjustment for interpretation of ordinance)	\$200.00
Application for amendment to zoning ordinance/Zoning Map Change	\$650.00 + Notification
Approval of changes to subdivision lots	
Per each subdivision	
a. 1 to 2 lots	\$100.00
b. 3 to 5 lots	\$200.00
c. 6 to 10 lots	\$300.00
Telecommunication Tower Engineering and Surveying Fee	Cost to Town + \$650.00 administrative fee
Annual Biosolids Land Application Permit Fee	\$30.00 for the first acre and \$20.00 for each additional acre
Notification of Affected Property Owners	
21-50	\$50.00
51-100	\$100.00
Over 100	\$200.00
SUBDIVISION FEES	
MINOR SUBDIVISION	
Preliminary Plat Submittal - Subdivision Containing Up to 3 Lots	\$150.00 per Lot
Pre-Submittal Sketch for Easement Lot	\$100.00
Final Plat Submittal - Subdivision Containing Up to 3 Lots	\$50.00 per Lot
MAJOR SUBDIVISIONS	
<i>Residential Conservation District (R-CD) Pre-Sketch Plan Conference</i>	\$150.00
Sketch Plan Review	\$250.00 per Lot
Preliminary Plat Submittal	\$250.00 per Lot
Final Plat Submittal	\$100.00 per Lot
Site or Field Inspection	\$70.00/hr.
Copying Fee	\$.05 per copy

All were in favor, with votes recorded as follows:

AYES: Councilmembers Thomisser and McKee
NAYS: None

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

This item was continued until the September 19, 2011 Continued Town Council Meeting.

C. Review and Consideration of Policy Regarding Awarding of Contracts. This item was continued until the September 19, 2011 Continued Town Council Meeting.

D. Review and Consideration of Developing Citizen of the Year Guidelines. The Town Council received the following memo from Town Administrator/Clerk McCollum:

Town Staff was approached by a citizen recommending a person for Weddington Citizen of the Year. The Town currently does not have any guidelines or criteria for this concept. Please advise if you would like for me to proceed in getting examples of guidelines from other municipalities to be reviewed by the Town Council.

Councilmember Thomisser moved to develop criteria/guidelines for a Weddington Citizen of the Year. All were in favor, with votes recorded as follows:

AYES: Councilmembers Thomisser and McKee
NAYS: None

E. Review and Consideration of Town Hall Signage – Councilmember McKee. The Town Council received the following memo from Town Administrator/Clerk McCollum:

The Town requested that Buzz Bizzell create a new design for the Town Hall sign. Due to the increased traffic and removal of hedge/landscaping, we have had a difficult time with the current sign staying mounted. The proposed sign is attached. It does conform to the Town's Sign Ordinance. The cost of the sign including installation is \$3,724.75. The Downtown Core Committee did recommend approval at their August 3, 2011 Meeting.

By consensus, Council agreed to roll this consideration into the overall Town Hall Landscaping Plan and consider after more details are known regarding the traffic circle.

F. Review and Consideration of the Makeup of Public Safety Advisory Board – Mayor Anderson. This item was continued until the September 19, 2011 Continued Town Council Meeting.

G. Set Agenda for October 10, 2011 Joint Meeting with Union County Board of County Commissioners. This item was continued until the September 19, 2011 Continued Town Council Meeting.

H. Consideration of Accepting Letter of Credit for Meadows at Weddington. The Town Council received the following memo from Town Administrator/Clerk McCollum:

The Town previously held a Letter of Credit for the subdivision Meadows at Weddington. On February 24, 2011, staff had to call upon that Letter of Credit because it was not extended in the proper amount of time. We are currently holding \$148,668.00 for this subdivision. Since that time, Mr. James Little, owner of the property, has requested that the Town allow him to post another Letter of Credit in the amount of \$148,668.00 and then the Town would give him the money that we are holding. I have received confirmation from Carolina Premier Bank that they will provide Mr. Little with a new Letter of Credit for this matter. Currently only three of the 30 lots are developed and Mr. Little does not want to proceed at this time with finalizing improvements to the roads until more houses are built.

The Town Council received a copy of a letter from Mr. James M. Little dated 9/2/11.

Councilmember McKee moved to allow Meadows at Weddington to submit a new Letter of Credit in the amount of \$148,668.00 contingent upon all US Infrastructure fees being paid. All were in favor, with votes recorded as follows:

AYES: Councilmembers Thomisser and McKee
NAYS: None

I. Update from 8/10/11 COG Meeting – Councilmember Thomisser. The Town Council received a packet of materials from the 8/10/11 COG Meeting for their information and Councilmember Thomisser discussed the meeting he attended on behalf of the Town.

J. Consideration of Letter of Endorsement – HUD Grant 2011. The Town Council received information requesting a letter of endorsement from the Town for a HUD Sustainability Planning Grant for COG in association with the Catawba Regional COG of Rock Hill.

Councilmember Thomisser moved to not provide a Letter of Endorsement at this time. All were in favor, with votes recorded as follows:

AYES: Councilmembers Thomisser and McKee
NAYS: None

K. Call for a Public Hearing to Review and Consider Spittle and Matthews Land Use Map Amendment from Residential Conservation and Traditional Residential respectively to Business. Spittle property is located at 6874 Weddington-Matthews Road (Parcel # 06-150-059). Matthews Property is located at 6924 Weddington-Matthews Road (Parcel # 06-150-058). Public Hearing is to be Held October 10, 2011 at 7:00 p.m. The Town Council received a copy of the Zoning Map Change Application dated July 15, 2011 and a map showing the area.

Town Planner Cook - You have in your packet the application and an aerial image. There would be additional details and materials at the public hearing. This is the Spittle's request for a Land Use Plan change from Residential Conservation to Business. The Planning Board did give this a favorable recommendation and also asked that the Town Council consider changing the Land Use Designation on the Matthews property as well.

Mayor Anderson - For anyone to apply for an M-X district zoning, the land use designation must be business.

Town Planner Cook - This would be the first step.

Mayor Anderson - Many times those are done concurrently. They would still have to come before the Town Council and start from the very beginning.

Town Planner Cook - The M-X rezoning would have to have a site specific plan that is approved by the Town Council.

Councilmember Thomisser - Where do you stop? The 2006 survey shows that 72% do not want any more commercial. I have a problem with this and I cannot support it going to a public hearing.

Councilmember McKee moved to call for a public hearing to review and consider the Spittle and Matthews Land Use Map Amendment from Residential Conservation and Traditional Residential to Business. The public hearing is to be held October 10, 2011 at 7:00 p.m. He stated, "This is just calling for a public hearing. Everyone has the right to bring their case regardless of what their case is as long as it is within the ordinances that govern the Town of Weddington."

The vote on the motion is as follows:

AYES: Councilmember McKee
NAYS: Councilmember Thomisser

Mayor Anderson voted in the affirmative; therefore, the motion passed.

Item No. 12. Update from Town Planner. The Town Council received the following update from Town Planner Cook:

- Installation of the traffic signal and turning lanes at the Hemby Road/Beulah Church Road and Weddington-Matthews Road intersection is complete. Councilmember Thomisser advised that if you are coming from the Town Hall on Weddington-Matthews Road approaching that intersection there is a blind spot. Mayor Anderson advised that she would address this issue with NCDOT.
- Work on the NC 84 Weddington-Matthews Road Dual Lane Roundabout has begun. NCDOT will have engineers, surveyors, geologists, and others gathering data for the next several months. Mayor Anderson stated, "The money has been approved for the traffic circle. I spoke with Richard Hancock today. They are hiring a consultant to have the design done. It will require shutting down the intersection for some time so construction will not start until the summer of next year because school has already started. I told him that we were trying to do some landscaping. NCDOT has been surveying. They will get back to me in the next couple of days on the impact to the Town's property. I have communicated to them that we want water and electrical to the traffic circle." Councilmember Thomisser advised that it was his understanding that NCDOT is paying for this entire project and asked the Mayor to discuss the benefits of the traffic circle. Mayor Anderson stated, "When they were designing the road, they realized that they were going to have to improve the intersection with either a light or a traffic circle. Traffic circles actually move traffic much faster than lights do and we also have the added problem there are no median cuts through here." The fire department also advised that a double roundabout would actually give them more room to maneuver than a single lane roundabout.
- NCDOT is also in the process of receiving the proper permits from NCDWQ (NC Division of Water Quality) and the US Army Corps of Engineers for the construction of the relocation of Weddington Church Road. The Town has been notified that the NCDWQ permit has been approved. However, US Army Corps of Engineers has not returned staff phone calls or e-mails regarding project updates. Mayor Anderson stated, "All permits are in place. I actually called the church this afternoon and informed them that the next step would be the acquisition of right-of-way and the return of right-of-way. The church has agreed to donate the right-of-way for the new road and NCDOT will take up the pavement at the old road and return it. Unfortunately since this has taken so long they have passed the paving season. They are going to locally let this project but they are not going to do so until March of next year."
- Weddstock took place on Saturday, August 20th from 8:00am to 11:00pm on The Hunter Farm. The Town had no complaints regarding the event and received only positive feedback.
- Staff has received a Land Use Map amendment application from Jim Spittle at 6874 Weddington-Matthews Road. This application will be on the October 10th Town Council agenda for Public Hearing and Consideration. The Planning Board also asked that the Town Council consider amending the Land Use Map for the Matthews property as well. The Matthews property is directly adjacent to the Spittle property.
- Union County Planning Director Dick Black has asked that the Town consider renewing its annexation agreement with Charlotte sooner than 2014 when it is set to expire. The Board of County Commissioners asked Mr. Black to contact surrounding municipalities who have an annexation agreement with Charlotte to see if they would also renew sooner. Several unincorporated Union County residents have expressed concern over being annexed by Charlotte. By consensus, Council directed staff to move ahead on renewing the annexation agreement.
- At the August 22nd Planning Board meeting 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.

- The following text amendments may be on the September 26th Planning Board agenda for discussion:
 - Banners on town light poles along Providence Road and Weddington Road. Banners would be for Temporary Uses and/or Special Events throughout town.
 - Signage Ordinance-Staff and Planning Board will begin looking at how to improve and clarify the current signage ordinance.

Item No. 13. Update from Town Administrator/Clerk. The Town Council received the following update from Town Administrator/Clerk McCollum:

A joint meeting with the Union County Board of County Commissioners is scheduled for October 10, 2011 at 4:30. A light dinner will also be served that night. We are trying to move the location of that meeting to the Helms Hall and then the Regular Meeting would follow at 7:00 p.m. at the same location.

Update on Streetscape Project

- § Ornamental Post & Panel is in the process of rebuilding the stone portion of the light poles. Per Buzz Bizzell the rebuilding of the stone bases for all street lights should be completed by Friday of this week.
- § The Downtown Core Committee has made a recommendation on the location of two of the monuments for the Downtown area. Their recommendation is on your agenda for Monday night.
- § Buzz Bizzell is working on a banner concept for the upcoming Christmas/Holiday season.
- § Buzz Bizzell has also developed a Weddington Town Limits sign that is being considered by the Downtown Committee.
- § Mr. Bizzell has designed a new Weddington Town Hall sign which is on your agenda for Monday night.
- § The missing banner on Providence Road near Weddington UMC will be replaced by Friday of this week.

The following terms on Boards and Committees will expire in December. Applications have been requested. Currently, there is also a vacancy on the Public Safety Advisory Board due to the resignation of Mary Ann DeSimone.

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

The newsletter should be mailed out to residents this week.

Work is to be completed Tuesday and Thursday on finalizing the repairs to Jordan's office due to the water leak.

Tax bills were mailed on September 2.

A date is being scheduled to work on proposed revisions to the Town Council Rules of Procedures.

Events Scheduled

- § Litter Sweep is scheduled for October 1 here at the Town Hall at 9:00 a.m.
- § Tree Lighting is scheduled for December 2 here at the Town Hall at 5:00 p.m. Rain date is December 3, 2011.
- § 2012 Easter Egg Hunt is scheduled for March 31, 2012.

The Parks and Recreation Advisory Board is working on the Farmer's Market Concept and will have representatives from Matthews and Waxhaw to speak at their November meeting.

Finally, Ipads are being purchased this week. We will be working with our IT person on the transition. Town email addresses will be set up for all Councilmembers.

NC House Speaker Thom Tillis is scheduled to come to Western Union County on September 30. Representative Craig Horn is working on the details of that event and will keep the Town informed.

I was contacted by the League of Women Voters regarding a Candidates Forum. They are working to host the forum in Weddington. They are currently looking at the Weddington High School to host the event in October. They are to get back with me on the definite date and a formal invitation will be sent to all candidates.

Upcoming Dates:

September 19 - Continued Town Council Meeting beginning at 6:00 p.m.
September 22 - CERT Subcommittee Meeting beginning at 7:00 p.m.
September 26 - Planning Board Meeting – 7:00 p.m.
October 1 - Litter Sweep – 9:00 a.m.
October 10 - Joint Meeting with UC Board of County Commissioners at 4:30 p.m.
October 10 - Regular Town Council Meeting at 7:00 p.m.

Item No. 14. Public Safety Report.

Weddington Deputies – 401 Calls

Wesley Chapel VFD – 112 Calls

Providence VFD – The Town Council received the Chief's Monthly Report, Income and Expense Budget Performance and Balance Sheet for August 2011.

Item No. 15. 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 8/1/2011 to 8/31/2011.

B. Tax Collector's Report.

Monthly Report – August 2011

Transactions	
Taxes Collected:	
As of August 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	\$4,591.57
2010	\$14,391.99
Total Outstanding:	\$23,147.40

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

Item No. 16. Transportation Report. Mayor Anderson advised that the Town should have something by the end of the week for the environmental study update on the Rea Road Extension project.

Item No. 17. Council Comments. Mayor Anderson stated, "I remember 9-11 and how we all felt to be an American that day. We need to try to recover some of that good will."

Item No. 18. Closed Session – Pursuant to NCGS 143-318.11 (a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged and Pursuant to NCGS 143-318.11 (a) (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract. Councilmember McKee moved to move the Closed Session until the September 19, 2011 Continued Town Council Meeting. All were in favor, with votes recorded as follows:

AYES: Councilmembers Thomisser and McKee
NAYS: None

Item No. 19. Continuation until September 19, 2011 at 6:00 p.m. Councilmember Thomisser moved to recess the meeting until September 19 at 6:00 p.m. here at the Weddington Town Hall. All were in favor, with votes recorded as follows:

AYES: Councilmembers Thomisser and McKee
NAYS: None

The meeting ended at 8:53 p.m.

Nancy D. Anderson, Mayor

Amy S. McCollum, Town Clerk

**TOWN OF WEDDINGTON
CONTINUED TOWN COUNCIL MEETING
MONDAY, SEPTEMBER 19, 2011 - 6:00 P.M.
MINUTES**

The Town Council of the Town of Weddington, North Carolina, met in a Continued Session at the Weddington Town Hall, 1924 Weddington Road, Weddington, NC 28104 on September 19, 2011, with Mayor Nancy D. Anderson presiding.

Present: Mayor Nancy D. Anderson, Mayor Pro Tem Daniel Barry (Left at 7:40 p.m.), Councilmembers Werner Thomisser and Jerry McKee, Town Attorney Anthony Fox, Finance Officer Leslie Gaylord, Town Planner Jordan Cook and Town Administrator/Clerk Amy S. McCollum

Absent: Councilmember Robert Gilmartin

Visitors: Bill Price, R. Caponigro, J. Caponigro, Barbara Harrison, Pat Harrison, Ginger Edgeworth, Craig Bohlen, Shirley Jacobs, Johnnie Flint, Jeff Perryman, Karen Pollock, McKinley Pollock, Diane Colburn, John Parker, Bernie Parker, Joshua Dye, Scott Robinson, Andrew Moore, Elaine Golden, Mary Ann Maxson, Genny Reid, R. Sahlie, Jim Vivian, Walker Davidson, Judy Johnston, Pam Hadley, Jennifer Romaine, Robert Foley, Craig Hurt, Kirk Patterson, Mike Maxson, Beverly Turpin, Tom B. Turpin, Mary L. Whitlock, Andy Stallings, Cory Riback, Chuck Kohen, Valerie Kohen, Monica Rushton, Jim Rushton, Linda Watt, Clive Burger, Steven Carow, John Hoin and Lauren Bailey.

This meeting was continued from the September 12, 2011 Regular Town Council Meeting.

Item No. 1. Reopen the Meeting. Mayor Nancy D. Anderson reopened the meeting at 6:00 p.m.

Item No. 2. Recess. Mayor Pro Tem Daniel Barry moved to recess the meeting to the Weddington United Methodist Church Helms Hall. All were in favor, with votes recorded as follows:

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

Item No. 3. Reopen the Meeting. Mayor Anderson reopened the meeting at 6:21 p.m.

Item No. 4. Determination of Quorum/Additions or Deletions to the Agenda. There was a quorum. Mayor Anderson asked the Town Council to add Public Comments to the agenda and to set the total time limit for comments to 20 minutes.

Councilmember Werner Thomisser asked that the following items be moved up on the agenda:

- § Review and Discussion of Future Fire Service in Weddington
- § Discussion and Possible Action on the Water Tower Including Possibly Clarifying or Rescinding Council's Prior Approval of the Water Tower Application
- § Explore Support from Town Council Regarding a Redesign of the Water Storage Facility

Mayor Pro Tem Barry moved to approve the agenda with the requested changes. All were in favor, with votes recorded as follows:

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

Item No. 5. Public Comments. Chuck Kohen – I live in Providence Acres. My wife and I have requested environmental and/or engineering studies for the water tank on three separate occasions - once from the Town Hall, once at the Commissioner's Meeting and once directed to the Mayor. So far no one has bothered to respond other than to say that one would be provided. We live at one of the lowest areas in Providence Acres below the proposed tank location. We have a small stream on the backside of our property which is very sensitive to rain storms. On many occasions water has overflowed the banks of this stream and backs up close to our well house. Mr. Goscicki has stated that the water will be regularly drained from the tank into the spillways as part of the maintenance. Has anyone ever considered what this could do to mine or my neighbors' property? What will happen if something goes wrong with the tank level control? I know that Public Works has said that this will not happen. I can tell you that something can happen. I have worked with level controls since I was 20 years old. Some controls are as simple as a float in your toilet and some are very sophisticated. None are fool proof. I have witnessed many tanks that have overflowed due to some malfunction. Many of my neighbors have expressed their concerns over the aesthetic properties of this water tank. My concern is for the safety of my property and well. Who will pay to drill a new well if my mine is contaminated? A 200 foot water tank in a residential neighborhood is unnecessary and irresponsible. The Town Council does not want this monstrosity in their back yard either. Many other locations were chosen before this one or were at least considered. Please do the right thing and find a new location for the tank. Do you really want this tank to be your legacy?

Mr. Craig Hurt – The County can pay for this. They have the money to do this. They are choosing not to. Eighty percent of our Town is on wells. You are punishing us and our property values for 20%. Does that really seem fair? The County can do this with no rate increase for the users.

Mr. John Hoin – I just wanted to express my position in favor of the Providence VFD in remaining independent.

Ms. Judy Johnston – Last month the community and the Board of Directors of the Providence VFD went to the County to request them to address the issue of fire district boundaries based on public safety factors which include distance and response times. To date the County Commissioners have not shown a willingness to address needed changes to fire and EMT changes anywhere within the County much less Weddington. They have not addressed the many County issues of fire district boundaries in over 27 years. It is time for our Town to take a lead and stand up for public safety in this community. I support Weddington becoming a Municipal Fire District and urge the Town Council to take action tonight to move the process forward in this direction. The beauty of a municipal fire district is that the Town would have the authority to draft contracts to allow two departments to respond to both fire and EMT calls. As a municipal fire district, public safety distance and response times become the most important criteria to determine responders. With Providence VFD as the first primary responder offering 24/7 staffed coverage, all residents of Weddington will have the fastest response available.

Mr. Mike Maxon – Prior to being annexed into Weddington, I was in the County. I have had numerous experiences with the Wesley Chapel VFD and I can tell you that there is no finer fire department available to this area. I would very much support your consideration and consolidation of the resources between Providence VFD and the Wesley Chapel VFD.

Mr. Jeff Perryman – I would hope that the Council will vote tonight to have a Municipal Fire District for this Town. I believe that is looking ahead. We are not just talking about a situation that you are dealing with right now but I think of the need for our community 10 to 15 years down the road. I certainly believe that a Municipal Fire District would make sure that control and decisions would remain in the Town. Nothing against Wesley Chapel - they are a fine group of individuals but they are Wesley Chapel and they have their way of doing things and I believe that we the citizens of Weddington should have a greater voice in how we like our emergency services. I support the individuals that are petitioning the County to pay for the changes in the water tower that are needed. I would hope that you as a Town Council insist that the County bear the burden of those costs and not the Town.

Mr. Andrew Moore – Based on the history of getting involved with this about six months ago, it makes perfect sense for Weddington to step up and move forward with the Municipal Fire District and fire tax.

Item No. 6. Old Business.

A. Discussion and Possible Action on the Water Tower Including Possibly Clarifying or Rescinding Council's Prior Approval of the Water Tower Application. The Town Council received a copy of the following motion from the August 8, 2011 Town Council Meeting:

Mayor Pro Tem Daniel Barry moved to approve the Union County Water Tower Conditional Zoning Application and requested that the balance of the property be deeded over to the Town of Weddington for the use as a park/open space. Mr. Barry also found that the approval of this application meets the reasonableness and consistency of the current Land Use Plan.

1. All engineers (USI-Bonnie Fisher) comments must be addressed and completed prior to any construction;
2. Applicant must apply for NCDOT Driveway Permit for proposed driveway along Providence Road;
3. Lot line revision plat must be approved and recorded by the Union County Register of Deeds prior to any construction;
4. Applicant must consider additional screening/buffering/landscaping closer to Providence Road to reduce the visibility of the water tank from the road (Applicant has included a revised landscape plan showing vegetation along Providence Road).

Councilmember McKee - I would like to make a motion to rescind Council's prior approval of the water tower application on August 8, 2011 by Union County Public Works to construct a water tower on Providence Road in the Town of Weddington and request that Union County Public Works either revise or reapply for a ground level storage tank permit at the same location with the following conditions: Remainder of the land not used for the site to be deeded to the Town of Weddington to only be used for open space and the Town would maintain and upkeep the property. The Town will pay Union County \$20,000 per year for 10 years for upkeep and maintenance of the system and would review this again at the end of that period. If this is approved by the Town Council, a letter has been drafted to be sent to Union County Public Works.

Attorney Fox – The motion made at the August 8 Meeting gave conditional approval of the elevated water tank application. That motion included a condition that Union County deed to the Town the remainder of the property not used for the elevated tank for purposes of open space or a park. Your ordinance does allow in approving conditional districts to attach reasonable conditions that do provide for open space. That motion was consistent with your ordinance provisions. Union County sought clarification of that. Their clarification was do you want us to deed that to you or do you want us to hold title? Their attorney Ligon Bundy has provided to you an Interlocal Agreement. The Interlocal

Agreement would be an agreement that would limit the use of that property to open space /park so long as the tower was being used by Union County for a water tower and if they cease using it for that purpose then that land would revert back to them. I felt the duty to tell you where they were in their communications. That agreement also placed upon the Town an obligation to design and maintain the park and use of the open space. It further required the Town to maintain liability insurance in the amount of \$1,000,000 for the park area. This is an Interlocal Agreement that they are proposing as part of the condition that was to be imposed and their willingness to accept that condition with some deed provisions as presented by their attorney.

Mayor Anderson – Were there any comments regarding that property being purchased by enterprise funds and they are not allowed to use it for this purpose?

Attorney Fox – There is no mention of that in this. The question becomes if you were to go forward and affirm the prior decision whether or not you would adopt this as a way of clarifying the condition that was imposed. This would provide that you do not get a deed but you get a right to use and that right to use would expire if the County stopped using the land for a tower. You would also be required to maintain and have the limited liability insurance on that property as well.

Mayor Anderson – It would be important for the Council to articulate what we really want to happen and what we are trying to accomplish here and once you do that let the attorneys figure it out.

Mayor Pro Tem Barry – It is intent of the Council to rescind the tower decision and instruct the County and Public Works to draft plans for approval for a storage tank and pump station for the same set aside of the balance of the property and the lawyers can figure it out.

Attorney Fox - The question may come up is this action appropriate. Rescinding the action is provided for in your own Rules of Procedure. Rule #14 allows you to do this. There was never any final approval of the condition. The condition was never accepted.

Mayor Anderson – Legally we can do it according to our ordinances. Do we need to revise the draft of the letter?

Councilmember McKee – The motion has the letter included in it.

Mayor Anderson – The letter states to deed it over to us. According to what our Attorney just told us, perhaps we should change that.

Councilmember McKee- Let them come back and say that they cannot do it. Then we can negotiate it.

Councilmember Thomisser – It is my understanding that UCPW does not have the authority to deed it over to us.

Attorney Fox – I do not have the answer to that. That has not come up with any discussion that I have had. I think what you are hoping to accomplish is a perpetual right to ensure the use of the property as open space/park. Whether or not you own it does not necessarily affect that use. I think the question is to deed or otherwise to provide for the perpetual use of the land as a park or open space. The letter could be tweaked to provide for that.

Councilmember Thomisser – If there were a pump station placed at the property would the pump station make any noise?

Mr. Scott Honeycutt – There would be a backup generator. Pumps do make noise but they are inside a building. There would be mechanical parts.

Councilmember Thomisser – There is traffic going back and forth on Providence Road – would this noise be greater than cars and trucks going back and forth?

Mr. Honeycutt – I cannot answer that. There will be noise with the generator running. They are powered by diesel.

Councilmember Thomisser – I voted against the water tower. I did not believe there was an issue with water. I also voted against the water tower because I had issues with the Land Use Plan predominately the aesthetics of a 200 foot water tower. Tonight we have two choices - accept the water tower or rescind the water tower and request a 60-foot ground storage tank.

Attorney Fox – That is partially correct. The action and the motion that has been made is to rescind the previous approval and to invite the County to apply for a ground storage tank. Your vote to rescind does not constitute an approval of a ground storage tank option. That would require a different site plan to see where the ground tank would be situated on the property in question and what accessories may be necessary. That would come before you assuming that the County reapplies.

Mayor Anderson – If we rescind and they do not want to reapply because they do not want to pay for the whole thing have we just shot ourselves in the foot because you have to have water. The water distribution system is my concern. I am wondering if this could not be hashed out better face to face with them instead of passing motions and documents. Seems like a give and take dialogue would work better with them than what we are trying to do here.

Attorney Fox – The approval was conditioned upon the County accepting the provision that they deed and provide for open space/park land to you. That has not been done. If they were to do that perhaps then they would have effectively accepted that position and if they did that without any revisions that may be tantamount to an approval. One could argue that this Council would still need to bless that. That would be a grey area.

Councilmember Thomisser – There is some concern from some citizens who would prefer open space as opposed to a park should a ground level storage tank goes in that location. I was wondering if Councilmember McKee would accept a friendly motion.

Councilmember McKee – It is in the motion as open space.

Councilmember Thomisser – It is in the motion as park or open space. I would like to define that to be open space rather than a park.

Mayor Anderson – Open space does not necessarily mean wildlife habitat. Open space can be grass or a parking lot. The point that Councilmember McKee is trying to make is we can let the citizens tell us what they would like to have. Our objective is that it would be controlled by Weddington and the County cannot come years down the road and say we need a substation for the Sheriff's Department and put it under the water tower. I think that is what we are trying to avoid.

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

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

The Council took a 5 minute recess.

Mayor Pro Tem Barry explained the previous action to the audience. He stated, “We rescinded the water tower decision and instructed the County Commission through the Public Works Department to re-petition for a ground water storage tank. We offered to pay \$20,000 a year for 10 years for maintenance costs. They would have to reapply so all of the design characteristics, noise abatement, screening and that whole process would start back over and it would be green space and not a park but that is an entirely separate issue. What we said in the debate is as long as there is a water storage facility on that location then we want the other 4 ½ acres as a green space set aside. The County still has the ability to reject that and come back for another tower at another location.”

B. Explore Support from Town Council Regarding a Redesign of the Water Storage Facility. This item was covered above.

C. Review and Discussion of Future Fire Service in Weddington. Mayor Anderson – We have a joint meeting with the County Commissioners on October 10 regarding this topic but we are going to have discussion among ourselves so we can understand how to best approach it. This is information gathering. This is going to be a Town and County cooperative effort.

Town Attorney Fox discussed a memo that he provided to the Town Council regarding various options that the Town has in regards to assuming responsibility for fire protection services within the Town’s jurisdiction. He stated, “Generally towns and cities have general authority under the statutes to create their own fire department and to create and contract for the provision of fire service. The only question is how to pay for it. Generally they pay for it out of their property taxes as opposed to having a fire fee or fire tax. The Town certainly has the authority under the general statutes to do that. The only issue with regards to Weddington’s ability to do that is both the Providence VFD and Wesley Chapel VFD serve components of the corporate limits of the Town of Weddington and they do that through plats that were approved by Union County that created what are called fire districts. These fire districts serve portions of Weddington through Providence VFD through a fire fee. A portion of Weddington is served by Wesley Chapel VFD by a fire tax. The authority for which these were created required that incorporated territory could not be part of those areas unless the Town consented to that. That was done several years ago. The Town must somehow remove the territory from those obligations created by those local acts that was given to those districts and pull that back and have control over it. There are a couple of ways to do it. The Town could have conversations with Union County and see if they in concert with the Town would remove these areas from the fire districts then leave these areas to be served by whatever vehicle the Town wanted to provide for those areas. The other way is the creation of a local act that would govern the provision of fire services within the Town of Weddington. The beauty of a local act is you would call it a fire district and you can do it by way of a fire tax or fee or you could still have a district with a separate income stream apart from the property tax stream. That vehicle is fairly certain because it is created by the General Assembly. The General Assembly in North Carolina meets every year but every other year is a short session and the next year is a long session. This may create some problems if you introduce local legislation in a short session because items are supposed to be non-controversial in nature. The third way that the Town could go is simply to assert its right to withdraw its consent from the County. That is unprecedented. There is no case law on it. In conversations with the Institute of Government they believe that is an avenue that is available to the Town. If we were being conservative that would not be the choice for the Town to go. The short answer to all of this is there are vehicles to provide for the Town to control fire services within its jurisdiction. The only issue is how to get out of its obligation that it currently has through these local acts and creation of these fire districts that removes it from those authorities and then allow it to govern itself. Once it is removed from that and chooses to

govern itself then it is within the Town's discretion on whether it wants one provider or multiple providers to provide fire services in the Town.

Mayor Anderson – We are currently served by three fire departments. Decision making is made at the County level. We want to bring it down closer to us and the people we serve. We would still have to contract with all three. Those entities would still be essential to us and we would be making the decisions. The Town of Weddington would decide what level of service we wanted and determine how much the taxpayers are willing to bear.

Attorney Fox – If this was achieved, the Town would have total autonomy with regards to the provision of fire services within its jurisdiction. That would mean the Town would decide the costs of the services and the appropriate funding mechanisms for the services.

Wesley Chapel VFD gave copies of their Powerpoint Presentation to the Town Council.

Steve McLendon – I am an Assistant Fire Chief for Wesley Chapel VFD. We have a small presentation for you tonight to go over the history of the department and talk to you about some of our apparatus and our staffing model and a possible solution to fire protection in the Town. Wesley Chapel VFD was formed in 1975. It is a private corporation and is not governed by the Village of Wesley Chapel. We are governed by 14 Board of Directors which are elected within our Fire District. Each year there are three new Board of Directors elected. The governing body of the Board of Directors consists of the President, Vice-President, Secretary, Treasurer and they are elected annually by the Board. We do operate two stations. One station is located on Waxhaw-Indian Trail Road. That building was built in 1975 and we are currently building a new facility on the same property. Our second station is located on New Town Road. This station was originally established in 1985 on Providence Road and New Town but was relocated in 2005. Out of Station 26 we have two engine companies, one ladder company, one brush truck and one tanker truck to supply water to the areas without fire hydrants. Wesley Chapel VFD currently covers approximately 70% of Weddington. Wesley Chapel has 32 certified EMT/Firefighters 40 certified interior fire firefighters, 40 of our members hold certifications for just EMT, 33 of our members are current driver/operators. We have 15 rescue technicians. Of all of our members all but five live within one mile of the Wesley Chapel fire district. We cover 41 square miles. Our First Responders that are trained as EMTs carry the same equipment in their personal vehicles as on the fire engine with the exception of an AED. We carry AED on our engine companies, brush trucks and our rescue companies. We also have 10 extra AEDs that are distributed out to our first responders. Those are issued to the top 10 responders of the year. If a medical call were to occur at a house next to one of our members it would not require them to go to the fire station, get a piece of apparatus and respond back. They are capable of getting to the situation with the same equipment in their vehicles as in the fire truck with the exception of the AED. If a medical emergency is in close proximity to the member's residence, they will respond to the call. The ambulance is still going to come. The fire department does not operate an ambulance. We provide basic life support until the ambulance arrives. We operate two different staffing models. We have a daytime model that consists of three firefighters at each station from 7 in the morning till 5 in the afternoon. Each firefighter is trained to the minimum qualifications of interior firefighter and an EMT. During the night time hours we have a volunteer system from 5 p.m. until midnight. There are two EMTs, two interior certified firefighters and one driver operator on call to respond to the emergencies within the fire district. From the hours of 12 a.m. to 7 a.m. the same qualifications are on call. We do not have people in the station at night such as Providence VFD. We pride ourselves on being a community based fire department. These members respond to the calls, they live in the community and they are dedicated to the community. In the event there is a structure fire, OSHA will not allow the firemen to enter the building until there are two firemen on the outside unless there is a rescue situation. We have to have a minimum of four people on the scene before you can go inside. With our current staffing model during the daytime, we have six people to meet that requirement. At night we have four personnel. Even

though we only have two qualified interior certified firefighters at night with our abundance of volunteers we have had no problem in meeting this standard in the past. We have an online program where our members go on and they sign up on line. The members are not in the station during the volunteer hours. They can be anywhere within our fire district. They have all of their equipment in their personal vehicles. The person that is the driver/operator has to go to the station to get the fire apparatus. The other members can respond directly to the call. There has been a lot of discussion about a Municipal Fire Department and the services that Providence VFD has and the services that Wesley Chapel VFD has. At the end of the day I think it is important to concentrate on the services that the people of Weddington really want. Wesley Chapel VFD is for a consolidated service. We are for the merger. I know in the past there have been different discussions. The members of Wesley Chapel VFD do care about the citizens of Weddington. We are currently serving 70% of them. We do understand that there is a history with the Providence VFD as well as a history with the Wesley Chapel VFD. We also feel that we can come together to provide the best service for the citizens of Weddington. With the consolidated service there are things that could be addressed such as in-station 24 hour staffed coverage. The Providence VFD station does currently have that. It is well known with the citizens that they want to keep that service. From the other two stations if that is a service that they want to keep then we are willing to work towards that and to make that happen for the citizens of Weddington. We did do a little calculation using GIS parcels and using the Providence VFD station and the two Wesley Chapel VFD stations and we found out that the average house is 2.8 miles from one of those three fire stations. We know if we do have in station coverage then that is going to be the quickest response by sending one of those three stations. There are several benefits to creating a service delivery model taking the resources that are already at Wesley Chapel and the resources that are already at Providence VFD and doing a package that really is best for the residents of Weddington. We are open to that. That was the recommendation from the County. They did a fire study. They spent a lot of tax dollars on that study and that was the initial recommendation to have a consolidation of the two departments. I think at one time that was what this Council wanted. Providence VFD did approach us initially wanting that. We have not backed out of that discussion. We are still here and willing to go forward with that. We understand that there are some speed bumps. It is not going to happen overnight. There are some things that the two departments have to get together on. With a consolidated service, there could one department with an equal standard of coverage. The Town would have one contract and not three. With a consolidated service one department could cover all of the parcels within the municipal limits of Weddington. There would be one tax rate. There is no duplication of resources. You would have increased staffing levels. There has been a lot of discussion made about the creation of a municipal district. We really need to concentrate on the service delivery to the citizens. If the Council chooses to create this municipal fire district what is the service the citizens are going to be getting by creating this and is it going to be a consolidated service or is the Town still going to contract with three individual departments and in doing so you are still going to have three different levels of services. We feel that the consolidated services is what is best for the Town of Weddington residents. I cannot tell you exactly what the exact tax rate would be. That would depend on the service delivery model. If the citizens of Weddington want more personnel and they want 24 hour staffed coverage that will come at a cost. We do not even know how much that will cost or if we know if the citizens are willing to pay for that service. We want to do what is right for the citizens of Weddington.

Mayor Anderson thanked Wesley Chapel VFD for their presentation. Mayor Pro Tem Barry requested from Wesley Chapel VFD to see their Financial Statements.

Mayor Pro Tem Barry was excused from the meeting at 7:40 p.m.

Mayor Anderson - No matter whose name is over the door we have come to the point where we want to be the ones who make all of the decisions for our citizens and to try to get that authority from the County. Citizens want Weddington to be in charge of making those decisions.

Councilmember McKee - We have a joint meeting with the County Commissioners at our next meeting. That is the time to bring this out to see where they stand on this. I think at some point we should get a response from all the citizens of Weddington. Most of the responses that we have now are from the Providence Fire District. I have had phone calls and emails from people that are serviced by Wesley Chapel that would like to stay the way they are.

Councilmember Thomisser – After reading letters I have received, I get the feeling that Providence has done everything possible to participate in the merger; however, it does not appear that the merger is possible.

Mr. Jack Parks – The Fire Commission asked us to resume merger talks. Our Board met prior to our meeting with Mr. Blythe and came up with eight conditions that were important to us and the community that we serve. We provided that list to Mr. Blythe, Mr. Thomas and Butch Plyler for consideration. We have been talking since February. There was not a lot of action made to be able to come to any agreement on key items. There were just total differences in philosophical operations between the two departments. They both do an excellent job of providing services to the citizens but at this point the way Wesley Chapel VFD operates within their given demographics is good for them. That same scenario would not work for Providence and exactly what we do in Providence would not work for Wesley Chapel. It became evident to me with working with the Council, Fire Commission, Wesley Chapel, and this community that it is time for Weddington to take control over their fire and emergency medical services. The County has had the opportunity to address these issues and there have been deficiencies in services that have existed for many years. I think it is time for this to happen. Why force two independent fire departments to merge when there are other ways to do it? We went to the county and asked them to consider moving the lines to give equitable service to people that live to the closest fire department and take that action. As a community and Weddington we have the responsibility to take that action. You do not have to force a merger to make this happen.

Mr. Parks discussed the eight conditions. He stated, “What you heard from Mr. McLendon is different than what we heard. We were told that the Executive Board is a permanent legislative board for Wesley Chapel VFD. They rotate nine members on a four year schedule. We do not operate that way. We would like to see some changes and different people to serve in different positions. We ask for 24/7 staffed coverage. We feel that is the only way to guarantee or partially guarantee that we are going to have the right people with the right credentials at the right spot when the call comes in. We feel strongly that we want to have staffed coverage at the station. We asked if we merge that a new board be formed and 1/3 from Providence and 2/3 from Wesley Chapel. We have had a lot of trouble in the past of coming to anything close to that. We would like to personally see representation from the citizens on this same board. We want to see financial information from Wesley Chapel. We asked that a new name be considered if we do merge. This would be an opportunity for the naming of a merged department that it is a new department. These were some of the things that we felt would be important. We provided this in advance. We expected at least some type of input after Mr. Blythe met with Wesley Chapel. The only thing that we got back is that they were willing to talk. We have been talking for seven months and we are ready to see some action on some of the critical items.”

Councilmember McKee – What if someone in Wesley Chapel did not want to be in Providence, what would your answer be to them? There are people that do not want to be in Providence.

Mr. Parks – I do not think that is the individual’s decision as far as it comes to choosing this fire department over another fire department. You would be better off being served by the fire station closest to where you live. The most important thing in public safety is response time.

Councilmember McKee – I think the input from all residents of Weddington is important instead of just one fire district serving a small percentage of Weddington. What about the other 70%? Should they not have a voice?

Mr. Parks – Most people do not have any idea which fire department responds to them. To ask the citizens to pick may not be the best way to do it. The best thing is to provide them with good adequate information on how things work but it is incumbent upon you as a Town Council to make good decisions on our behalf.

Councilmember McKee – For all the residents of Weddington and not just the residents of Providence Fire District.

Mayor Anderson – This is a really complex issue and we have been studying it for several years. They elect us to make those decisions for them. I do not think the general public is informed enough to make a good decision. This is a complicated issue.

Attorney Fox – The authority to do a referendum is specific authority that has to be authorized by the General Assembly. There is not general authority to hold a referendum on an issue like this.

Councilmember Thomisser – Mr. Parks just went through a series of eight points. He said that you did not respond. Are they reasonable requests or what problems do you have.

Mr. Butch Plyler – Things that are reasonable to each of us in here are not reasonable to all of us in here. Some of the items we felt like we could discuss and come to an agreement on. Let's say that Wesley Chapel wanted to consolidate with Providence and let's get rid of Providence's name. Is a name going to make you a better fire department? We have a set of bylaws and Providence has a set of bylaws. You take those two sets of bylaws and come up with something. Do not throw them away and start over. That was our reasoning for it. I do disagree with Jack that we did not come to an agreement on Board members. At the last meeting we had, Providence wanted four and we wanted two and we came to an agreement on three. I have been involved in a few negotiations. This is the first time I have been in negotiations that they throw these conditions on you before you even start talking. I believe you try to talk through them. Work through the things that you want instead of telling somebody what you want. That is hard to do. If you look on the County's website, you could get a copy of anyone's budget.

Councilmember Thomisser – I think the Council needs to know if the merger is a possibility or not.

Mayor Anderson – We need to determine what level of service we want and how much the tax payer can bear to pay for that. I think these questions would be best after we gain that authority. On October 10 at our Joint Meeting with the County Commissioners, we are going to ask that they cooperate with us to establish a Municipal Fire District. The citizens of Weddington will help their elected officials know what level of service that they want and we will do our very best to provide that to you under any combination. We all recognize the outstanding skill and expertise of both fire departments.

Item No. 7. Approval of Minutes.

A. July 11, 2011 Regular Town Council Meeting Minutes. Councilmember McKee moved to approve the July 11, 2011 Regular Town Council Meeting minutes. All were in favor, with votes recorded as follows:

AYES:	Councilmembers Thomisser and McKee
NAYS	None

Item No. 8. Old Business.

A. Review and Consideration of Bid Proposals for Landscaping Maintenance of Medians and Shoulders – Councilmember McKee. The Town received the following bids for landscaping maintenance:

A to Z Farms	\$23,400.00
Cameron's Inc.	\$25,000.00
Daryl's Lawn Care	\$27,600.00
Gruesome Grass Lawn Care Bid	\$25,416.00
Smith Grounds Management	\$40,320.00
Twin Sparrows, LLC	\$23,400.00

Councilmember McKee - I would like to accept Daryl's Lawn Care even though he is higher than some of the other bids. He is currently doing our Town Hall maintenance and has started doing some of the medians. I move that we recommend awarding the contract to Daryl's Lawn Care and to change the contract to state September through June. All were in favor, with votes recorded as follows:

AYES: Councilmembers Thomisser and McKee
NAYS None

Item No. 9. New Business.

A. Review and Consideration of Town Hall Landscaping/Pavilion Plan – Councilmember McKee.
The Town Council received a copy of the following materials relative to this subject:

- § 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 (Total estimated cost is \$423,200.80 - If smaller plant sizes are used - \$390,929.80)
- § Information regarding the Parks and Recreation Trust Fund (PARTF)
- § Excerpts from the minutes of the Downtown Core Committee and Parks and Recreation Advisory Board Meetings regarding this topic

Councilmember McKee reviewed the landscaping/pavilion plan with the Town Council. It was advised that the Parks and Recreation Advisory Board and Downtown Core Committee approved the concept of the plan but did not have cost estimates at the time of approval.

Councilmember Thomisser questioned if the Council would be willing to do this project in stages.

Councilmember McKee advised that he was only acting on direction given at the Town Retreat and he was fine with how the Town Council wanted to proceed. Councilmember McKee moved to defer consideration on this item to next month and to direct staff to look into the grant process to see if it can be done in stages.

All were in favor, with votes recorded as follows:

AYES: Councilmembers Thomisser and McKee
NAYS None

B. Review and Consideration of Policy Regarding Awarding of Contracts. Councilmember McKee moved to approve the following policy for awarding bids and contracts with the following change as noted in the policy:

POLICY FOR AWARDING OF BIDS/CONTRACTS

When purchasing supplies, materials and equipment or for the awarding of contracts for construction or repair work, the General Statutes contain strict laws regulating purchase and construction contracts of local governments. Staff will follow the statutory requirements as outlined in G.S. Section 143-129 et. seq. when performing these duties.

Prior to starting work under a contract with the Town of Weddington, the Town staff shall conduct a background check on the recommended Service Provider. In addition, the recommended Service Provider is required to conduct a background check on each Service Provider employee assigned to work under the Contract, and shall require its subcontractors (if any) to perform a background check on each of their employees assigned to work under the Contract. Each Background Check must include: (a) the person's criminal conviction record from the states and counties where the person lives or has lived in the past seven years; and (b) a reference check.

After starting work under the Contract, the Service Provider shall be required to, on an annual basis, perform a Background Check for each Service Provider employee assigned to work under the Contract during that year, and shall require its subcontractors (if any) to do the same for each of their employees. If the Service Provider undertakes a new project under the Contract, then prior to commencing performance of the project the Service Provider shall perform a Background Check for each Service Provider employee assigned to work on the project, and shall require its subcontractors (if any) to do the same for each of their employees.

If a person's duties under the Contract fall within the categories described below, the Background Checks that the Service Provider will be required to perform (and to have its subcontractors perform) shall also include the following additional investigation:

- § If the job duties require driving: A motor vehicle records check.
- § If the job duties include responsibility for initiating or affecting financial transactions: A credit history check.
- § If job duties include entering a private household or interaction with children: A sexual offender registry check.

The Service Provider must follow all State and Federal laws when conducting Background Checks, including but not limited to the Fair Credit Reporting Act requirements, and shall require its subcontractors to do the same.

The Service Provider shall notify the Town of any information discovered in the Background Checks that may be of potential concern for any reason.

The Town may conduct its own background checks on principals of the Service Provider as it deems appropriate. By operation of the public records law, background checks conducted by the Town ~~are~~ **may be** subject to public review upon request.

After review of the documents provided, the Town Council may determine not to proceed with the award of the Contract to the Service Provider, or may rescind or not renew a previously awarded contract due to

recency of an offense, seriousness of an offense, disposition of the offense or how the offense relates to the job.

All were in favor, with votes recorded as follows:

AYES: Councilmembers Thomisser and McKee

NAYS: None

C. Review and Consideration of the Makeup of Public Safety Advisory Board – Mayor Anderson.

Mayor Anderson advised that there is a vacancy on the Public Safety Advisory Board and consideration of an appointment to that Board would be on the next agenda.

D. Set Agenda for October 10, 2011 Joint Meeting with Union County Board of County Commissioners.

The Town Council received the following memo from Town Administrator/Clerk McCollum:

A joint meeting between the Weddington Town Council and the Union County Board of Commissioners is scheduled for October 10, 2011 at 4:30 p.m. We are still working on the location of the meeting. We are trying to reserve the Helms Hall at Weddington UMC. This joint meeting will occur prior to the Town Council's Regular Town Council Meeting beginning at 7:00 p.m. A light dinner will be served. We need to set the agenda for this meeting. Please submit any agenda items for this meeting to me prior to September 26.

Councilmembers advised that the Fire Department and Water Tower were the two main issues to be discussed.

Item No. 10. Council Comments. Mayor Anderson stated, "At the last meeting, we had the presentation regarding Weddstock. There are two points of clarification for this item. On the summary page, it discussed donations made to other charities. If you did not understand the event, you may think it was just random charities. The groups mentioned actually had booths there and took in that much money."

Item No. 11. Adjournment. Councilmember McKee moved to adjourn the September 19, 2011 Continued Town Council Meeting. All were in favor, with votes recorded as follows:

AYES: Councilmembers Thomisser and McKee

NAYS: None

The meeting ended at 8:59 p.m.

Nancy D. Anderson, Mayor

Amy S. McCollum, Town Clerk

Section 58-4 Definitions

Sign, construction announcement, means a sign located on the premises of a construction site, identifying the purpose of the construction, the name of the architect, engineer, contractor, subcontractor and suppliers of material or equipment on the premises of work under construction.

Section 58-151 Temporary Signs

- (b) *Construction Announcement signs*. One construction announcement sign per project shall be permitted and shall require a sign permit, valid for one year and renewable, one time, for one additional year, shall comply with the provisions of section 58-149, and shall be single-faced of a maximum area of 20 square feet. This sign shall be temporary and shall be removed within seven days after completion of the work on the subject property by the firm that is advertised on the sign. Announcement signs are not to be used to advertise real estate or subdivisions. No lighting of announcement signs shall be permitted.

**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:
- (1) Except for temporary off-premises signs authorized under subsection 58-151(a)(3) of this Code, special event signs set out below, unlighted portable signs, banners and wind-blown signs such as pennants, spinners, flags and streamers for special events, grand openings and store closings. Any such sign shall be no greater than 20 square feet and shall be limited to one sign per address. For the purposes of this section, special event shall mean any festive, educational, sporting or artistic event or activity for a limited period of time, which is not considered as part of the normal day-to-day operations of the group, organization or entity.
 - (2) Temporary banner-type signs customarily located at athletic fields containing signs shall be directed solely towards users of the athletic field. Fencing, scoreboards and structures in the athletic fields may be utilized for customary signs in order to raise funds for these same facilities. Such individual temporary signs shall not exceed 20 square feet in size, may be permitted for a period not to exceed one year, and may be renewed so long as the sign remains in compliance with the requirements of this article.
 - (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 Town Council 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 Town Council. 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, removal and reinstallation of Town banners will be at the expense of the group that received the temporary use permit.

Adopted this 14th day of November, 2011.

Nancy D. Anderson, Mayor

Attest:

Amy S. McCollum, Town Clerk

**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,** tThe 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.

Nancy D. Anderson, Mayor

Attest:

Amy S. McCollum, Town Clerk

PROVIDENCE VFD Needs
2011-2012

I	6am – 6pm		
	3 @ \$14/hr.	=	\$504
	Total	=	\$504
	\$504.00 x 365 days	=	\$183,960
II	6pm – midnight		
	1 @ \$14/hour	=	\$84
	2 @ \$30/night	=	\$60
	Total	=	\$144
	\$144 x 365	=	\$52,560
III	Total of above	=	\$236,520
IV	Midnight – 6am		
	1 @ \$14/hour	=	\$84.00
	\$84 x 365 days	=	\$30,660
V	Total of all above	=	\$267,180

● *Building Today...* ●

New Station 26 - 315 Waxhaw Indian Trail Road



For a safer tomorrow.

**Wesley Chapel
Volunteer
Fire Department**
1975 -2011

2011 FUND DRIVE



The Wesley Chapel Volunteer Fire Department was established in 1975. Its district includes some unincorporated parts of Union County and the communities of Wesley Chapel and Marvin as well as the majority of Weddington and a small part of Indian Trail.

The department maintains two stations: Station 26, located at 315 Waxhaw Indian Trail Road, and Station 31, located at 10000 Indian Trail Road.

Wesley Chapel Volunteer Fire Department

Fund Drive 2011

Dear Members of the Wesley Chapel Fire District,

Wesley Chapel Volunteer Fire Department is very appreciative and wishes to thank you for your past contributions to our funds. Maintaining a superior Fire and Rescue service is our number one goal. Our members are dedicated to protecting your life and property, and to ensure that your call does not go unanswered, our district is staffed twenty-four hours a day, seven days a week, three hundred and sixty-five days a year.

Between the hours of 7am - 5pm, three firefighter/EMT's are located at both stations (in addition to any available volunteer members). During the hours of 5pm - 7am, we use a volunteer duty system (VDS). Our VDS system was created by the members of the department in 2007. This system was created to offer our district the benefits of 24/7 coverage at a rapid and professional manner, while also maintain a low tax rate. Our VDS system allows our members to be "on call" with a minimum of 2 EMT's, 2 - Interior firefighters, and 1 - Driver Operator per shift. The members "on call" have pledged to respond to all incidents occurring during their shift. This allows us to deliver a below national average response time to incidents within the Wesley Chapel Fire District.

As we continue to plan for the future, we are asking for your help. We have pride in delivering an exceptional service to our citizens, while maintaining the lowest fire tax in Union County! In order to maintain a low tax, we have chosen not to include such items as new furnishings in our budget. Although furnishings are an integral part of the building, we concentrate greatly on using your tax dollars to help us purchase equipment, facilities and fund items such as our VDS and part time salaries. The funds collected by this fund drive will be used towards new furnishings for the station on Waxhaw Indian Trail Road.

Sincerely,
The Members and Board of Directors
Wesley Chapel Volunteer Fire Department

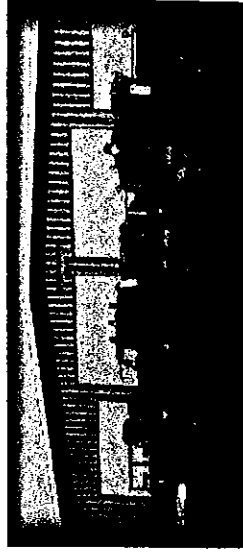
Please feel free to contact us:

Station 26 - 315 Waxhaw Indian Trail Rd.
704-843-3367

Station 31 - 9 8821 New Town Rd.
704-843-0425

Or visit us on the web at
www.wesleychapelvfd.com

WCVFD History



WCVFD was established in 1975 with 19 members and 3 trucks serving 40.1 sq. miles. In it's first year the department responded to less than 50 calls.

Staffing our district 24/7, 365 with:

68 Volunteer Members (40 EMT/FF and 28 FF only) of which 21 also function as part time paid staff

Protecting:

23,000 people, 12,000+ property parcels, 13 schools and 11,000+ students

Serving:

40.1 sq. miles with 10 pieces of apparatus and average response time of less than 6 minutes!

2010 Department stats

Your firefighters responded to:

651 Fire related emergencies
140 Rescue related emergencies
670 Medical related emergencies

For a total of 1,398 incidents and spent 2,817 hours training!

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.

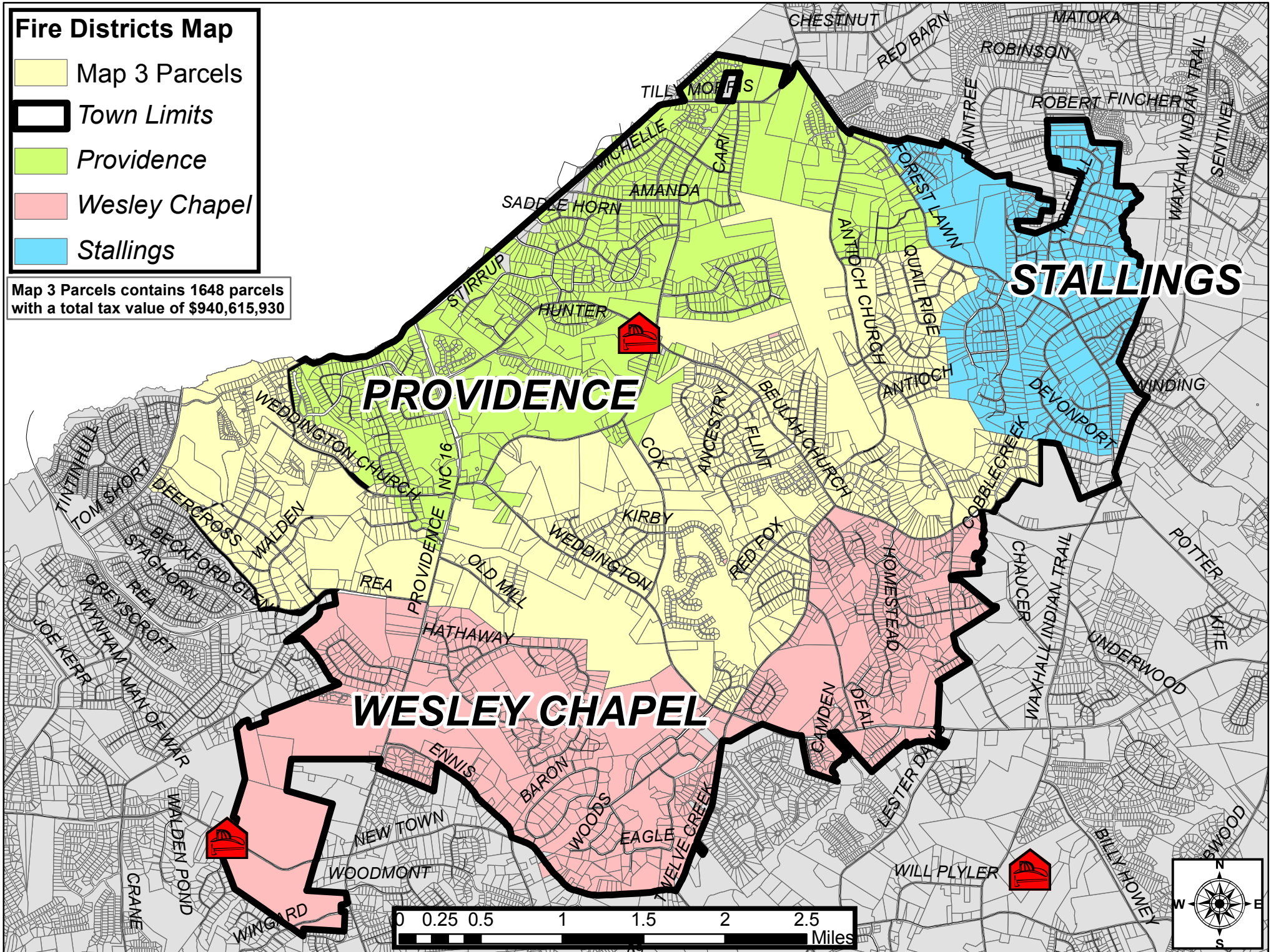
Variables:

1. Current Weddington property tax rate – 3 cents per \$100 valuation.
Weddington collects \$564,000 in property tax
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

Fire Districts Map

- Map 3 Parcels
- Town Limits
- Providence
- Wesley Chapel
- Stallings

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



WEDDINGTON TOWN HALL COMMUNITY PARK AND EVENTS FACILITY

"Form Ever Follows Function" - Chicago Architect Louis Sullivan

FACILITY'S FUNCTION (Wish List)

Open Area For Large Events:

- Christmas Tree Lighting (Permanent Tree)
- July 4th Celebrations
- Outdoor Concerts
 - Covered Pavilion
 - Pavilion Should Match Victorian Style of Town Hall
- Easter Egg Hunt
- Sports and Recreation Area (Soccer, Touch Football etc.)
- Inviting Access From Shopping Center Parking Areas
- Add Street Parking Along Access Road
- Add Proper Drainage

Areas For Small Events:

- Picnics and Family Gatherings
 - Small Kitchen
 - Permanent Restrooms
 - Shaded Patio For Small Groups
- Pavilion Small Concerts
- Quiet Spaces
- Water Feature

Safety and Privacy

- Fence
- Evergreen Screening

Park Like Atmosphere

- Colorful Plantings
- Screen Shopping Center, Streets and Parking Areas
- Patio For Small Groups
- Water Feature
- Walkways and Benches
- Preserve Large Shade Trees (Except Magnolia)

WEDDINGTON TOWN HALL COMMUNITY PARK AND EVENTS FACILITY

Town Hall Needs

Additional Parking (Shaded)
Storage Rooms

Handicap Accessibility

Preserve Existing Drainage and Berm

Statistics:

9000 Sq. Feet Open Area / 25 Sq. Ft. = 360 People

9000 Sq. Feet Open Area / 16 Sq. Ft. = 560 People

25 Additional Spaces Along Access Road

6 Additional Spaces @ Pavilion

Pavilion = 1200 Sq. Feet

Porch = 600 Sq. Feet

Stage = 22 Ft. x 26 Ft.

FIELDING SCARBOROUGH, ASLA							
Landscape Planning & Design							
6101 Bittersweet Lane							
Charlotte, NC 28270							
(704) 846-4064							
BUDGET ESTIMATE SUBMITTED TO:							
Weddington Town Hall							
1924 Weddington Road							
Weddington, NC							
Date:	8/30/11						
Revised:							
Description	Size	Quan.	Remarks	Unit	Total	Unit	Total
				Price	Price	Cost	Cost
Annuals/Perennials	18/Flat	982	9" oc	2.40	2,356.80	0.80	785.60
Ground Covers	1 gal	678		16.50	11,187.00	5.50	3729.00
Shrubs	3 gal	78		30.00	2,340.00	10.00	780.00
Shrubs	7 gal	249		75.00	18,675.00	25.00	6225.00
Shrubs	30-36"	28	15 gal	210.00	5,880.00	70.00	1960.00
Shrubs	6-7'	38		540.00	20,520.00	180.00	6840.00
Shrubs	7-8'	7		735.00	5,145.00	245.00	1715.00
Shrub, Tree Form	10-12'	3	Multi-Stem	825.00	2,475.00	275.00	825.00
Tree, Evergreen	8-10'	3		720.00	2,160.00	240.00	720.00
Tree, Flowering	10-12'	2		555.00	1,110.00	185.00	370.00
Tree, Flowering	2 1/2"	2		570.00	1,140.00	190.00	380.00
Tree, Evergreen	12'	1	Christmas	2100.00	2,100.00	700.00	700.00
Tree, Flowering	3"	3		720.00	2,160.00	240.00	720.00
Tree, Shade	4 1/2-5"	7		1200.00	8,400.00	400.00	2800.00
Sub Total					85,648.80		28549.60

[illegible]

FIELDING SCARBOROUGH, ASLA							
Landscape Planning & Design							
6101 Bittersweet Lane							
Charlotte, NC 28270							
(704) 846-4064							
ALTERNATE BUDGET ESTIMATE (Smaller Plant Sizes)							
Weddington Town Hall							
1924 Weddington Road							
Weddington, NC							
Date:	8/30/11						
Revised:							
Description	Size	Quan.	Remarks	Unit	Total	Unit	Total
				Price	Price	Cost	Cost
Annuals/Perennials	18/Flat	982	9" oc	2.40	2,356.80	0.80	785.60
Ground Covers	4" Pot	678		4.50	3,051.00	1.50	1017.00
Shrubs	3 gal	327		30.00	9,810.00	10.00	3270.00
Shrubs	7 gal	28		105.00	2,940.00	35.00	980.00
Shrubs	5-6'	38		375.00	14,250.00	125.00	4750.00
Shrubs	7-8'	7		735.00	5,145.00	245.00	1715.00
Shrub, Tree Form	8-10'	3	Multi-Stem	825.00	2,475.00	275.00	825.00
Tree, Evergreen	8-10'	3		600.00	1,800.00	200.00	600.00
Tree, Flowering	10-12'	2		555.00	1,110.00	185.00	370.00
Tree, Flowering	2 1/2"	2		570.00	1,140.00	190.00	380.00
Tree, Evergreen	12'	1	Christmas	2100.00	2,100.00	700.00	700.00
Tree, Flowering	3"	3		720.00	2,160.00	240.00	720.00
Tree, Shade	3"	7		720.00	5,040.00	240.00	1680.00
Total Alternate Planting Estimate					53,377.80		17792.60

Description	Size	Quan.	Remarks	Unit	Total	Unit	Total
				Price	Price	Cost	Cost
Prepared Backfill	Cu. Yards	165	3" depth	85.00	14,025.00		
Relocate Birch	12-14'	2	3" depth	200.00	400.00		
Seed, Rebel Fescue	Sq. Feet	22000		0.08	1,760.00		
Shredded Pine Bark Mulch	Cu. Yards	165	3" Depth	65.00	10,725.00		
Architect's Fees (Fortune Architects)					13,250.00		
Asphalt Paving & Drainage - Access Road	Sq. Feet	10113		4.00	40,452.00		
Asphalt Paving - Building Parking Area	Sq. Yard	417		18.00	7,506.00		
Brick Walkways	Sq. Feet	2923		10.00	29,230.00		
Brick Edging	Sq. Feet	216		12.00	2,592.00		
Brick Wall	Sq. Feet	216		12.00	2,592.00		
Building Construction					150,000.00		
Building Demolition					4,000.00		
Concrete Walkway	Sq. Feet	700		3.00	2,100.00		
Concrete Removal	Sq. Feet	1560		2.00	3,120.00		
Fountain					8,000.00		
Irrigation System					8,000.00		
Outdoor Lighting					10,000.00		
Concrete Paver Patio	Sq. Feet	1130		10.00	11,300.00		
Shrub & Tree Removal					2,000.00		
Street Lamps Along Access Road		5		3,300.00	16,500.00		
TOTAL ALTERNATE BUDGET ESTIMATE					390,929.80		



North Carolina Parks & Recreation Trust Fund

August 10, 2011

William G. Ross Jr., Chair

Lydia Boesch

Daryle L. Bost

Loretta Clawson

Robert Epting

Ashley B. "Brownie" Futrell Jr.

Cody Grasty

H. Boyd Lee

Philip K. McKnelly

Monroe Pannell

Jennifer D. Scott

John S. Stevens

Hollis Wild

Lisa Wolff

Edward W. Wood

TO: All Municipal and County Managers of North Carolina

SUBJECT: Funding for Parks and Recreation

The North Carolina Parks and Recreation Trust Fund (PARTF) is beginning a new year of providing grants to local governments. Last year, PARTF awarded more than \$7.5 million to cities and counties across the state. A local government can request a maximum dollar-for-dollar grant of \$500,000.

Applicants can apply for funds to acquire land for public parks and build recreational facilities. Funds can also be used to protect the natural and scenic resources or renovate older park facilities.

The General Assembly established PARTF to fund improvements in the state's park system, to fund grants for local governments, and to increase public access to the state's beaches. The Parks and Recreation Authority, a fifteen-member board, was also created to allocate funds from PARTF to state parks and to the local government grants program.

Local and state parks are essential to the quality of life in our North Carolina communities. Since the inception of PARTF, over 350 local governments across the state have used the program to establish or improve parks for their citizens.

I encourage each county and municipality to apply for a grant. The enclosed pages give basic information and requirements for the PARTF program. Your regional Recreation Resources Service (RRS) consultant can provide you with an application or go to www.partf.net. The consultants provide assistance with the grant application including a workshop to be held on September 7, 2011 (workshop time and locations are attached). Completed applications are due on January 31, 2012.

We are pleased to be a part of this exciting program and look forward to working with you to improve parks and recreational opportunities throughout North Carolina.

Sincerely,

William G. Ross Jr., Chair
N.C. Parks and Recreation Authority

Enclosures

cc: Lewis R. Ledford, Director, NC Division of Parks and Recreation
Local Government Parks and Recreation Directors
Councils of Government

FY 2010-11 NC Parks and Recreation Trust Fund Grants May 2011			
Local Government	County	Project	Grant Amount
Alamance County	Alamance	NC Mountains-to-Sea Trail - Southern Alamance Section	375,000
Ayden	Pitt	Ayden District Park	499,888
Banner Elk	Avery	Tate-Evans Park	213,500
Bath	Beaufort	Lawson's Walk	18,000
Buncombe County	Buncombe	Collier Property Acquisition	285,500
Clayton	Johnston	North Clayton Park - Mountains-to-Sea Trail Trailhead Acquisition	300,000
Concord	Cabarrus	Rocky River Greenway, Northwest Phase	425,000
Conover	Catawba	Conover Station Park	333,744
Enfield	Halifax	Enfield Community Park Phase II	58,000
Farmville	Pitt	Municipal Athletic Park Improvements	176,250
Goldsboro	Wayne	Stoney Creek Park	132,750
Graham	Alamance	Jim Minor Road Land Acquisition	500,000
Harnett County	Harnett	Anderson Creek Park, Phase I	500,000
Iredell County	Iredell	Scotts Rosenwald Park	183,650
North Wilkesboro	Wilkes	Smoot Park Improvements & Trail Link	238,665
Saratoga	Wilson	Saratoga Town Park	41,138
Spindale	Rutherford	Deviney Park Improvements	44,600
Spring Hope	Nash	Spring Hope Park Renovation	55,000
Stanley	Gaston	Harper Park	500,000
Stantonsburg	Wilson	Statonsburg Town Park	100,000
Sunset Beach	Brunswick	Sunset Beach Town Park	400,000
Trinity	Randolph	Center City Park	500,000
Troutman	Iredell	Troutman-ESC Park	500,000
Wake County	Wake	Acquisition of an In-holding Turnipseed Preserve Property	242,161
Walkertown	Forsyth	Walkertown Town Center Park	472,973
Wesley Chapel	Union	Dogwood Park	500,000
		Total	\$ 7,595,819

Parks and Recreation Trust Fund Grant Program for Local Governments Requirements and Resources

Program Summary

- **Purpose:** The Parks and Recreation Trust Fund (PARTF) program provides dollar-for-dollar grants to local governments. Recipients use the grant to acquire land and/or to develop parks and recreational projects that serve the general public.
- **Eligible Applicants:** North Carolina counties and incorporated municipalities are eligible for PARTF grants. Public authorities, as defined by N.C. General Statute §159-7, are also eligible if they are authorized to acquire land or develop recreational facilities for the general public.
- **Eligible Projects:** Applicants can buy park land for public recreation or to protect natural or scenic resources. Applicants can also request money to build or renovate recreational and support facilities. A project must be located on a single site.
- **Maximum Request:** Applicants can request a maximum of \$500,000 with each application.
- **Dollar-for-Dollar Match:** An applicant must match the grant dollar-for-dollar. The appraised value of land *to be donated* to the applicant can be used as matching funds. The value of in-kind services, such as volunteer work, cannot be used as part of the match.
- **Site Ownership or Lease:** The applicant must own or have at least a 25-year signed lease for the property where a PARTF facility will be located. An applicant must submit a copy of the deed or signed lease with the application unless the property will be acquired with the PARTF grant.
- **Public Use:** Property acquired with a grant from PARTF must be dedicated forever for public recreational use. Facilities built or renovated with a PARTF grant are to be used for public recreation for at least 25 years.
- **Incomplete and ineligible applications** will be returned to the applicant and not considered for funding. *Only information received by 5:00 p.m. on January 31, 2012 will be accepted.*
- **Selecting Recipients:** The Parks and Recreation Authority, a board appointed by the Governor and the General Assembly, selects the applicants who will receive a PARTF grant.
- **How to obtain a PARTF application:** An electronic copy of the application is available through the website for the N.C. Division of Parks and Recreation at <http://www.partf.net>. Regional consultants can also send a hard copy of the application to you.

Would You Like Help with Your Application?

- The North Carolina Division of Parks and Recreation provides technical assistance to local governments through a contract with Recreation Resources Service (RRS) at N.C. State University. RRS can help local governments with the application or to discuss the PARTF project you are proposing.
- Attend a workshop and learn how to complete an application. The workshop will be held from 9:00 a.m. until noon on September 7, 2011 at videoconference sites in the University of North Carolina system. To attend, contact the RRS regional consultant for your area.
- Complete the application early - *3 weeks before the deadline* - and give it to your regional consultant for a technical review to insure that your application is complete.

N.C. Parks and Recreation Trust Fund (PARTF) Application Workshop

Purpose: To assist interested local governments in understanding the PARTF grants program and application process. Staff will conduct a workshop to present an overview of PARTF and to provide a detailed explanation of all the requirements for completing an application.

Date and Time: September 7, 2011 from 9:00 a.m. until 12:00 noon

Reservations: Seating is limited and reservations will be on a first-come first-served basis. We request that only one representative per unit of local government attend the workshop. To reserve a seat on-line, please go to:
<http://harvest.cals.ncsu.edu/surveybuilder/form.cfm?testID=12954>
or you can send a fax or an email (indicating the site you will attend) to:

Ms. Mary DeFino
Recreation Resources Service (RRS)
Fax: (919) 513-4531
E-mail: mcgay@unity.ncsu.edu

no later than **5:00 p.m. on September 5, 2011**. In responding, please give the name of the local government, the telephone number and the name of the person who will be attending the workshop.

Workshop Locations:

Appalachian State University (Boone, NC) -Belk Library, Classroom 023 (limit 21)

Center for Marine Sciences and Technology (CMAS-Morehead City, NC)-4th Floor, Teleconference Rm. (limit 25)

Elizabeth City State University -Information Technology Center, Room 128 (limit 13)

East Carolina University (Greenville, NC)- Brody Medical, Rm2E-92 (limit 13)

Mount Olive College-Communications Building, 646 James B. Hunt Dr.

NC State University (Raleigh, NC) - Butler Communications Building, Room 153 (limit 38)

UNC-Asheville - Robinson Hall, Room 129 (limit 22)

UNC-Charlotte - Atkins Library, Room 143 (limit 27)

UNC-Pembroke - Business Administration Building, Room 126 (limit 14)

UNC-Wilmington- Education Bldg. Rm. 266 (limit 26)

Winston-Salem State University- Anderson Center, Room G22 (limit 30)

Sponsors: Recreation Resources Service, NCSU and the NC Division of Parks and Recreation

Local governments are strongly encouraged to contact their Parks and Recreation Consultant to describe the project that they are proposing and discuss the application process. Please see the map of RRS regions to determine your consultant.

Recreation Resources Service: Offices and Staff



WESTERN

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DENR Regional Office
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Swannanoa, NC 28778
828.296.4690 Fax 299.7043
LuAnn.Bryan@ncdenr.gov

CENTRAL WEST

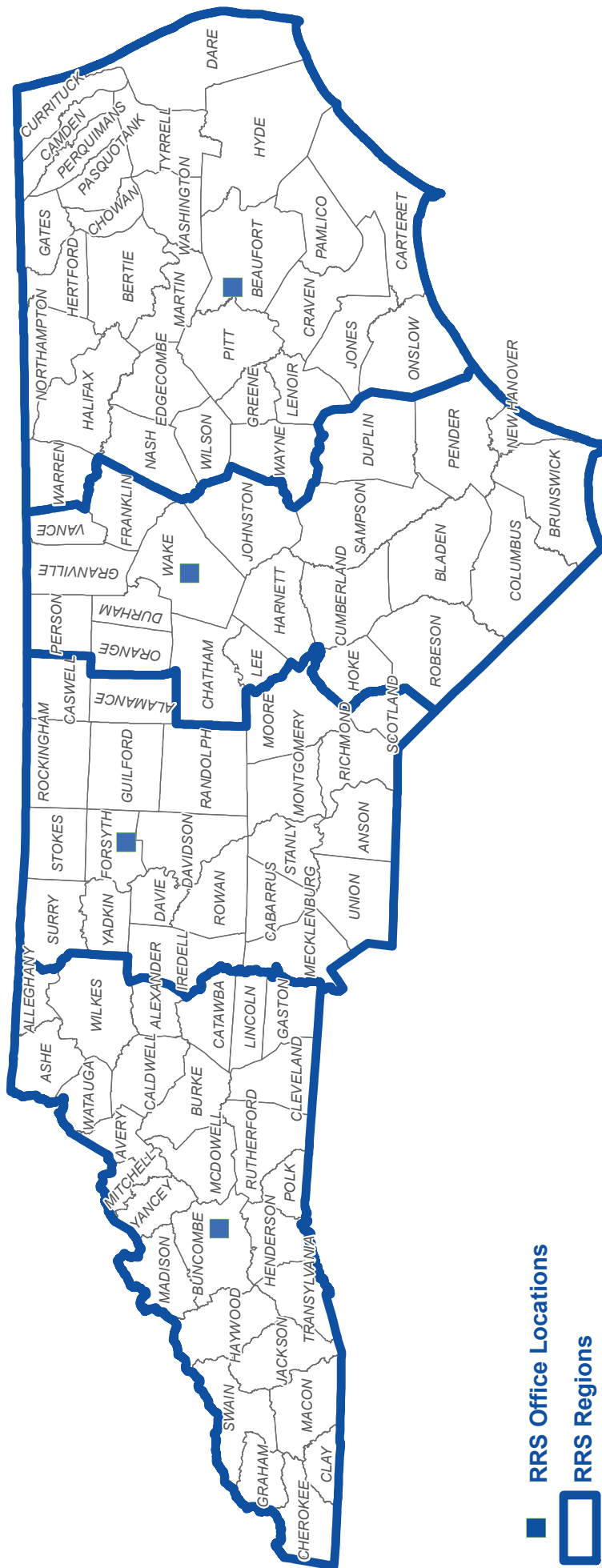
Vonda Martin
DENR Regional Office
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Vonda.Martin@ncdenr.gov

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EASTERN

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Washington, NC 27889
252.948.3888 Fax 975.3716
Steve.Moler@ncdenr.gov



■ RRS Office Locations

□ RRS Regions

RRS Main Office
NC State University
3024 Biltmore Hall
Campus Box 8004
Raleigh, NC 27695-8004
919.515.7118 Fax 919.513.4531

RRS
RECREATION RESOURCES SERVICE
<http://cnr.ncsu.edu/rrs>

RRS Main Office Staff - NC State University
Pete Armstrong, RRS Director
Pete_Armstrong@ncsu.edu

Charlynn Smith, GIS Research Associate
c_smith@ncsu.edu

WHO WE ARE

Recreation Resources Service is the nation's oldest technical assistance program for parks and recreation agencies in North Carolina. RRS provides technical assistance, applied research, and continuing education for the state.

Services are available to government agencies, citizen boards, civic and service groups, schools, youth agencies, hospitals, senior centers, commercial, and non-profit organizations. Recreation Resources Service can assist you in establishing, improving, and/or expanding recreation and leisure services in your area of North Carolina.

Services are provided by contract between the Division of Parks and Recreation-North Carolina Department of Environment & Natural Resources and The Department of Parks, Recreation & Tourism Management, College of Natural Resources, North Carolina State University. RRS began as a function of the State of North Carolina Recreation Commission in 1943.

MISSION

RRS was established for the specific purpose of providing assistance to public and private segments of the leisure service industry within North Carolina, including municipal and county park and recreation departments, nonprofit agencies, private recreation agencies, recreation consumer groups, and recreation and park board and commission members.

RRS concentrates on four types of service: technical assistance, field administration for the Land & Water Conservation Fund and the Park & Recreation Trust Fund, applied research and continuing education.

OUR TEAM

The work of RRS is accomplished by five full-time staff members, and a part-time GIS specialist. RRS maintains four field offices.

NC STATE UNIVERSITY



RECREATION **RESOURCES** SERVICE

TECHNICAL ASSISTANCE

RRS consultants have provided assistance in 96 of 100 North Carolina counties. Some examples are:

- Assisting communities with planning and public involvement in parks and recreation plans and projects including Master Plans.
- Assisting parks and recreation agencies with agency accreditation from the National Recreation & Park Association
- Establishing a statewide database of land dedication ordinances, master plans, community surveys and other documents to assist parks and recreation departments throughout the state
- Developing conceptual park plans
- Operating a RRS Parks & Recreation email listserve that currently has 145 members who post information requests, and news information



FIELD ADMINISTRATION OF GRANTS

PARKS AND RECREATION TRUST FUND

The Parks and Recreation Trust Fund in North Carolina is principal funding source for state parks, local parks, and recreation projects. The PARTF program provides dollar-for-dollar grants to local governments. Recipients use the grants to acquire land and/or to develop parks and recreation projects that serve the general public.

RRS's grant involvement includes:

- information dissemination
- project inspections
- project application processing
- project conversion resolutions
- closeout processing

LAND AND WATER CONSERVATION FUND

Administered through the NC Division of Parks. Due to very limited funding on recent years, RRS's major focus is limited to inspections of past LWCF projects.

APPLIED RESEARCH

The NC Municipal & County Parks and Recreation Services Study is conducted annually. Data is collected from NC Parks and Recreation Agencies and used to generate special request studies, such as comparable fee structures. Other special projects are undertaken at the request of parks and recreation agencies.

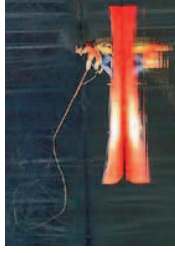
CONTINUING EDUCATION

Educational workshops are offered through RRS at nine sites across the state. Teleconference attendees may earn CEU credits towards professional certification. The service also sponsors a number of other continuing education events including the Carolina Facilities School and the North Carolina Parks and Recreation Director's Conference. E-learning (on-line educational workshops) is also offered by RRS.

OTHER RESOURCES

DIRECTORY

RRS publishes an on-line NC Directory of Parks & Recreation Agencies including: Municipal, County, Academic, Military, National Parks & Historical Sites, NC Cooperative Extension, NC Division of Parks & Recreation, Professional Organizations, Therapeutic & Clinical Recreation Agencies.



JOB SERVICE BULLETIN

RRS provides an online venue for recreation agencies to post positions online and for job seekers to review positions in the recreation related profession.

ONLINE RESOURCES

<http://cnr.ncsu.edu/rrs/>

http://www.ncparks.gov/About/grants/partf_main.php



North Carolina Parks and Recreation Trust Fund (PARTF)

2011-12

Grant Application



*North Carolina
Parks and Recreation Authority*



*Division of Parks and Recreation
Department of Environment
and Natural Resources*

Environmental Sustainability: To assist the N.C. Department of Environment and Natural Resources in being good stewards of the environment, please print your application documentation double-sided on 30% post-consumer recycled paper.

The Division of Parks and Recreation does not discriminate against anyone on the basis of race, sex, color, national origin, age, or disability and is an equal opportunity employer. If anyone feels that he/she has been discriminated against, a complaint may be filed with either DENR or the Equal Opportunity Office, U.S. Department of the Interior, Washington, D.C. 20240

Table of Contents

	<u>Page</u>
Table of Contents	1
Funding Schedule	2
Requirements and Resources	3
Components of the Application	
Checklist to Submit a Complete Application	6
Applicant's Basic Facts and Assurances	7
Description and Justification for the Project	8
Proof of Site Control	8
Project Costs.....	10
Sources of Local Matching Funds	12
Site Plan	13
Site Location Map	14
Acquiring Land.....	15
Requirements for Appraisals or Statements of Value	16
Legal Description of the Land.....	18
Environmental Review	19
Scoring System.....	21
Definitions.....	27
Recreation Resources Service: Offices and Staff	31

**Parks and Recreation Trust Fund (PARTF)
Funding Schedule
Fiscal Year 2011-2012**

August 2011	<p>The Division of Parks and Recreation (DPR) sends letters to inform local governments about the funding schedule. Electronic copies of the application are available at the DPR web site for PARTF: www.partf.net.</p> <p>Local governments may also contact their regional park and recreation consultant at Recreation Resources Services (RRS) to receive a paper copy of the application. Contact information is at the RRS web page: http://cnr.ncsu.edu/rrs.</p>
September 7, 2011 (9 a.m. - 12 p.m.)	<p>The PARTF staff will conduct a workshop for local governments to explain the application process and requirements. The workshop is presented by RRS at video conference sites in the University of North Carolina system. Attendance is recommended, but is not required. A copy of the teleconference can be purchased from RSS for a small fee.</p>
January 31, 2012	<p>Applications are due by 5:00 p.m. to the applicant's regional consultant at RRS. Only information received or postmarked by the deadline will be accepted.</p>
May 2012	<p>The Parks and Recreation Authority will select recipients using PARTF funds from the third quarter of the fiscal year. They will also approve an authorized list of PARTF grant recipients pending funds received during the fourth quarter of the fiscal year.</p>
July 2012	<p>The Parks and Recreation Authority will approve an authorized list of PARTF grant recipients pending funds received during the first two quarters of FY 2012-13.</p>

PARTF Funding Cycle 2011-2012

Requirements and Resources

Program Summary

- **Purpose:** The Parks and Recreation Trust Fund (PARTF) program provides dollar-for-dollar matching grants to local governments. Recipients use the grant to acquire land and/or to develop parks and recreational projects that serve the general public.

- **Eligible Applicants:** North Carolina counties and incorporated municipalities are eligible for PARTF grants. Two or more local governments may apply jointly for a grant with one of them serving as the primary sponsor.

Public authorities, as defined by N.C. General Statute 159-7, are also eligible. A public authority should contact its RRS regional consultant for assistance in determining its eligibility. Private non-profit organizations, such as YMCAs, and federally-listed tribes are not eligible.

- **Eligible Projects:** PARTF grants can be used to buy land for a public park as well as build or renovate recreational or support facilities. A project must be located on a single site.
- **Maximum Request:** Applicants can request a maximum of \$500,000 with each application. PARTF grant recipients with an active project may not request additional funds to complete the project.
- **Dollar-for-Dollar Match:** An applicant must match the grant dollar-for-dollar. The appraised value of land to be donated to the applicant can be used as all or part of the match (see page 15). The value of in-kind services, such as the applicant's force account labor or volunteer work, cannot be used as part of the match.
- **Site Control:** The applicant must have legal control of property where PARTF facilities will be located (see page 8).
- **Public Use:** Property acquired with a grant from PARTF must be dedicated forever for public recreational use. Facilities built or renovated with a PARTF grant are to be used for public recreation for at least 25 years.

- **Incomplete and ineligible applications** will be returned to the applicant and not considered for funding. *Only information received or post marked by 5:00 p.m. on January 31, 2012 will be accepted.* The Application Checklist (page 6) contains the list of documents needed for a complete application.
- **Evaluation of Applications:** The PARTF staff evaluates each application. The evaluation includes a rating according to the PARTF scoring system, an on-site inspection, and a review of the applicant's previous PARTF grants. . The PARTF staff provides a summary of each application's evaluation to the Parks and Recreation Authority members.
- **Selecting Recipients:** The Parks and Recreation Authority, a fifteen-member board appointed by the Governor and the General Assembly, selects the applicants who will receive a PARTF grant. The factors that the Authority members consider include the following:
 - the applicant's project description/ justification page (see page 8)
 - the application's ranking based on the PARTF scoring system (see page 21)
 - the geographic distribution of funds across North Carolina
 - the population of the applicant
 - the applicant's administration of previous grants
 - the amount of PARTF funds that the applicant is requesting
 - the amount of PARTF funds available
- **PARTF on the WEB:** An electronic copy of the application is available N.C. Division of Parks and Recreation web site for PARTF at www.partf.net. Regional consultants can also send a hard copy of the application to you.

Requirements and Resources

Would You Like Help with Your Application?

- The North Carolina Division of Parks and Recreation (DPR) advises all applicants to read the entire application carefully before beginning to work on your application. It is also beneficial to start the application process early.
- DPR provides technical assistance to local governments through a contract with Recreation Resources Service (RRS) at N.C. State University. Use the RRS home page at <http://cnr.ncsu.edu/rrs> to contact your regional consultant to discuss the PARTF project you are proposing.
- Attend a workshop and learn how to complete an application. The workshop will be held from 9:00 a.m. until noon on September 7, 2011 at videoconference sites in the University of North Carolina system or via webinar. To attend, contact RRS at NCSU to register.
- Complete the application early – at least 3 weeks before the deadline (before January 9, 2012) - contact your RRS regional consultant for a technical review to insure that your application is complete.

If You Receive a Grant...

- **Signing the Contract:** A grantee signs a contract that describes the project and the conditions for receiving a PARTF grant. This is a legally binding agreement between the grantee and the State of North Carolina.
- **Project Costs** (page 11) submitted in the application will be part of the contract and become the budget for the project.
- **Starting the Project:** A grantee must sign a contract *before* beginning any components of a PARTF project. There are two exceptions. Some planning costs (see page 10) can be incurred before the deadline to submit the application. Also, the DPR can approve a waiver allowing an applicant to acquire land before a grant is approved (see page 15).

- **Reimbursements:** PARTF grants are paid as reimbursements of actual expenses. Grantees may submit bills for reimbursement on a quarterly basis. The PARTF program will reimburse grantees for up to 50 percent (50%) of their expenditures for the project.

The applicant's project costs identify the total amount of grant funds to be reimbursed. The grantee is responsible for any additional costs needed to complete the project.

The PARTF program will retain the final ten percent (10%) of the grant amount until the completion of the project. Contact your regional consultant for the details of the process.

- **Audits and Inspections:** PARTF staff will conduct periodic site inspections of each PARTF project to inspect the progress as well as the financial records. All PARTF grantees must maintain accounting records for the project that are supported by documentation such as invoices and contracts.
- **Completing the PARTF Project:** A grantee has a *maximum* of three years from the date specified in the contract to complete a project.
- **Placing Utility Lines Underground:** All utility lines funded with a grant from PARTF must be placed underground.
- **Making Facilities Accessible:** All facilities funded by PARTF must comply with the Americans with Disabilities Act Accessibility Guidelines (ADAAG). Applicants are strongly encouraged to include the costs of building accessible facilities and access routes to those facilities in the grant application. Go to www.access-board.gov for guidelines on designs that are accessible.

Requirements and Resources

(continued)

Resources

To Assist in Your Environmental Review

- **Identifying Wetlands:** The U.S. Army Corps of Engineers can assist in identifying wetlands: Asheville Field Office (828) 271-7980; Raleigh Field Office (919) 554-4884; Washington Field Office (252) 251-4555; Wilmington Field Office (910) 251-4633. Contact the Corps as early as possible due to the large number of requests the Corps receives about delineation of wetlands.
- **Identifying Floodplains:** Check the website www.ncfloodplains.com for the most recent Federal Emergency Management Agency (FEMA) floodplain data. If you receive a grant, the permitting process will determine the applicable storm water requirements for your site.
- **Identifying Cultural Resources:** The N.C. Department of Cultural Resources can assist in identifying historical and archaeological resources: (919) 807-7300.

To Help Plan Your Facilities

- **Green Building Design:** The use of Leadership in Energy and Environmental design (LEED certification) for buildings is encouraged. For more information on LEED go to <http://www.usgbc.org/leed>
- **Playground Safety Guidelines:** The PARTF office encourages all applicants to adhere to the guidelines established by the U.S. Consumer Product Safety Commission's (CPSC) Handbook for Public Playground Safety (publication #325). It is available on the Internet at: <http://www.cpsc.gov>. Also, you can contact your RRS consultant at <http://cnr.ncsu.edu/rrs>

PARTF Administrative Rules

- A copy of the rules that apply to the PARTF grant program can be found at the DPR web site for PARTF at www.partf.net. The administrative rules identify what types of projects are eligible, how PARTF applications are evaluated, how grant recipients are selected, and the requirements for maintaining a PARTF park site for public recreation.

Projects on School Property

- **Co-sponsored Applications:** A local government may apply for a grant to fund public recreational facilities on property owned by a public school administrative unit. The county or incorporated municipality must serve as the primary sponsor of the project. If approved, both the local government and the school administrative unit will sign the PARTF contract.
- **PARTF Facilities on School Property:** Only recreational facilities not generally provided at schools are eligible for funding. Contact your RRS regional consultant to ask if the proposed facilities are eligible.
- **Joint-Use Agreement:** A local government and a school system must include an executed joint-use agreement with their application. The agreement describes the hours of use of the facilities by the public and how the site will be maintained. The PARTF staff must approve the agreement before an application can be considered for funding. Contact your RRS regional consultant to receive a sample of a joint-use agreement and to discuss the proposed project.

Checklist to Submit a Complete PARTF Application

Please put a check mark in the appropriate box to show that you have included the designated number of copies for each document with your application. Use a paper clip to keep the copies of each type of document together. For example, keep all copies of the project costs clipped together. Keep a copy of the application for your files. Planning documents will be returned to you.

Applicant: _____ **Project's Title:** _____

All Applications	Page Reference	Number of Copies	Included? U
1. Checklist for Submitting a Complete Application	6	2	
2. Applicant's Basic Facts and Assurances	7	2	
3. Description and Justification for the Project	8	25	
4. Project Costs	10 - 11	4	
5. Sources of the Applicant's Matching Funds	12	4	
6. Site Plan (and floor plan if applicable)	13	25	
7. Site Location Map	14	4	
8. Scoring System	21 - 26	4	
Projects to Construct or Renovate Facilities			
All Construction Projects			
9. Environmental Review	19-20	2	
If the Applicant has Site Control			
10. Attorney's Certification of Site Control	9	2	
11. Proof of Site Control	8	2	
12. Local Government & School Joint-Use Agreement	5	If applicable, 2	
Projects to Acquire Land			
13. Acquisition Form	17	2	
14. Appraisal or Statement of Value	16	2	
15. Legal Description of the Land	18	25	
16. Plan for Future Development (for acquisition only projects)	15	If applicable, 2	
17. History of Conveyance (for donated land)	15	If applicable, 2	
Documents for the Scoring System			
18. Master Plan for the Park	21 & 28	If available, 3	
19. Parks and Recreation Systemwide Plan for the Jurisdiction	22 & 29	If available, 3	
20. Capital Improvement Plan for Parks and Recreation	22 & 30	If available, 3	
21. Documentation of Surveys or Public Involvement	23 & 30	If available, 3	
22. Local Board Minutes or Resolution for Adoption/Acceptance of Planning Documents	21, 22 & 23	If available, 3	

N.C. Parks and Recreation Trust Fund (PARTF)
2011-2012 Basic Facts and Assurances

Local Government Name:	County:
Federal Employer I.D. Number: 56-	
Local Government's Contact Person: Name: Mr./Ms. Title: Address: City/State/Zip: Telephone: E-mail:	Local Government Manager: Name: Mr./Ms. Title: Address: City/State/Zip: Telephone: E-mail:
Chief Elected Official: Name: Mr./Ms. Title: Address: City/State/Zip:	Type of project: <input type="checkbox"/> Acquisition <input type="checkbox"/> Development <input type="checkbox"/> Acquisition and Development
Site Control: <input type="checkbox"/> Owned by local government <input type="checkbox"/> Owned by school board <input type="checkbox"/> Leased by applicant for 25 years or more <input type="checkbox"/> Easement	Costs rounded to nearest dollar: PARTF funds requested: \$ _____ Local government's matching funds: \$ _____ Total cost of project \$ _____
Recreation Resources Service (RRS) regional consultant:	
Short title of project:	
Provide a brief description of the project:	
<p style="text-align: center;">Approval by local governing board: (The local governing board must approve this certification.)</p> <p style="text-align: center;">I hereby certify the information contained in the attached application is true and correct and the required dollar-for-dollar matching funds will be available during the project period.</p> <p>Adopted this day of (give date):</p> <p>Chief Elected Official: _____</p> <div style="display: flex; justify-content: space-around; width: 100%;"> (Signature) (Print or Type Name and Title) </div> <p style="font-size: small;">(For applications sponsored by two or more local governments, or a local government and school administrative unit, one copy of this form must be completed and signed by each applicant. One of the local governments must be identified as the primary sponsor in the "Applicant" section at the top of this page.)</p>	

Description and Justification for the Project

This page should contain two sections; a description and a justification for the proposed project. In the project description section, briefly identify the recreational facilities to be built and/or the park land to be acquired with PARTF assistance. Also include a description of the park or greenway where the project will be located. In the project justification section, explain why the project is needed and how it will benefit your community. The page will be provided to the Parks and Recreation Authority members.

Please submit the **one-page** project description / justification on a separate sheet of paper. Use a 10-point font or larger and provide 25 copies with the application. The page should have a left margin of at least one inch. The page should have the following title "Description and Justification for the (insert the project name)". Include your local government name as well as separate sections for the project description and project justification.

Proof of Site Control for Development Projects

The applicant must have control of the entire site of its PARTF project for the purpose of providing public recreation by January 31, 2012. Any lease agreement shall extend for a minimum of 25 years as of January 31, 2012.

The applicant must submit **two copies** of the following:

1. A **park boundary map** of the project site that outlines the park boundary and identifies all parcels within the project site. If there is one deed, lease or easement covering the entire project site, the site plan will be sufficient.
2. **Attorney's Certification of Site Control** (see page 9): Please attach a separate form to each deed, lease, and /or easement in the project site.
3. **Site Control Documentation:** Submit the deed(s), signed lease(s), and/or easement(s) for each parcel within the project site to provide the property's legal description and demonstrate the applicant's control of the project site for public recreation. Be sure to include any restrictive covenants that may be attached to a deed and/or easement.

The boundary map, attorney's certification of site control form(s) and site control documentation are used to determine if the applicant has adequate control of the property.

Exception: If the applicant is proposing to acquire the property with the PARTF grant, the proof of site control is not required with the application.

Attorney's Certification of Site Control (For Development Projects Only)

Applicant: _____ **Project's Title:** _____

The applicant must demonstrate adequate control of the site to be developed in order for the application to be eligible for PARTF assistance.

1. TYPE OF SITE CONTROL: Indicate the type of control the applicant has for the project site. Please provide a **separate form** for each deed, lease, or easement within the project site. Include a copy of each deed, lease or easement for each parcel included in the project site. Also provide one map that shows the park boundary and identifies the location of all parcels, leases or easements within the project site. Please label all documents.

TYPE OF CONTROL	PORTION OF SITE	DOCUMENTATION ATTACHED
<input type="checkbox"/> Fee Simple Title	<input type="checkbox"/> Entire Site. <input type="checkbox"/> For that portion labeled on the site map: Parcel Identification _____ (such as Parcel A, Parcel B, etc.)	<input type="checkbox"/> Copy of deed
<input type="checkbox"/> Lease	<input type="checkbox"/> Entire Site. <input type="checkbox"/> For that portion labeled on the site map: Parcel Identification _____ (such as Lease A, Lease B, etc.)	<input type="checkbox"/> Signed copy of the current lease with a written description of the applicant's authority to provide public recreation for at least 25 years.
<input type="checkbox"/> Easement	<input type="checkbox"/> Entire Site <input type="checkbox"/> For that portion labeled on the site map: Parcel Identification _____ (such as Easement A, Easement B, etc.)	<input type="checkbox"/> Signed copy of the current easement with a written description of the applicant's authority to provide public recreation for at least 25 years.

2. LIMITATIONS, CONDITIONS OR ENCUMBRANCES:

- a) For property owned or to be owned by the applicant, describe all easements or encumbrances.
- b) For property to be controlled through other methods, describe any conditions or limitations in current or proposed leases, easements or use agreements, including restrictions on the applicant's use of the site or the rights to be reserved by the landowner, that may in any way impact the applicant's ability to complete the project in a timely manner and provide for public recreational use for at least 25 years:

☐ No limitations, conditions or encumbrances

3. CERTIFICATION: (This form must be signed by the applicant's attorney or chief administrative officer capable of certifying that the information provided is accurate).

I hereby certify that the information provided above and attached is accurate to the best of my knowledge. I understand that the site control is an application eligibility requirement.

NAME (Printed/Typed) _____

TITLE _____

SIGNATURE _____

Date _____

Project Costs

- **Include All Costs: Project costs submitted in the application will become the budget for the project.** List all items proposed for funding and the estimated cost of each item. All items included in the project costs must be shown on the site plan, except for items such as grading, utilities, and planning. Round all project costs to the dollar.
- **Cost Estimates are Important:** If the actual costs are more than the estimates, then the local government will be required to use local funds to make up the difference.

Costs to Build or Renovate Facilities

- **How to be More Accurate:** Get costs from contractors, architects, or planners who develop parks and recreational facilities. Consider the impact of inflation by assuming that the project may be completed over a 3-year period after the grantee signs a contract with the state.
- **Be Specific:** Include specific units (sizes, numbers, lengths, etc.) for each item in the project costs. Include dimensions or square footage of all indoor or sheltered facilities.
- **Contingency:** A contingency amount of 5 percent of the total cost to build or renovate a project may be included.
- **Equipment / Tools are Not Eligible:** Sports equipment (balls, bats etc.), tools, maintenance equipment, office equipment and indoor furniture are not eligible. All items must be permanently secured to the ground or floor. Exception: items that are typically portable, such as soccer goals, and bleachers, must remain at the project site.
- **ADA Accessible Routes:** Be sure to include accessible routes, ADA signs and utilities if needed in your project costs.

Costs to Acquire Land

- **Value of the Land:** Use a statement of value or appraisal for the land that you are planning to buy or that will be donated to the local government. See page 15-18 for instructions.

Planning and Incidental Costs

- **Planning Costs:** For projects to build or renovate facilities, the following items can be included in the project costs: architectural and engineering fees, site plans, design drawings, construction drawings, construction management, and preparing project costs. Park master plans and systemwide plans are not eligible for reimbursement.
- **Incidental Land Acquisition Costs:** Appraisals, title searches, surveys, and attorneys' fees can be included in the project costs.
- **Limit on Planning and Incidental Land Acquisition Costs:** The sum of planning costs, incidental land acquisition costs and the cost of preparing an application cannot exceed 20 percent of the total cost of the project. For total costs over \$1 million, the maximum allowed is \$200,000.

When Can You Spend Money on Planning or Incidental Costs?

- These costs are also eligible if they are incurred within two years of the application deadline (after January 31, 2010). Remember to include these costs in your project costs and to keep copies of the invoices to submit for reimbursement. Planning costs to develop projects and the incidental costs to acquire land are also eligible when they are incurred after the local government signs a contract with the state.

Project Costs *(continued)*

Use the format below to show the costs of your project. Include the title of the project, the name of the local government and the date the document was prepared.

Project Costs Green Park Redevelopment- Town of Parkland December 2011

Project Elements (Include specific units - sizes, numbers, lengths, etc. - for each item.)	Unit	Unit Cost	Total Item Cost
Building and/or Renovating Costs			
Picnic Shelter (2 grills, 4 tables, and 2 trash receptacles) and Rest Room Renovation - 20 x 30 feet	Lump Sum	\$147,000	\$147,000
Playground (jungle gym, swings, slides, accessible surfacing)	Lump Sum	\$80,200	\$80,200
Walking Trail - 6' wide, paved trail with 3 benches	2,400 linear ft	\$12 / linear foot	\$28,800
Little League Ballfield with irrigation, dugouts, fencing, and benches	Lump Sum	\$239,000	\$239,000
Accessible Routes (paved, 6' wide)	1800 ft.	\$10/ft.	\$18,000
Parking Lot - paved for 75 cars	Lump Sum	\$73,100	\$73,100
Site Preparation (clearing, grading, and erosion control)	6 acres	\$15,833	\$95,000
Water, Sewer and Electric Utilities	Lump Sum	\$19,000	\$19,000
Costs to Develop the Project			\$700,100
Contingency for the Cost of Building / Renovating			
Contingency (not to exceed 5% of the cost to develop the project)	5%		\$35,005
Value of Land to be Purchased or Donated			
Land Acquisition	10 acres	\$5,640	\$56,400
Planning and Incidental Land Acquisition Costs			
Construction management, site planning, preliminary design, survey and appraisals, or the cost of preparing the application (not to exceed 20% of the cost of the project)	6.9%	\$58,570	\$58,570
Total Project Cost			\$850,075
Total PARTF Grant Request			\$425,037
Total Local Match			\$425,038

Sources of the Applicant's Matching Funds

Use the format below to show the sources of your matching funds. Please indicate if these funds are currently available or are the funds yet to be approved. If funds are yet to be approved, list the date for approval.

Applicant: _____ **Project's Title:** _____

Sources of the Applicants Matching Funds (Example)

Type of Matching Funds	Amount of Funds	Funding Source	Availability
Cash	\$ 16,000	Private Donation	In Hand
	\$ 234,038	Town's Budget or Capital Improvement Plan (CIP)	Town's Approved CIP
Fee Simple Land Donation	\$ 100,000	Value of Donated Property	Pending PARTF Grant Approval
Federal Grant*	\$ 25,000	Land and Water Conservation Fund	Pending DENR Approval by June, 2012
State Grant*	\$ 50,000	Clean Water Management Trust Fund	Pending DENR Approval by September 2012
Total Matching Funds	\$425,038		

*PARTF allows other state and federal funding to be used as local match.

The Site Plan

Submit 25 color-coded site plans with your application. A site plan is a very important part of the application, because the Parks and Recreation Authority members will review it. Site plans should be no smaller than one 8 ½ x 11" page and no larger than an 11" x 17" page. Do not use card stock or similar heavy paper. Also, include 25 copies of an 8 ½ x 11" floor plan only if your project includes a large building such as a community center. Do not include floor plans for picnic shelters or restrooms. Include the following items on each site plan and color code the items as noted.

- Title: Name of project and applicant
- Land Acreage
- Elements of the proposed project: light green (Includes land to be acquired, recreational & support facilities and other items proposed for funding with the grant. Do not include grading or utilities.)
 - if applicable, denote proposed trail links to existing recreation areas, trails, schools, etc. on site plan.
- Known water bodies (streams and lakes) and wetlands
- Park boundaries: red
- Existing facilities: white
- Future facilities: orange
- Utility easements: yellow (power, sewer and water lines)
- Entrance and access roads to the site
- Names of adjacent roads
- Uses of adjacent property
- Legend showing color coding
- North arrow
- Date the map was prepared
- Scale

Sample

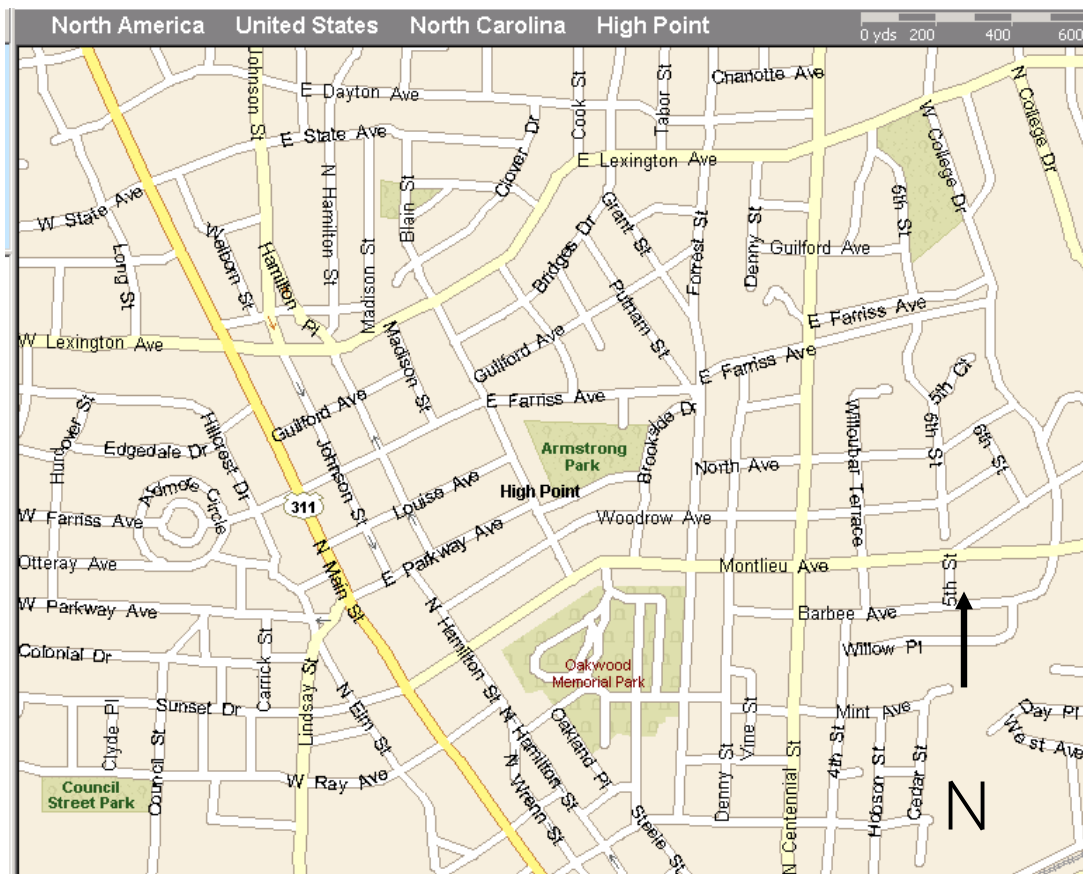


Site Location Map

Please provide four copies of an 8 ½" x 11" map showing the location of the proposed project. This map should be detailed so a visitor can locate the site easily. Include the following items on the map:

- Title of the project
- The name of the road a visitor uses to get to the park entrance
- The location of the project in relation to the nearby towns or major road
- Legible street names
- North arrow
- Physical address (such as a street address)
- Latitude/longitude coordinates of the central point in the site

Sample
Armstrong Park
305 E. Parkway Ave.
High Point, N.C.
Latitude/ Longitude: 35° 58'15"N/ 80° 00'28"W



Acquiring Land

Requirements

The following requirements apply to land to be acquired by fee simple title, easement or by donation.

- **Eligible Projects:**
 - Create a new park.
 - Expand an existing park.
 - Protect natural & scenic resources.
- **What to Submit with the Application:**
 - Appraisal or statement of value
 - Legal description of the land such as a survey or plat map
 - List of properties to be acquired
 - History of conveyance: (only for donated land)

- **Forever for the Public:**

Property acquired fee simple via purchase with a grant from PARTF must have the following clause in the deed:

"The property was acquired with state financial assistance from the N.C. Parks and Recreation Trust Fund, and pursuant to contractual requirements this property may not be converted to other than public recreation use (whether by transfer, sale, or any other means) without approval of NC Department of Environment and Natural Resources."

Donated property or easements acquired with a PARTF project will require a similar clause.

- **When to Take Title to Land:**

All recipients must sign a contract with the state before accepting title to land that will be purchased with a PARTF grant. This also applies to property that is donated to the local government.
- **Is It Urgent?**

If necessary, a local government can request permission to acquire land before applying for a grant. The Division of Parks and Recreation staff will consider a written request that identifies the proposed site and explains why the property must be acquired early.

If the Division approves the request, it is in effect for 18 months from the date of the approval and the local government must submit a PARTF application before the waiver expires. The waiver does not give the applicant preferential treatment in funding decisions.

Applicants are not to include any reference to a waiver in the "Description/Justification" submitted with the application (page 8).

- **Buying Now and Building Later?**

The local government can use the PARTF grant to acquire land with plans to build facilities in the near future. The grantee has five years to begin developing facilities. If this is the case, the applicant must provide a "Plan for Future Development" to include:

 - Explain why the property will not be developed when it is purchased.
 - Describe how the public will be able to use the site for recreational purposes until recreational facilities are provided.
 - Provide a conceptual site plan showing the proposed development & a timeline for developing the site.

Donated Land

- A local government can use the appraised value of donated land as all or as part of the dollar-for-dollar match for the grant. The donor of the land must be a private organization or individual. The applicant must provide a five-year history of conveyance for the property. Land that is transferred to the applicant due to a statute or rule is not considered a donation.
- **Bargain Sales** - If a landowner is proposing to sell land to the applicant for less than the appraised value, the amount of the donation is the difference between the appraised value and the amount paid by the applicant.
- All the requirements for acquiring land by fee simple title also apply to acquiring

land by donation or bargain sale.

Acquiring Land (continued)

Requirements for Appraisals and/or Statements of Value

1. Either a statement of value or an appraisal completed by a licensed appraiser is required for each parcel included in the application. This includes property that may have been acquired prior to the application deadline using a PARTF waiver.

If a statement of value is submitted, an appraisal will be required if the grant is approved.

2. The value of property to be acquired, through donation or purchase, is determined by an appraisal.

Accurate cost estimates for property acquisition are important. If the applicant underestimates a property's value and the purchase price is higher, the applicant will need to pay the difference with local funds.

3. All statements of value or appraisals must be produced by a licensed appraiser.
4. A licensed appraiser must certify that each appraisal was completed using the Universal Standard of Professional Appraisal Practices.
5. The applicant must submit the original and one copy of each statement of value or appraisal.
6. For property with a value more than \$500,000, two appraisals will be required if the grant is approved. The State Property Office will review the appraisals and determine the value of the property.
7. Complete the table titled "List of Properties to be Acquired" to identify each parcel of land proposed for acquisition. (page 17).

8. Are there existing capital

improvements? If so, only those improvements that will be used for public recreation can be included in the cost of the property to be reimbursed with a PARTF grant.

Please identify the value of each of these improvements and describe how they will be used for public recreation as part of the table titled "List of Properties to be Acquired" (page 17).

List of Properties to be Acquired

Applicant						
Title of Project						
Will the property be: - Purchased - Donated - Required Donation ¹ - Bargain Sale ²	Current Owner's Name	Parcel		Estimated Value		
		Number	Acreage	Land	Improvements for Public Recreation Use ³	Purchase Price
	Totals:					

⁴Existing boat ramp and dock will be renovated and open for public recreation use. The town will use these facilities for their sailing and canoeing programs and for the public to use in launching non-motorized boats.

Notes:

- 1.Required donation - The value of a land donation that is required by local statute, ordinance, or rule cannot be included as part of the local matching funds.
- 2.Bargain sale – The owner is willing to sell the property for less than the appraised value.
- 3.Identify the value of each existing improvement that will be used or renovated for public recreation purposes.
- 4.Also describe how an existing facility(s) will be used for public recreation as part of the project in this application in the space below the table (see the sample on this page).

Acquiring Land *(continued)*

Twenty-five (25) copies of a legal description of the land are required for applicants proposing to acquire land with a PARTF grant. Legal descriptions include surveys, plat maps, tax maps or other maps that include metes and bounds. Include legal descriptions for all parcels included on the "List of Properties to be Acquired" (page 17).

All legal descriptions should be submitted on a single 8½" x 11½" page or no larger than an 11½" x 17" page. All copies, reduced drawings and written descriptions must be easy to read. For the legal description, please include:

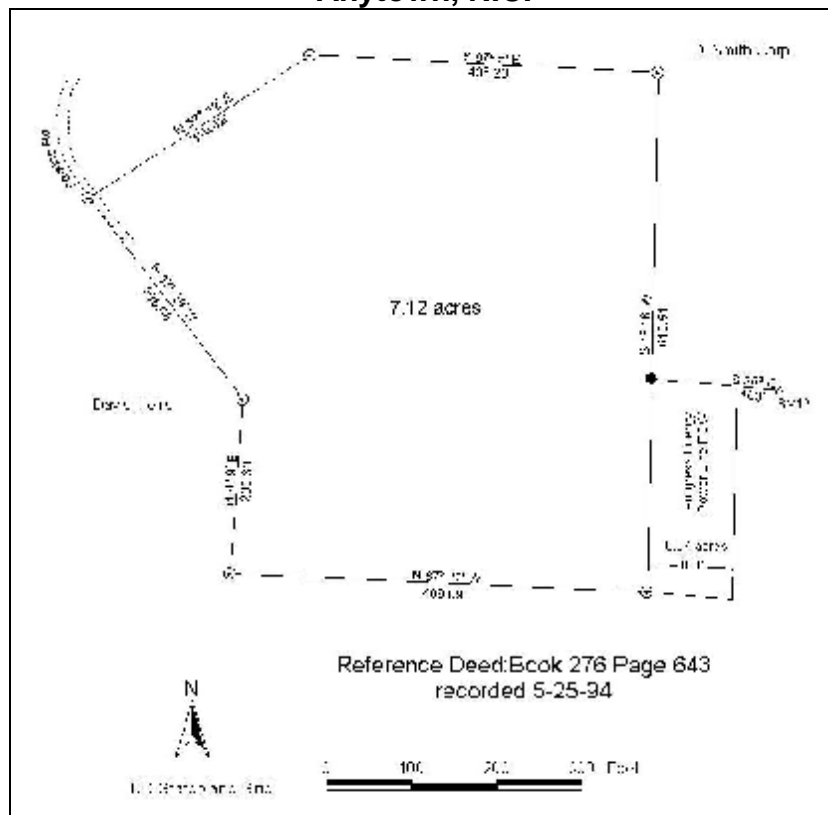
- Project title, acreage, north arrow, scale, date prepared

Legal Description of the Land

- Any easements or restrictions on the public use of the property.
- Significant reference points such as state plane coordinates, benchmarks, iron stakes, major streets, highway, or other landmark.
- Deed book number, page number, and date recorded.
- The owner and/or uses of adjacent property.

For applicants planning to acquire land and build facilities, a combined site plan and legal description may be submitted (instructions for the site plan are on page 13).

Oak Leaf Park Anytown, N.C.



Environmental Review

Project Name _____ Local Government _____

All applicants who are proposing to develop any facilities with a PARTF grant must provide the following information to help determine the proposed project's impact on the environment. Project design should minimize adverse impacts on the environmentally sensitive features of the site. Each item must be accurately and adequately addressed to allow the Department of Environment and Natural Resources to determine if the proposed project will comply with the requirements of the State Environmental Policy Act (SEPA).

1. **Site Description:** Describe in detail the existing or proposed park property including the park acreage (for land and water), topography, streams, lakes and any significant natural resources that are on or adjacent to the site. Attach a separate page if needed.

2. **Past/Current Property Use:** What are the past/current uses of the property? Examples: Urban/developed, forest, agricultural, industrial site, landfill, water, or wetland. Attach a separate page if needed.

Also, if the property has been contaminated (examples: brownfield sites), all clean up actions must be completed before a PARTF project can begin. Use this space to describe any clean up actions that are needed.

3. **Wetlands:** Describe any wetland areas on the site including the acreage (see "Resources" on page 5 for help in identifying wetlands). Describe any disturbance of wetlands needed to develop the proposed project. Please state if no wetlands exist on the site. Attach a separate page if additional space is needed as well as a wetlands delineation map.

4. **Floodplains:** Describe any floodplain areas within or adjacent to the site and delineate floodways. See the "Resources" section on page 5 for help in identifying floodplains. Please state if none exist. Attach a separate page if needed, especially for delineating 100 year floodways and floodplains.

5. **Tree and wildlife species:** Describe the predominant tree and wildlife species on or adjacent to the site. Attach a separate page if needed.

6. **Archaeological or historical sites:** List any known archaeological or historical sites within the project site or in the vicinity of the site. Has the area been surveyed by an archaeologist? If so, when and by whom? (See “Resources” on page 5 for help in identifying cultural resources). Attach a separate page if needed.

7. **Existing Structures:** List all existing recreational facilities and other structures on the site, regardless of their age. Indicate if any structure is more than 50 years old. Provide a photograph and pertinent historical information about the structure(s) which are 50 years or greater. Indicate whether any existing structure(s), regardless of age, will either be demolished or renovated for recreational use by the proposed project? Attach a separate page if needed.

8. **Utilities:** Describe any existing utility easements within the site; including the width and length. Also, describe the existing water, sewer, and road systems at the site. Describe any water, sewer, or road systems included in the proposed project. Attach a separate page if needed.

9. **Ground Disturbance / Site Clearing:** How many acres are to be disturbed and/or cleared for the proposed development?

_____ acres

10. **New Facilities:** If a new indoor facility is proposed, how large is the facility’s footprint or square feet of ground covered? _____ square feet. Also, if a greenway or trail is proposed, include its approximate length _____ feet, width _____ feet and surface _____ (such as natural, gravel, paved, etc.)

11. **Permits:** List all permits that have been or will be applied for or received, such as erosion control, CAMA or U.S. Army Corps of Engineers permits. Attach a separate page if needed. Include a brief discussion and documentation of your interactions with permitting agencies.

Some projects will require an additional evaluation called an “environmental assessment” if they are selected for funding. A project will usually need an environmental assessment if any of the following are proposed in the project:

- Construction of a new building with a footprint of over 10,000 square feet.
- Demolition or renovation of a structure more than 50 years old or listed on the National Register of Historic Places.
- Ground disturbance involving a listed archaeological site or area around buildings over 50 years old.
- Ground disturbance in or near significant natural communities or rare species.
- Ground disturbance of a site with current or past contamination problems.

The PARTF program will notify the applicant if an environmental assessment or additional information is needed. The grantee must complete the environmental assessment before signing the PARTF contract and beginning the project.

PARTF Scoring System for Grants

The members of the N.C. Parks and Recreation Authority use the PARTF scoring system as one of several tools to select grant recipients. Please provide all of the information requested for each item. Attach a separate page if more space is needed to address any item. Before beginning, please refer to the "Definition of Terms" beginning on page 27. A team of PARTF staff and regional consultants will evaluate each application based on the scoring system and make the final decision about the applicant's score.

Preparing an application for a PARTF grant is more than simply completing the application form. Creating a proposal for a high quality park and recreation project requires adequate time to collect public input, review the results, and then properly plan for the project. You should also allow time to prepare the support documents that are vital in the evaluation of your application.

The planning and public involvement process has many benefits including:

- New recreational opportunities can be based on community preferences
- New parks can be located to respond to current deficiencies and future demands
- Recreational facilities can be built to meet the expectations of park visitors and minimize harm to the environment and
- PARTF funds can be used more efficiently.

PARTF Scoring System for Grants	
Applicant:	
Project:	
A. Planning: (20 possible points)	
1. Master Plan for the park and/or greenway system (10 points) <ul style="list-style-type: none"> ○ This item does not apply for applications proposing only land acquisition ○ Please refer to pages 28-29 for the required components of the plan <p>a. <input type="checkbox"/> The applicant has a master plan created or revised within the past five years for the project site and the project conforms to the plan.</p> <p style="padding-left: 40px;">Date the plan was produced: _____ (9 points)</p> <p>or</p> <p>b. <input type="checkbox"/> The applicant has a master plan created or revised within the past six years to ten years for the project site and the project conforms to the plan.</p> <p style="padding-left: 40px;">Date the plan was produced: _____ (4 points)</p> <p>c. <input type="checkbox"/> The local governing board has adopted the master plan.</p> <p style="padding-left: 40px;">Date the plan was adopted/accepted : _____ (1 point)</p> <p>Documentation Required:</p> <ol style="list-style-type: none"> 1. Three copies of the park master plan or greenway system plan. 2. Three copies of the local governing board's meeting minutes or resolution as documentation of the adoption or acceptance. 3. List the page number(s) and tab or highlight where the project is referenced in the plan. 	

2. Comprehensive systemwide parks and recreation plan for the local government's jurisdiction (7 points)

- Please refer to page 29 for the required components of the plan

- a. ☐ The applicant has a Comprehensive Systemwide Parks and Recreation Plan and the project conforms to the plan.

Date the plan was produced: _____ (6 points)

- b. ☐ The local governing board has adopted the systemwide plan.

Date the plan was adopted/accepted: _____ (1 point)

Documentation Required:

1. Three copies of the comprehensive systemwide parks and recreation plan produced or revised in the past 10 years.
2. Three copies of the local governing board's meeting minutes or resolution as documentation of the official adoption or acceptance.
3. List the page number(s) and tab or highlight where the project is referenced in the plan.

3. 3-5 year capital improvement plan for parks and recreation (3 points)

- Please refer to page 29 for the required components of the plan

- ☐ The applicant has a 3-5 year parks and recreation plan or a capital improvements plan for parks and recreation and the project is identified in the plan.

Date the plan was adopted/accepted: _____ (3 points)

Documentation Required:

1. Three copies of the capital improvement plan.
2. Three copies of the local governing board's meeting minutes or resolution as documentation of their adoption or acceptance.
3. List the page number(s) and tab or highlight where the project is referenced in the plan.

**B. Level of public involvement in developing and supporting the project:
(15 possible points)**

1. Public meetings (5 points):

- ☐ The applicant conducted a public meeting(s) exclusively for discussing the project and obtaining comments. The public supported the project.

Date of the meeting(s): _____

Documentation Required:

1. Provide a title page that gives the name of applicant, the name of the project and identifies the document as "Public Meetings."
2. Three copies of the newspaper advertisement or a document describing the other means used to widely advertise the meeting.
3. Three copies of the minutes, including the discussion of the project, who was present and public comments.

2. Recreational needs survey (5 points):

- Please refer to page 30 for the required components of the survey

- ☐ The results of a survey to determine the recreational needs in the applicant's jurisdiction show that the citizens support the project.
The survey was conducted during the past ten years.

Documentation Required:

1. Three (3) copies of the following information about the survey
 - Questionnaire
 - Results of the survey
 - Describe how the survey was distributed. Give the date(s) of distribution and the number of surveys distributed. Include a description of the respondents to insure that there are enough and that they are representative of the population in the local government's jurisdiction.
 - Describe how the results of the survey show that the citizens support the project.
2. Include a title page that gives the name of applicant, the name of the project and identifies the document as "Survey of Recreational Needs."

3. Support from civic (non-governmental) groups (3 points):

- ☐ The applicant presented the project to two or more local groups
(Ex: civic groups, neighborhood associations, youth organizations, advisory boards, etc.) and received support for the project.

Documentation Required:

1. Include a title page that gives the applicant's name, the project's name and identifies the document as "Presentations to Local Groups."
2. Three (3) copies of the agenda, minutes or other documentation from the groups that confirm the dates of the meetings and the presentations given by the applicant.

Note: support letters do not count as presentations.

Name of the Organization	Date of the Presentation	Meeting agenda or letter from the organization included in the application?

4. Support from a parks and recreation board (2 points):

- ☐ The applicant presented the project to the parks and recreation advisory board or a similarly appointed group and received a motion of support for the project.
Date of the meeting(s): _____

Documentation Required:

1. Include a title page that gives the name of the applicant, the project and identifies the document as "Presentation to Advisory Board."
2. Three copies of the minutes from the meeting that include support for the project.

C. Public recreational facilities provided by the project: (45 possible points)
(Does not apply for applications proposing land acquisition only.)

- Please refer to page 27 for examples of recreational facilities

1. The local government will be building its first public park on property that it owns. (20 points) ☐ Yes ☐ No

Explain:

2. The project will provide (check one):

- a. ☐ 3 or more types of new recreational facilities (20 points)
- b. ☐ 2 types of new recreational facilities (15 points)
- c. ☐ 1 type of new recreational facility (10 points)

List the new types of recreational facilities:

3. The project will add recreational facilities at the park that are like the facilities that are present at the park. The project will add (check one):

- a. ☐ 3 or more types of recreational facilities (12 points)
- b. ☐ 2 types of recreational facilities (8 points)
- c. ☐ 1 type of recreational facility (4 points)

List the types of recreational facilities:

4. The project will provide major renovation of (check one):

- a. ☐ 3 or more types of recreational facilities (8 points)
- b. ☐ 2 types of recreational facilities (6 points)
- c. ☐ 1 type of recreational facility (4 points)

List the recreational facilities to be renovated and why each renovation is needed:

5. The project will provide a trail or greenway (1/4 mile or longer) that links to existing recreation area(s), school(s), downtown businesses, and/or communities located outside of the park. (5 points)

☐ Yes ☐ No

Site plan must show trail linkage. Also, please identify by name and location the existing trail and areas to be linked by the proposed trail:

D. The Suitability of the Site for the Proposed Project. (5 possible points)

1. ☐ The site is suited for the proposed development with minimal adverse impact to the environment. (1 point)
2. ☐ The location of the site enhances the park and the public's access to the park. Describe how the location of the site will enhance the park and the public's access to the park. (1 point)
3. ☐ The site is enhanced by the adjacent property uses. Describe the uses of the adjacent property and how they will enhance the park. (1 point)
4. ☐ The proposed site is large enough to adequately accommodate the proposed development. The proposed project will require minimal site preparation considering the geographic region where it is located. (1 point)
5. ☐ The site is free of restrictive easements, overhead power lines, or other intrusions that would limit the proposed development or cause a safety hazard for users. (1 point)

The applicant must adequately address each of the five criteria:

E. The applicant's commitment to operating and maintaining the project. (15 possible points)

1. ☐ The applicant has a full-time parks and recreation department that will manage the project site to provide programming and to ensure adequate operation and maintenance. (15 points)
2. ☐ The applicant has a full-time staff, such as a public works, who will manage the project site to ensure adequate operation and maintenance. (8 points)
3. ☐ The applicant will manage the project site with part-time staff or by contractual agreement to ensure adequate operation and maintenance. (4 points)
4. ☐ An organized volunteer group, such as a civic group or youth sports association, will operate and maintain the site. (2 points)

Provide the name of the organization that will operate and maintain the site:

If the applicant is not going to operate the site with full-time staff, (see # 3 & #4), describe how and when the site will be open to the general public.

F. Land Acquisition (if applicable) (15 possible points)

1. ☐ If not purchased at this time, a significant natural, cultural, recreational, scenic or highly-threatened resource will be used for other purposes. (15 points)
2. ☐ The site is an excellent natural and/or recreational resource. (10 points)
3. ☐ The site is an average natural and/or recreational resource. (5 points)

Describe in detail why the site's resources should receive 5, 10, or 15 points:

Definitions

1. **Recreational Facility:** The following list provides examples of projects that will qualify as new types of recreational facilities or areas.

A. **Examples of Recreational Facilities and Areas:**

- Sports facilities including tennis courts, soccer fields, ballfields, running tracks, volleyball courts and basketball courts.
- Fishing and boating facilities including man-made lakes or ponds, docks, launching ramps, piers, and marinas.
- Swimming facilities including swimming pools, wave-making pools, wading pools, swimming beaches, water or splashparks, water slides and spraygrounds.
- Trails within a park with a minimum continuous length of 1/4 mile including nature trails, hiking trails, bicycling trails, parcours, and equestrian trails.
- Greenways - linear open spaces connecting parks or other public areas that are 1/4 mile or longer and usually contain a multi-purpose trail.
- Camping facilities including cabins, group camps, and tent and trailer campgrounds.
- Picnic facilities including picnic shelters with tables and grills, or picnic areas with groups of tables, grills and trash receptacles.
- Indoor recreational facilities including: recreation centers, fitness centers, multi-purpose rooms, arts and crafts centers, nature centers, weight rooms, aquatic centers, handball courts, gymnasiums, and community centers. One building may include more than one recreational facility. For example, a new recreation center could contain a gymnasium, a weight room, and a swimming pool.
- Playgrounds (for children ages 6-12) and tot lots (for children ages 2-5).
- Amphitheaters.
- Large designated open areas with landscaping, benches, and walkways intended for recreational activities such as sunbathing, relaxing with family and friends, informal picnics and games.

- B. **Support facilities** are **not** recreational facilities: Support facilities include parking lots, roads, lighting, bleachers, restrooms, concession buildings, fencing, landscaping, site preparation, bridges, utilities, sidewalks, stairways, drinking fountains, and maintenance buildings. **Recreational programs**, such as sports activities, classes or lessons, are **not** facilities.

2. **Renovation:** The extensive reconstruction of a facility to restore or improve its usefulness to its original purpose. A renovation project will not be awarded points under the scoring system if the facility's deterioration is due to inadequate maintenance during its reasonable lifetime. Renovating a recreational or non-recreational facility for a new recreation use would apply to new and/or like recreational facilities.

Definitions (continued)

3. Master Plan for the Park or Greenway System

Master Plan for the Park: A long-range plan for one park that contains a site analysis; a description of the community's recreational needs; property acquisition boundaries; and the proposed location of all capital improvements. A master plan document must adequately address all of the following items:

- Site analysis - Describe and evaluate the site's natural, historic, and man-made features. These include items such as topography, soils, vegetation, hydrology, significant natural communities, wetlands, existing structures, and public access.
- Recreational needs - Identify the recreational opportunities that the public prefers using meetings or a survey. Describe how the recreational opportunities being proposed by the master plan relate to existing recreational facilities and services in the jurisdiction (this may be a part of the system-wide comprehensive plan).
- Program description - Identify the main purposes of the park including a description of the how the local government will design the park to be used by the public.
- Physical needs - Identify the physical needs of the park's site. Include any land the local government will acquire and any capital improvements (buildings, recreation facilities, roads, utilities). All land and capital improvements proposed in the PARTF application must be included in the master plan.
- Project costs for property acquisition and capital improvements, divided into phases if necessary. The cost information can be provided in a separate document that is submitted with the master plan.
- Site plans and illustrations depicting the boundaries of land to be acquired and the location of facilities.
- Public Involvement - Describe how the local government involved a broad range of the citizens in its jurisdiction as the master plan was being developed. Examples include public meetings or advisory committee meetings. This description can also be provided in a separate document that is submitted with the master plan.

Greenway System Plan - A long-range plan to develop a framework for building an integrated system of trails that will link citizens to the outdoors. A greenway system plan must adequately address all the following items:

- Vision, Goals and Objectives - The goals and objectives the local government would like the plan to accomplish related to the different uses/benefits of the greenway, especially in reference to recreation/fitness/health.
- Inventory Existing Data and Related Plans – the identification and mapping of existing natural resources, man-made features and linear greenway corridors within the local jurisdiction that might influence the development of the greenway system.
- Analyze Data and Develop/Map Proposed Greenway – review and analysis of all data collected to allow the local government to:
 - Identify potential greenway corridors,
 - Identify hubs/destinations that are either natural resource based or man-made (or a combination of the two) which should be part of the greenway system,
 - Identify important and threatened open space that should be part of the greenway system including ecologically or biologically significant areas or hubs,

- Identify and discuss greenway development challenges such as floodways, active railroad tracks/crossings, major roadway crossings, etc.
 - **Mapping** - the result of the above analysis is a map(s) and text to describe the proposed system. The map(s) should illustrate not only existing greenway system elements, but also the proposed greenway network envisioned by the local government.
 - **Action Plan** – develop a specific action plan that will position the local government to move forward in realizing the proposed greenway system. The action plan should include:
 - A listing of action steps that set priorities,
 - Roles and responsibilities in implementing the plan,
 - Cost estimates, resources and potential funding options needed to address action steps, and
 - Greenway corridor segments identified as potential pilot projects.
 - **Public Involvement** - A description of how the local government involved a broad range and representative number of its citizens as the greenway plan was prepared. Examples include a random survey of the citizens; a series of public meetings that would give most citizens an opportunity to participate; a series of focus group meetings that involve the representatives of the jurisdiction's population; or a combination of these efforts. Please address the number of people who participated and who they represented for each level of public involvement used.
 - **Maintenance, Management and Operational Policies** – address policies that will provide the basis for making decisions related to trail maintenance, management and security.
 - The cost information and description of public involvement can be provided in a separate document that is submitted with the greenway plan.
4. **Comprehensive Systemwide Plan for Parks and Recreation:** A long-term plan that describes how a local government will address the recreational needs of the citizens in its jurisdiction. A systemwide plan document must adequately address all of the following items:
- Produced or revised within the past ten years.
 - A description of the jurisdiction's residents and their preferences for recreational activities and facilities.
 - An evaluation of existing recreational facilities and park land such as local and state parks, school facilities, the Y, churches, private sector, etc. to determine if the community's current and future recreational needs are being met.
 - An estimate of the park land to be acquired and the recreational facilities to be developed to address shortfalls in current services.
 - A detailed description of how the local government involved a broad range and representative number of its citizens as the plan was prepared. Examples include a random survey of the citizens; a series of public meetings that would give most citizens an opportunity to participate; a series of focus group meetings that involve the representatives of the jurisdiction's population; or a combination of these efforts. This description may be provided in a separate document if it is not included in the plan. Please address the number of people who participated and who they represented for each level of public involvement used.
5. **Capital Improvement Plan:** A plan that lists all of the capital expenditures that a local government has approved for funding and scheduled for the near future; usually the next three to five years. A **three-to-five year parks and recreation plan** lists the capital improvement expenditures for parks and recreation that a local government has approved and scheduled for that time period.

6. Survey of Recreational Needs: A survey of the citizens in the local government's jurisdiction to identify their needs and preferences for recreational opportunities. The local government can use the survey as one of the first steps in developing a master plan for a specific park or a system wide comprehensive park and recreation plan for the entire jurisdiction. Through the survey, citizens can give their preferences for different *types of* recreation and facilities. The local government uses the survey's results to establish recreational priorities for the jurisdiction.

The local government must distribute the questionnaire to a broad and representative sample of its citizens. The questionnaire can be distributed through the mail, door-to-door, person-to-person, by telephone, in focus groups and in public meetings.

The following key elements of the survey must be documented:

1. The survey should be distributed to a sample of citizens that is sufficiently large and varied enough to be representative of the population in the jurisdiction.
2. The number of respondents should be sufficiently large enough to adequately represent the population of the jurisdiction.
3. The questions must be clear and unbiased.
4. The questions should not limit the citizens to choosing from a narrow list of recreational opportunities.
5. Copies of the same questionnaire must be distributed to everyone in the sample.
6. The results should include some demographics of the respondents to ensure that they are representative of the population in the jurisdiction.
7. The survey must have been conducted within the past ten years.
8. The survey must be conducted and results received before the local government begins planning the PARTF project.

Recreation Resources Service: Offices and Staff



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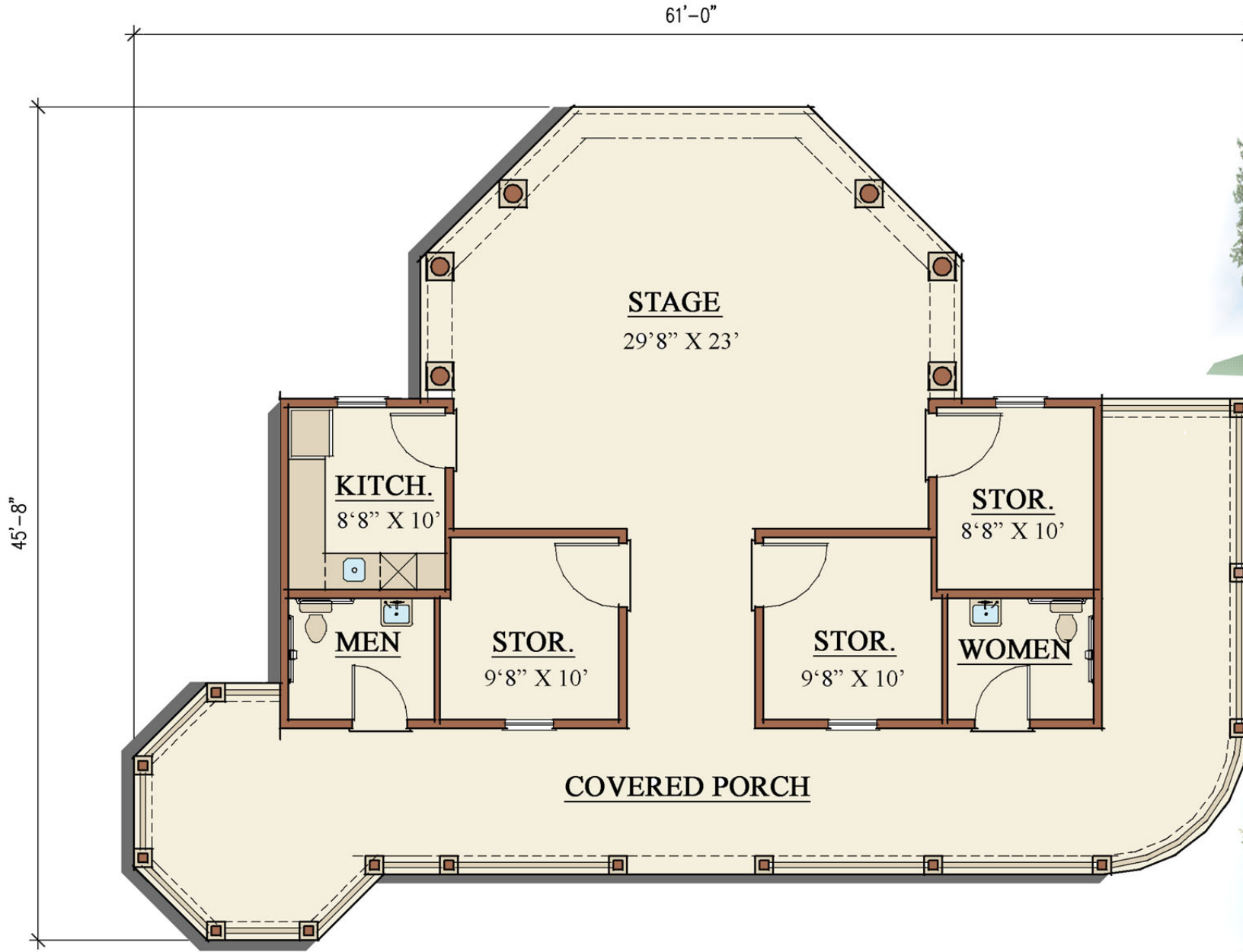
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PRELIMINARY FLOOR PLAN
SCALE: 1/8" = 1'-0"



ELEVATION STUDY - PARKING LOT VIEW



ELEVATION STUDY - STAGE VIEW

FIELDING SCARBOROUGH, ASLA
LANDSCAPE PLANNING & DESIGN
6101 Bittersweet Lane
Charlotte, NC 28270

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COMMUNITY PAVILION & STAGE

Weddington Town Hall
1924 Weddington Road
Weddington, NC

June 22, 2011
138

8510 McAlpine Park Drive
Suite 204
Charlotte, North Carolina
704/366-3639
704/364-9578 FAX
www.fortune-architects.com



Notes:

It is the responsibility of the landscape contractor to verify plant and material quantities on the landscape planting plan. The landscape plan shall take precedent over this Plant and Materials List. The landscape designer shall be notified whenever discrepancies are found.

It is also the responsibility of the landscape contractor to make certain that all planting beds are well drained. If drainage problems are discovered, the owner or the landscape designer shall be notified before any plants are installed. If poor soil conditions or other environmental problems are encountered, the landscape designer or owner shall be notified so that plant substitutions or other changes may be made. If required, drainage work shall be an extra to the original landscape installation contract.

Before installation, approval of this design and any construction permits required should be obtained by the owner or contractor from appropriate neighborhood architectural review committees or local governmental authorities. It is the responsibility of the owner to verify that the design conforms to any restrictive neighborhood covenants or deed restrictions.

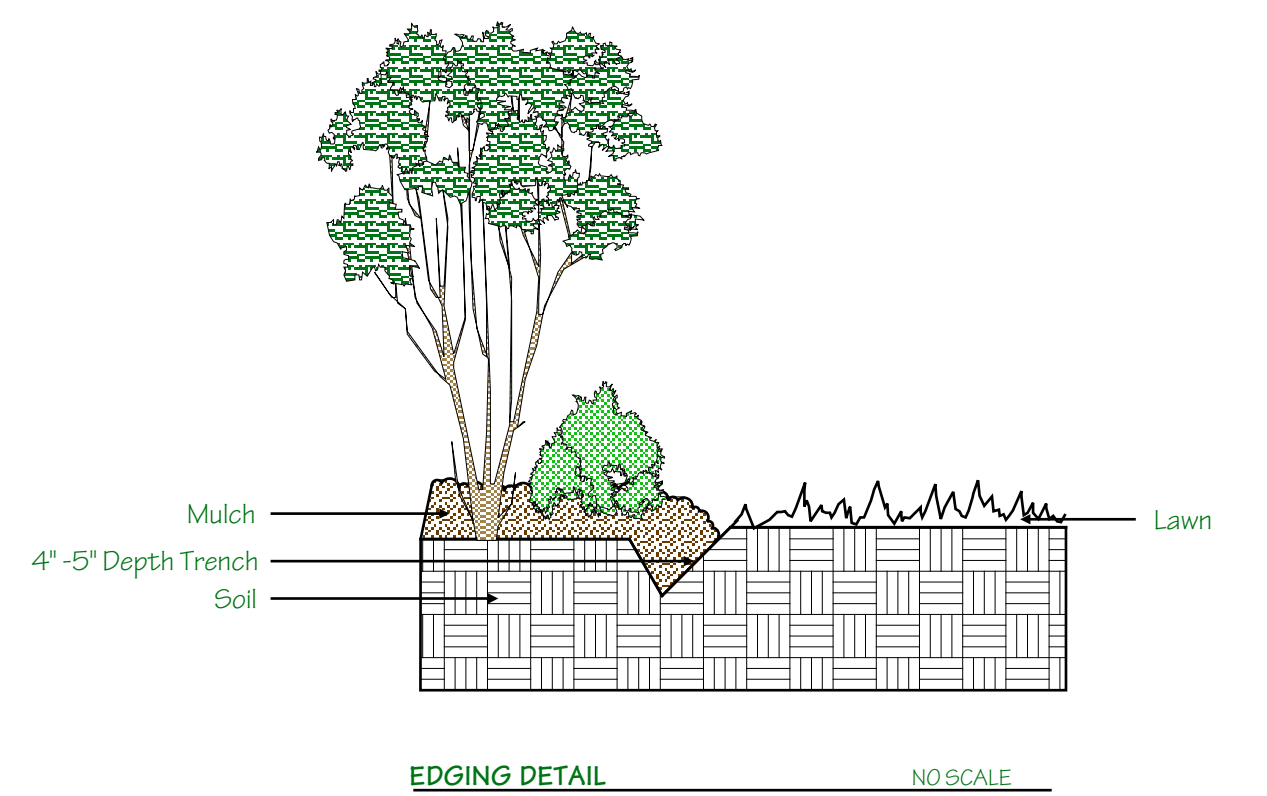
Structural integrity remains the sole responsibility of the contractor. The contractor shall be responsible for sizing and quantifying all fastening devices (bolts, nuts, screws etc.) for dimensioning all concrete footings and for sizing all reinforcing bars and/or wire mesh to achieve this end. The contractor assumes all liability for structural integrity and guarantees against failures.

It is the responsibility of the contractor to verify all structural dimensions on site and to contact the landscape designer if discrepancies are found or if site conditions require modifications in the design.

Plants near existing trees should be "pit planted" to avoid damage to existing tree roots. Tilling and spreading of soil over roots should be avoided.



Fountain Example



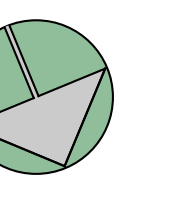
EDGING DETAIL
NOSCALE

WEDDINGTON TOWN HALL

1924 WEDDINGTON ROAD
WEDDINGTON, NORTH CAROLINA

Preliminary Landscape Plan
NOT FOR CONSTRUCTION
FIELDING SCARBOROUGH, ASLA
LANDSCAPE PLANNING & DESIGN
6101 Bismarck Lane
Charlotte, NC 28270
(704) 846-4064

May 17, 2011
Revised 6/7/11
Revised 6/8/11
Revised 6/13/11
Revised 6/23/11



SCALE 1" = 10'

BICYCLE LAWS OF NORTH CAROLINA

In North Carolina, the bicycle has the legal status of a vehicle. This means that bicyclists have full rights and responsibilities on the roadway and are subject to the regulations governing the operation of a motor vehicle. North Carolina traffic laws require bicyclists to:

- Ride on the right in the same direction as other traffic
- Obey all traffic signs and signals
- Use hand signals to communicate intended movements
- Equip their bicycles with a front lamp visible from 300 feet and a rear reflector that is visible from a distance of 200 feet when riding at night.

In addition, the Child Bicycle Safety Act of 2001 requires that:

- All bicycle operators under 16 years of age must wear a bicycle helmet on public roads, public paths and public rights-of-way
- All child passengers under 40 pounds or 40 inches must be seated and secured in a child seat or a bicycle trailer.

Legal Issues Related to Bicycling Laws pertaining to the operation of a bicycle vary from state to state. Below are three areas of North Carolina law that need clarification.

- Bicycling on Interstate or fully controlled limited access highways, such as beltlines, is prohibited by policy, unless otherwise specified by action of the Board of Transportation. Currently, the only exception to the policy is the US 17 bridge over the Chowan River between Chowan and Bertie Counties.
- There is no law that requires bicyclists to ride single file, nor is there a law that gives cyclists the right to ride two or more abreast. It is important to ride responsibly and courteously, so that cars may pass safely.
- There is no law that prohibits wearing headphones when riding a bicycle; however, it is not recommended. It is important to use all your senses to ensure your safety when riding in traffic.

Bicycle Helmet Law In 2001, the North Carolina General Assembly enacted the Child Bicycle Safety Act requiring bicyclists under the age of 16 to wear helmets. Although the new law does not require adult bicyclists to wear helmets, they are strongly encouraged to do so. Some localities within the state have enacted ordinances requiring cyclists to wear helmets.

North Carolina Statutes Related to the Operation of a Bicycle Following are paraphrased sections of the North Carolina Motor Vehicle Code (from the North Carolina General Statutes) that apply to bicyclists.

20-4.01 Definitions.

(4b) Crash means any event that results in injury or property damage attributable directly to the motion of a motor vehicle or its load. The terms collision, accident, and crash and their cognates are synonymous.

(7) Driver. – The operator of a vehicle, as defined in subdivision (25). The terms "driver" and "operator" and their cognates are synonymous.

(13) Highway is defined as "the entire width between property or right-of-way lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter of right for the purposes of vehicular traffic. The terms "highway" and "street" and their cognates are synonymous.

(16) Intersection is defined as the area embraced within the prolongation of the lateral curblines or, if none, then the lateral edge of roadway lines of two or more highways which join one another at any angle whether or not one such highway crosses the other. Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event that such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

(23) Motor Vehicle. – Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. This shall not include mopeds as defined in G.S. 20-4.01(27)d1.

(25) Operator. – A person in actual physical control of a vehicle which is in motion or which has the engine running. The terms "operator" and "driver" and their cognates are synonymous.

(30) Private Road or Driveway. – Every road or driveway not open to the use of the public as a matter of right for the purpose of vehicular traffic.

(32) Public Vehicular Area. – Any area within the State of North Carolina that is generally open to and used by the public for vehicular traffic, including by way of illustration and not limitation any drive, driveway, road, roadway, street, alley, or parking lot upon the grounds and premises of:

- a. Any public or private hospital, college, university, school, orphanage, church, or any of the institutions, parks or other facilities maintained and supported by the State of North Carolina or any of its subdivisions; or

- b. Any service station, drive-in theater, supermarket, store, restaurant, or office building, or any other business, residential, or municipal establishment providing parking space for customers, patrons, or the public; or
- c. Any property owned by the United States and subject to the jurisdiction of the State of North Carolina. (The inclusion of property owned by the United States in this definition shall not limit assimilation of North Carolina law when applicable under the provisions of Title 18, United States Code, section 13).

The term "public vehicular area" shall also include any beach area used by the public for vehicular traffic as well as any road opened to vehicular traffic within or leading to a subdivision for use by subdivision residents, their guests, and members of the public, whether or not the subdivision roads have been offered for dedication to the public. The term "public vehicular area" shall not be construed to mean any private property not generally open to and used by the public.

(33b) A Reportable Accident.— An accident or collision involving a motor vehicle that results in either of the following:

- a. Death or injury of a human being
- b. Total property damage of \$1,000 or more.

(38) A roadway is "that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder."

(39) Safety Zone. — Traffic island or other space officially set aside within a highway for the exclusive use of pedestrians and which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.

(46) Street. — A highway, as defined in subdivision (13). The terms "highway" and "street" and their cognates are synonymous.

(49) Bicycles "shall be deemed vehicles and every rider of a bicycle upon a highway shall be subject to the provisions of [Chapter 20 (Motor Vehicles) of the General Statutes of North Carolina] applicable to the driver of a vehicle, except for those laws that which by their nature can have no application."

20-129. Required Lighting Equipment of Vehicles.

(a) When Vehicles Must Be Equipped. — Every vehicle upon a highway within this State shall be equipped with lighted headlamps and rear lamps as required for different classes of vehicles, and subject to exemption with reference to lights on parked vehicles as declared in G.S. 20-134:

- (1) During the period from sunset to sunrise,
- (2) When there is not sufficient light to render clearly discernible any person on the highway at a distance of 400 feet ahead.

(e) **Lamps on Bicycles.** Every bicycle shall be equipped with a lighted lamp visible up to three hundred feet in front when used at night and must also be equipped with a taillight or rear reflector that is red and visible for up to two hundred feet from the rear when used at night.

20-138.1. Impaired driving.

(a) **Offense.** – A person commits the offense of impaired driving if he drives any vehicle upon any highway, any street, or any public vehicular area within this State:

- (1) While under the influence of an impairing substance; or
- (2) After having consumed sufficient alcohol that he has, at any relevant time after the driving, an alcohol concentration of 0.08 or more. The results of a chemical analysis shall be deemed sufficient evidence to prove a person's alcohol concentration; or
- (3) With any amount of a Schedule I controlled substance, as listed in G.S. 90-89, or its metabolites in his blood or urine.

(e) **Exception.** – Notwithstanding the definition of "vehicle" pursuant to G.S. 20-4.01(49), for purposes of this section the word "vehicle" does not include a horse.

20-140. Reckless Driving

(a) Any person who drives any vehicle upon a highway or any public vehicular area carelessly and heedlessly in willful or wanton disregard of the rights or safety of others shall be guilty of reckless driving.

(b) Any person who drives any vehicle upon a highway or any public vehicular area without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property shall be guilty of reckless driving.

20-142.1. Obedience to Railroad Signal

(a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of the vehicle shall stop within 50 feet, but not less than 15 feet from the nearest rail of the railroad and shall not proceed until he can do so safely. These requirements apply when:

- (1) A clearly visible electrical or mechanical signal device gives warning of the immediate approach of a railroad train;
- (2) A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;
- (3) A railroad train approaching within approximately 1500 feet of the highway crossing emits a signal audible from that distance, and the railroad train is an immediate hazard because of its speed or nearness to the crossing; or
- (4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing.

(b) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed.

20-146. Drive On Right Side of Highway; Exceptions

(a) Upon all highways of sufficient width a vehicle shall be driven upon the right half of the highway except as follows:

- (1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
- (2) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;
- (3) Upon a highway divided into three marked lanes for traffic under the rules applicable thereon; or
- (4) Upon a highway designated and signposted for one-way traffic.

(b) Upon all highways any vehicle proceeding at less than the legal maximum speed limit shall be driven in the right-hand lane then available for thru traffic, or as close as practicable to the right-hand curb or edge of the highway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn.

(c) Upon any highway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the centerline of the highway, except when authorized by official traffic-control devices designating certain lanes to the left side of the center of the highway for use by traffic not otherwise permitted to use such lanes or except as permitted under subsection (a)(2) hereof.

(d) Whenever any street has been divided into two or more clearly marked lanes for traffic, the following rules in addition to all others consistent herewith shall apply.

(1) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(2) Upon a street which is divided into three or more lanes and provides for the two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in the preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control device.

(3) Official traffic-control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the street and drivers of vehicles shall obey the direction of every such device.

(4) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of streets, and drivers of vehicles shall obey the directions of every such device.

(e) Notwithstanding any other provisions of this section, when appropriate signs have been posted, it shall be unlawful for any person to operate a motor vehicle over and upon the inside lane, next to the median of any dual-lane highway at a speed less than the posted speed limit when the operation of said motor vehicle over and upon said inside lane shall impede the steady flow of traffic except when preparing for a left turn. "Appropriate signs" as used herein shall be construed as including "Slower Traffic Keep Right" or designations of similar import.

20-149. Overtaking a vehicle.

(a) The driver of any such vehicle overtaking another vehicle proceeding in the same direction shall pass at least two feet to the left thereof, and shall not again drive to the right side of the highway until safely clear of such overtaken vehicle. This subsection shall not apply when the overtaking and passing is done pursuant to the provisions of G.S. 20-150.1.

(b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle while being lawfully overtaken on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle. Failure to comply with this subsection:

- (1) Is a Class 1 misdemeanor when the failure is the proximate cause of a collision resulting in serious bodily injury.
- (2) Is a Class 2 misdemeanor when the failure is the proximate cause of a collision resulting in bodily injury or property damage.
- (3) Is, in all other cases, an infraction.

20-150. Limitations on privilege of overtaking and passing.

- (a) The driver of a vehicle shall not drive to the left side of the center of a highway, in overtaking and passing another vehicle proceeding in the same direction, unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be made in safety.
- (b) The driver of a vehicle shall not overtake and pass another vehicle proceeding in the same direction upon the crest of a grade or upon a curve in the highway where the driver's view along the highway is obstructed within a distance of 500 feet.
- (c) The driver of a vehicle shall not overtake and pass any other vehicle proceeding in the same direction at any railway grade crossing nor at any intersection of highway unless permitted so to do by a traffic or police officer. For the purposes of this section the words "intersection of highway" shall be defined and limited to intersections designated and marked by the Department of Transportation by appropriate signs, and street intersections in cities and towns.
- (d) The driver of a vehicle shall not drive to the left side of the centerline of a highway upon the crest of a grade or upon a curve in the highway where such centerline has been placed upon such highway by the Department of Transportation, and is visible.
- (e) The driver of a vehicle shall not overtake and pass another on any portion of the highway which is marked by signs, markers or markings placed by the Department of Transportation stating or clearly indicating that passing should not be attempted.
- (f) The foregoing limitations shall not apply upon a one-way street nor to the driver of a vehicle turning left in or from an alley, private road, or driveway.

20-150.1. When passing on the right is permitted.

The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

- (1) When the vehicle overtaken is in a lane designated for left turns;
- (2) Upon a street or highway with unobstructed pavement of sufficient width which have been marked for two or more lanes of moving vehicles in each direction and are not occupied by parked vehicles;

- (3) Upon a one-way street, or upon a highway on which traffic is restricted to one direction of movement when such street or highway is free from obstructions and is of sufficient width and is marked for two or more lanes of moving vehicles which are not occupied by parked vehicles;
- (4) When driving in a lane designating a right turn on a red traffic signal light.

20-152. Following too closely.

- (a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.
- (b) The driver of any motor vehicle traveling upon a highway outside of a business or residential district and following another motor vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a motor vehicle from overtaking and passing another motor vehicle. This provision shall not apply to funeral processions.

20-153. Turning at Intersections.

- (a) Right Turns. – Both the approach for a right turn and a right turn shall be made as close as practicable to the right- hand curb or edge of the roadway.
- (b) Left Turns. – The driver of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of that vehicle, and, after entering the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in the direction upon the roadway being entered.
- (c) Local authorities and the Department of Transportation, in their respective jurisdictions, may modify the foregoing method of turning at intersections by clearly indicating by buttons, markers, or other direction signs within an intersection the course to be followed by vehicles turning thereat, and it shall be unlawful for any driver to fail to turn in a manner as so directed.

20-154. Signals on starting, stopping or turning.

- (a) The driver of any vehicle upon a highway or public vehicular area before starting, stopping or turning from a direct line shall first see that such movement can be made in safety, and if any pedestrian may be affected by such movement shall give a clearly audible signal by sounding the horn, and whenever the operation of any other vehicle may be affected by such movement, shall give a signal as required in this section, plainly visible to the driver of such other vehicle, of the intention to make such movement. The driver of a

vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic.

(b) The signal herein required shall be given by means of the hand and arm in the manner herein specified, or by any mechanical or electrical signal device approved by the Division, except that when a vehicle is so constructed or loaded as to prevent the hand and arm signal from being visible, both to the front and rear, the signal shall be given by a device of a type which has been approved by the Division. Whenever the signal is given the driver shall indicate his intention to start, stop, or turn by extending the hand and arm from and beyond the left side of the vehicle as hereinafter set forth. Left turn – hand and arm horizontal, forefinger pointing. Right turn – hand and arm pointed upward. Stop – hand and arm pointed downward. All hand and arm signals shall be given from the left side of the vehicle and all signals shall be maintained or given continuously for the last 100 feet traveled prior to stopping or making a turn. Provided, that in all areas where the speed limit is 45 miles per hour or higher and the operator intends to turn from a direct line of travel, a signal of intention to turn from a direct line of travel shall be given continuously during the last 200 feet traveled before turning.

20-155. Right-of-Way

(a) When two vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(b) The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close as to constitute an immediate hazard.

(c) The driver of any vehicle upon a highway within a business or residence district shall yield the right-of-way to a pedestrian crossing such highway within any clearly marked crosswalk, or any regular pedestrian crossing included in the prolongation of the lateral boundary lines of the adjacent sidewalk at the end of a block, except at intersections where the movement of traffic is being regulated by traffic officers or traffic direction devices.

(d) The driver of any vehicle approaching but not having entered a traffic circle shall yield the right-of-way to a vehicle already within such traffic circle.

20-156. Exceptions to the Right-of-Way Rule

(a) The driver of a vehicle about to enter or cross a highway from an alley, building entrance, private road, or driveway shall yield the right-of-way to all vehicles approaching on the highway to be entered.

(b) The driver of a vehicle upon the highway shall yield the right-of-way to police and fire department vehicles and public and private ambulances, vehicles used by an organ procurement organization or agency for the recovery or transportation of human tissues and organs for transplantation or a vehicle operated by a transplant coordinator who is an employee of an organ procurement organization or agency when the transplant coordinator is responding to a call to recover or transport human tissues or organs for transplantation, and to rescue squad emergency service vehicles and vehicles operated by county fire marshals and civil preparedness coordinators when the operators of said vehicles are giving a warning signal by appropriate light and by bell, siren or exhaust whistle audible under normal conditions from a distance not less than 1,000 feet.

20-158. Vehicle Control Signs and Signals

(a) The Department of Transportation, with reference to State highways, and local authorities, with reference to highways under their jurisdiction, are hereby authorized to control vehicles:

- (1) At intersections, by erecting or installing stop signs requiring vehicles to come to a complete stop at the entrance to that portion of the intersection designated as the main traveled or through highway. Stop signs may also be erected at three or more entrances to an intersection.
- (2) At appropriate places other than intersections, by erecting or installing stop signs requiring vehicles to come to a complete stop.
- (3) At intersections and other appropriate places, by erecting or installing steady-beam stoplights and other traffic control devices, signs, or signals. All steady-beam stoplights emitting alternate red and green lights shall be arranged so that the red light shall appear at the top of the signaling unit and the green light shall appear at the bottom of the signaling unit.
- (4) At intersections and other appropriate places, by erecting or installing flashing red or yellow lights.

(b) Control of Vehicles at Intersections. --

- (1) When a stop sign has been erected or installed at an intersection, it shall be unlawful for the driver of any vehicle to fail to stop in obedience thereto and yield the right-of-way to vehicles operating on the designated main-traveled or through highway. When stop signs have been erected at three or more entrances to an intersection, the driver, after stopping in obedience thereto, may proceed with caution.
- (2) Vehicles facing a red light controlling traffic passing straight through an intersection from a steady or strobe beam stoplight shall not enter the intersection while the steady or strobe beam stoplight is emitting a red light

controlling traffic passing straight through an intersection; provided that, except where prohibited by an appropriate sign, vehicular traffic facing a red light controlling traffic passing straight through an intersection, after coming to a complete stop at the intersection, may enter the intersection to make a right turn but such vehicle shall yield the right- of-way to pedestrians and to other traffic using the intersection. When the stoplight is emitting a steady yellow circular light on a traffic signal controlling traffic passing straight through an intersection or a steady yellow arrow light on a traffic signal controlling traffic turning at an intersection, vehicles facing the yellow light are warned that the related green light is being terminated or a red light will be immediately forthcoming. When the stoplight is emitting a steady green light, vehicles may proceed with due care through the intersection subject to the rights of pedestrians and other vehicles as may otherwise be provided by law.

(3) When a flashing red light has been erected or installed at an intersection, approaching vehicles facing the red light shall stop and yield the right- of-way to vehicles in or approaching the intersection. The right to proceed shall be subject to the rules applicable to making a stop at a stop sign.

(4) When a flashing yellow light has been erected or installed at an intersection, approaching vehicles facing the yellow flashing light may proceed through the intersection with caution, yielding the right-of- way to vehicles in or approaching the intersection.

(5) When a stop sign, stoplight, flashing light, or other traffic-control device authorized by subsection (a) requires a vehicle to stop at an intersection, the driver shall stop at an appropriately marked stop line, or if none, before entering a marked crosswalk, or if none, before entering the intersection at the point nearest the intersecting street where the driver has a view of approaching traffic on the intersecting street.

(c) Control of Vehicles at Places other than Intersections. –

(1) When a stop sign has been erected or installed at a place other than an intersection, it shall be unlawful for the driver of any vehicle to fail to stop in obedience thereto and yield the right-of-way to pedestrians and other vehicles.

(2) When a stoplight has been erected or installed at a place other than an intersection, and is emitting a steady red light, vehicles facing the red light shall come to a complete stop. When the stoplight is emitting a steady yellow light, vehicles facing the light shall be warned that a red light will be immediately forthcoming and that vehicles may not proceed through such a red light. When the stoplight is emitting a steady green light, vehicles may proceed subject to the rights of pedestrians and other vehicles as may otherwise be provided by law.

(3) When a flashing red light has been erected or installed at a place other than an intersection, approaching vehicles facing the light shall stop and yield the right-of-way to pedestrians or other vehicles.

(4) When a flashing yellow light has been erected or installed at a place other than an intersection, approaching vehicles facing the light may proceed with caution, yielding the right-of-way to pedestrians and other vehicles.

(5) When a stoplight, stop sign, or other signaling device authorized by subsection (a) requires a vehicle to stop at a place other than an intersection, the driver shall stop at an appropriately marked stop line, or if none, before entering a marked crosswalk, or if none, before proceeding past the signaling device.

(d) No failure to stop as required by the provisions of this section shall be considered negligence or contributory negligence per se in any action at law for injury to person or property, but the facts relating to such failure to stop may be considered with the other facts in the case in determining whether a party was guilty of negligence or contributory negligence.

20-158.1 Erection of "Yield Right-of-Way" Signs

Bicyclists must yield the right-of-way before entering or crossing any main-traveled or through highway if the roadway they are on is posted with a "yield right-of-way" sign.

20-161. Stopping on highway prohibited; warning signals; removal of vehicles from public highway

(a) No person shall park or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled portion of any highway or highway bridge outside municipal corporate limits unless the vehicle is disabled to such an extent that it is impossible to avoid stopping and temporarily leaving the vehicle upon the paved or main traveled portion of the highway or highway bridge.

(b) No person shall park or leave standing any vehicle upon the shoulder of a public highway outside municipal corporate limits unless the vehicle can be clearly seen by approaching drivers from a distance of 200 feet in both directions and does not obstruct the normal movement of traffic. Subsections (c) and (d) not applicable to bicycles.

(e) When any vehicle is parked or left standing upon the right-of-way of a public highway for a period of 48 hours or more, the owner shall be deemed to have appointed any investigating law- enforcement officer his agent for the purpose of arranging for the transportation and safe storage of such vehicle and such investigating law- enforcement officer shall be deemed a legal possessor of the motor vehicle within the meaning of that term as it appears in G.S. 44A- 2(d).

20-165.1. One-way traffic

In all cases where the Department of Transportation has heretofore, or may hereafter lawfully designate any highway or other separate roadway, under its jurisdiction for one-way traffic and shall erect appropriate signs giving notice thereof, it shall be unlawful for any person to willfully drive or operate any vehicle on said highway or roadway except in the direction so indicated by said signs.

20-166. Duty to stop in event of accident or collision; furnishing information or assistance to injured person, etc.; persons assisting exempt from civil liability

(a) The driver of any vehicle who knows or reasonably should know: (1) That the vehicle which he is operating is involved in an accident or collision; and (2) That the accident or collision has resulted in injury or death to any person; shall immediately stop his vehicle at the scene of the accident or collision. He shall remain at the scene of the accident until a law-enforcement officer completes his investigation of the accident or collision or authorizes him to leave; Provided, however, that he may leave to call for a law-enforcement officer or for medical assistance or medical treatment as set forth in (b), but must return to the accident scene within a reasonable period of time. A willful violation of this subsection shall be punished as a Class H felony.

(b) In addition to complying with the requirement of (a), the driver as set forth in (a) shall give his name, address, driver's license number and the license plate number of his vehicle to the person struck or the driver or occupants of any vehicle collided with, provided that such person or persons are physically and mentally capable of receiving such information, and shall render to any person injured in such accident or collision reasonable assistance, including the calling for medical assistance if it is apparent that such assistance is necessary or is requested by the injured person. A violation of this subsection is a Class 1 misdemeanor.

(c) The driver of any vehicle, when he knows or reasonably should know that the vehicle which he is operating is involved in an accident or collision, which accident or collision, results:

(1) Only in damage to property; or

(2) In injury or death to any person, but only if the operator of the vehicle did not know and did not have reason to know of the death or injury; shall immediately stop his vehicle at the scene of the accident or collision. A violation of this subsection is a Class 1 misdemeanor.

(c1) In addition to complying with the requirement of (c), the driver as set forth in (c) shall give his name, address, driver's license number and the license plate number of his vehicle to the driver or occupants of any other vehicle involved in the accident or collision or to any person whose property is damaged in the accident or collision. If the damaged property is a

parked and unattended vehicle and the name and location of the owner is not known to or readily ascertainable by the driver of the responsible vehicle, the said driver shall furnish the information required by this subsection to the nearest available peace officer, or, in the alternative, and provided he thereafter within 48 hours fully complies with G.S. 20-166.1(c), shall immediately place a paper-writing containing said information in a conspicuous place upon or in the damaged vehicle. If the damaged property is a guardrail, utility pole, or other fixed object owned by the Department of Transportation, a public utility, or other public service corporation to which report cannot readily be made at the scene, it shall be sufficient if the responsible driver shall furnish the information required to the nearest peace officer or make written report thereof containing said information by U.S. certified mail, return receipt requested, to the North Carolina Division of Motor Vehicles within five days following said collision. A violation of this subsection is a Class 1 misdemeanor.

(d) Any person who renders first aid or emergency assistance at the scene of a motor vehicle accident on any street or highway to any person injured as a result of such accident, shall not be liable in civil damages for any acts or omissions relating to such services rendered, unless such acts or omissions amount to wanton conduct or intentional wrongdoing.

20-166.1. Reports and investigations required in event of an accident

(a) Notice of Accident. – The driver of a vehicle involved in a reportable accident must immediately, by the quickest means of communication, notify the appropriate law enforcement agency of the accident. If the accident occurred in a city or town, the appropriate agency is the police department of the city or town. If the accident occurred outside a city or town, the appropriate agency is the State Highway Patrol or the sheriff's office or other qualified rural police of the county where the accident occurred.

(b) Insurance Verification. – When requested to do so by the Division, the driver of a vehicle involved in a reportable accident must furnish proof of financial responsibility.

20-171. Part 10A. Operation of Bicycles

20-171.1. Definitions

As used in this Part, except where the context clearly requires otherwise, the words and expressions defined in this section shall be held to have the meanings here given to them: **Bicycle** – A nonmotorized vehicle with two or three wheels tandem, a steering handle, one or two saddle seats, and pedals by which the vehicle is propelled.

20-171.2. Bicycle Racing

- (a) Bicycle racing on the highways is prohibited except as authorized in this section.
- (b) Bicycle racing on a highway shall not be unlawful when a racing event has been approved by State or local authorities on any highway under their respective jurisdictions. Approval of bicycle highway racing events shall be granted only under conditions which assure reasonable safety for all race participants, spectators and other highway users, and which prevent unreasonable interference with traffic flow which would seriously inconvenience other highway users.
- (c) By agreement with the approving authority, participants in an approved bicycle highway racing event may be exempted from compliance with any traffic laws otherwise applicable thereto, provided that traffic control is adequate to assure the safety of all highway users.

Part 10B. Child Bicycle Safety Act.

20-171.6. Short title.

This Article shall be known and may be cited as the 'Child Bicycle Safety Act'.

20-171.7. Legislative findings and purpose.

- (a) — The General Assembly finds and declares that:
- (1) — Disability and death of children resulting from injuries sustained in bicycling accidents are a serious threat to the public health, welfare, and safety of the people of this State, and the prevention of that disability and death is a goal of all North Carolinians.
 - (2) — Head injuries are the leading cause of disability and death from bicycling accidents.
 - (3) — The risk of head injury from bicycling accidents is significantly reduced for bicyclists who wear proper protective bicycle helmets; yet helmets are worn by fewer than five percent (5%) of child bicyclists nationwide.
 - (4) — The risk of head injury or of any other injury to a small child who is a passenger on a bicycle operated by another person would be significantly reduced if any child passenger sat in a separate restraining seat.

(b) — The purpose of this Article is to reduce the incidence of disability and death resulting from injuries incurred in bicycling accidents by requiring that while riding on a bicycle on the public roads, public bicycle paths, and other public rights-of-way of this State, all bicycle operators and passengers under the age of 16 years wear approved protective bicycle helmets; that all bicycle passengers who weigh less than 40 pounds or are less than 40 inches in height be seated in separate restraining seats; and that no person who is unable to maintain an erect, seated position shall be a passenger in a bicycle restraining seat, and all other bicycle passengers shall be seated on saddle seats.

20-171.8. Definitions.

As used in this Article, the following terms have the following meanings:

- (1) — 'Bicycle' means a human-powered vehicle with two wheels in tandem designed to transport, by the action of pedaling, one or more persons seated on one or more saddle seats on its frame. This term also includes a human-powered vehicle, designed to transport by the action of pedaling which has more than two wheels where the vehicle is used on a public roadway, public bicycle path, or other public right-of-way, but does not include a tricycle.
- (2) — 'Operator' means a person who travels on a bicycle seated on a saddle seat from which that person is intended to and can pedal the bicycle.
- (3) — 'Other public right-of-way' means any right-of-way other than a public roadway or public bicycle path that is under the jurisdiction and control of this State or a local political subdivision of the State and is designed for use and used by vehicular and/or pedestrian traffic.
- (4) — 'Passenger' means a person who travels on a bicycle in any manner except as an operator.
- (5) — 'Protective bicycle helmet' means a piece of headgear that meets or exceeds the impact standards for protective bicycle helmets set by the American National Standards Institute (ANSI) or the Snell Memorial Foundation.
- (6) — 'Public bicycle path' means a right-of-way under the jurisdiction and control of this State or a local political subdivision of the State for use primarily by bicycles and pedestrians.
- (7) — 'Public roadway' means a right-of-way under the jurisdiction and control of this State or a local political subdivision of the State for use primarily by motor vehicles.
- (8) — 'Restraining seat' means a seat separate from the saddle seat of the operator of the bicycle that is fastened securely to the frame of the bicycle and is adequately equipped to restrain the passenger in such seat and protect such passenger from the moving parts of the bicycle.

(9) — 'Tricycle' means a three-wheeled, human- powered vehicle designed for use as a toy by a single child under the age of six years, the seat of which is no more than two feet from ground level.

20-171.9. Requirements for helmet and restraining seat use.

With regard to any bicycle used on a public roadway, public bicycle path, or other public right-of-way:

(a) — It shall be unlawful for any parent or legal guardian of a person below the age of 16 to knowingly permit that person to operate or be a passenger on a bicycle unless at all times when the person is so engaged he or she wears a protective bicycle helmet of good fit fastened securely upon the head with the straps of the helmet.

(b) — It shall be unlawful for any parent or legal guardian of a person below the age of 16 to knowingly permit that person to be a passenger on a bicycle unless all of the following conditions are met:

(1) — The person is able to maintain an erect, seated position on the bicycle.

(2) — Except as provided in subdivision (3) of this subsection, the person is properly seated alone on a saddle seat (as on a tandem bicycle).

(3) — With respect to any person who weighs less than 40 pounds, or is less than 40 inches in height, the person can be and is properly seated in and adequately secured to a restraining seat.

(c) — No negligence or liability shall be assessed on or imputed to any party on account of a violation of subsection (a) or (b) of this section.

(d) — Violation of this section shall be an infraction. Except as provided in subsection (e) of this section, any parent or guardian found responsible for violation of this section may be ordered to pay a civil fine of up to ten dollars (\$10.00), inclusive of all penalty assessments and court costs.

(e) — In the case of a first conviction of this section, the court may waive the fine upon receipt of satisfactory proof that the person responsible for the infraction has purchased or otherwise obtained, as appropriate, a protective bicycle helmet or a restraining seat, and uses and intends to use it whenever required under this section.

20-173. Pedestrians' Right-of-Way at Crosswalks

(a) Where traffic-control signals are not in place or in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at or near an intersection, except as otherwise provided in Part 11 of this Article.

(b) Vehicle operators of any vehicle approaching another vehicle from the rear shall not overtake and pass the stopped vehicle when it is stopped at a marked crosswalk, or at any unmarked crosswalk at an intersection, to permit a pedestrian to cross the roadway.

(c) The driver of a vehicle emerging from or entering an alley, building entrance, private road, or driveway shall yield the right-of-way to any pedestrian, or person riding a bicycle, approaching on any sidewalk or walkway extending across such alley, building entrance, road, or driveway.

20-174. Crossing at Other Than Crosswalks: Walking along Highway

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(c) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

(d) Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway. Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the extreme left of the roadway or its shoulder facing traffic which may approach from the opposite direction. Such pedestrian shall yield the right-of-way to approaching traffic.

(e) Notwithstanding the provisions of this section, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway, and shall give warning by sounding the horn when necessary, and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

Last Update: 11/13/09

Union County Fire Marshal's Office
 Fire Prevention Permit Application
 805 Skyway Drive, Monroe NC 28110
 Phone 704-283-3524 Fax 704-283-3716

Applicant Name: Southeastern Pyrotechnics Date: 11/2/11
 Project Address: 7005 Willow Trace Lane, Weddington, NC 28104
 Property Owner: Bob & Mary Johnson Phone Number: _____
 Address: 7005 Willow Trace Lane, Weddington, NC 28104
 City: Weddington State: NC Zip: 28104
 Contractor: Southeastern Pyrotechnics Phone Number: 877-396-9348 ext 801
 Project Contact Person: Jeffrey Ott Phone Number: (843) 818-8318
 E-mail address: jeff@sepyro.com
 Address: PO BOX 30042 ET
 City: Charleston State: SC Zip: 29417

Description of Proposed Work: close prox fireworks display (outdoor)

Type of Building: ☐ New ☐ Existing ☐ Addition ☒ N/A

Type of Construction: ☐ I-A ☐ I-B ☐ II-A ☐ II-B ☐ III-A ☐ III-B ☐ IV ☐ V-A ☐ V-B

Occupancy: ☐ A-1 ☐ A-2 ☐ A-3 ☐ A-4 ☐ A-5 ☐ B ☐ E ☐ F-1 ☐ F-2

☐ II-1 ☐ II-2 ☐ II-3 ☐ II-4 ☐ I-1 ☐ I-2 ☐ I-3 ☐ I-4 ☐ M

☐ R-1 ☐ R-2 ☐ R-3 ☐ R-4 ☐ S-1 ☐ S-2 ☐ U ☐ Mixed

Does this project contain any of the following?

Fire Sprinkler: ☐ Fire Alarm: ☐ Kitchen Hood Suppression System: ☐ Storage higher than 12 feet: ☐

If the building contains storage, describe the storage arrangement and maximum height: (ex. solid pile, rack, solid shelf, etc.)

Building Area: Total sq. ft. _____ Area per Floor sq. ft. _____

Building Height: _____ feet No. of Stories: _____

I hereby certify that all information in this application is correct and all work will comply with the NC State Building Code and the NC State Fire Prevention Code and all other applicable State and local laws, ordinances and regulations. The Union County Fire Marshal's Office will be notified of any changes in the approved plans and specifications for the project permitted herein.

Owner/Agent Signature: [Signature] Date: 11/2/11

Conditions/Comments: _____



141 feet to road

Discharge Site

Largest Shell- 2"
No Cakes or shells with
tails

- 20lb water extinguishers
- 10lb BC extinguisher

160 feet from
spectator viewing
area

Spectator
Viewing Area

7005 Willow Trace Ln, Washington

CERTIFICATE OF INSURANCE

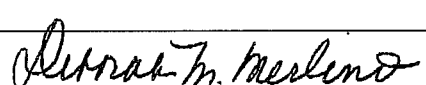
ISSUE DATE November 2, 2011

PRODUCER Combined Specialties International, Inc. Insurance Brokers 205 San Marin Drive, Suite 5 Novato, CA 94945-3000	<p>THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER, THIS CERTIFICATE DOES NOT AMEND, EXTEND OR LATER THE COVERAGE AFFORDED BY THE POLICIES BELOW.</p> <p style="text-align: center;">INSURERS AFFORDING COVERAGE</p> <p>INSURER A: Underwriters, Lloyds of London</p> <p>INSURER B:</p> <p>INSURER C:</p> <p>INSURER D:</p>
INSURED Southeastern Pyrotechnics P.O.Box 30042 Charleston, SC 29417	

COVERAGES
 THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE NAMED INSURED ABOVE FOR THE PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES INCLUDING, BUT NOT LIMITED TO THOSE FOLLOWING: LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS. ADDITIONAL CONDITIONS AND EXCLUSIONS: 1) THE INSURANCE EVIDENCED BY THIS CERTIFICATE IS LIABILITY INSURANCE ONLY, IT IS NOT A BOND OR ANY FORM OF SURETY AGAINST WHICH SOMEONE OTHER AN "INSURED" MAY ASSERT A CLAIM OR BRING ANY ACTION. SUBJECT TO POLICY TERMS, CONDITIONS, DEFINITIONS AND EXCLUSIONS THE INSURANCE ONLY INDEMNIFIES AN INSURED AGAINST CERTAIN LEGAL LIABILITY. 2) THE INSURANCE DOES NOT COVER CLAIMS FOR BODILY INJURY OR PROPERTY DAMAGE OF THE NAMED INSURED'S SHOOTER(S) ASSISTANT(S) OR ANY OTHER PERSON(S) INCLUDING ANY VOLUTEER(S) PARTICIPATING IN ANY WAY IN ANY DISPLAY OR SPECIAL EFFECT PERFORMED OR EXECUTED BY THE NAMED INSURED. 3) COVERAGE DOES NOT APPLY TO CLAIMS FOR BODILY INJURY OR PROPERTY DAMAGE ARISING OUT OF THE INSURED'S FAILURE TO FOLLOW NFPA OR OTHER APPLICABLE POST DISPLAY OR SPECIAL EFFECT SEARCH REQUIREMENTS OR RECOMMENDATIONS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A	GENERAL LIABILITY CLAIMS MADE	CSI-864719-11	11/05/2011	11/05/2012	EACH ACCIDENT	\$ 1,000,000
					MEDICAL EXP (Any one person)	\$ 5,000
					FIRE LEGAL LIABILITY	\$ 50,000
					GENERAL AGGREGATE	\$ 2,000,000
					PRODUCTS-COMP/OPS AGG	\$ 1,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ANY OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident)	\$
					BODILY INJURY (Per person)	\$
					BODILY INJURY (Per accident)	\$
					PROPERTY DAMAGE (Per accident)	\$
					EACH ACCIDENT	\$
	EXCESS LIABILITY FOLLOWING FORM				AGGREGATE	\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATUTORY LIMITS	OTHER \$
					E.L.EACH ACCIDENT	\$
					E.L. DISEASE-EA EMPLOYEE	\$
					E.L. DISEASE-POLICY LIMIT	\$
	OTHER					

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS
Bob & Mary Johnson as property owners; Town of Weddington; DBB Events; Union County and State of North Carolina are Additional Insured as respects the December 10, 2011 Fireworks Display at 7005 Willow Trace Lane, Weddington, NC

CERTIFICATE HOLDER Bob & Mary Johnson 7005 Willow Trace Lane Weddington, NC 28104	<p>CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL <u>10</u> DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.</p> <p>AUTHORIZED REPRESENTATIVE </p>
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Article 54.

Sale, etc., of Pyrotechnics.

§ 14-410. Manufacture, sale and use of pyrotechnics prohibited; exceptions; permit required; sale to persons under the age of 16 prohibited.

(a) Except as otherwise provided in this section, it shall be unlawful for any individual, firm, partnership or corporation to manufacture, purchase, sell, deal in, transport, possess, receive, advertise, use, handle, exhibit, or discharge any pyrotechnics of any description whatsoever within the State of North Carolina.

(a1) It shall be permissible for pyrotechnics to be exhibited, used, handled, manufactured, or discharged within the State, provided all of the following apply:

- (1) The exhibition, use, or discharge is at a concert or public exhibition.
- (2) All individuals who exhibit, use, handle, or discharge pyrotechnics in connection with a concert or public exhibition have completed the training and licensing required under Article 82A of Chapter 58 of the General Statutes. The display operator or proximate audience display operator, as required under Article 82A of Chapter 58 of the General Statutes, must be present at the concert or public exhibition and must personally direct all aspects of exhibiting, using, handling, or discharging the pyrotechnics.
- (3) The display operator has secured written authority under G.S. 14-413 from the board of county commissioners of the county, or the city if authorized under G.S. 14-413 (a1), in which the pyrotechnics are to be exhibited, used or discharged. Written authority from the board of commissioners or city is not required under this subdivision for a concert or public exhibition provided the display operator has secured written authority from The University of North Carolina or the University of North Carolina at Chapel Hill under G.S. 14-413, and pyrotechnics are exhibited on lands or buildings in Orange County owned by The University of North Carolina or the University of North Carolina at Chapel Hill.

(a2) Notwithstanding any provision of this section, it shall not be unlawful for a common carrier to receive, transport, and deliver pyrotechnics in the regular course of its business.

(a3) The requirements of this section apply to G.S. 14-413(b) and G.S. 14-413(c).

(b) Notwithstanding the provisions of G.S. 14-414, it shall be unlawful for any individual, firm, partnership, or corporation to sell pyrotechnics as defined in G.S. 14-414(2), (3), (4)c., (5), or (6) to persons under the age of 16.

(c) The following definitions apply in this Article:

- (1) Concert or public exhibition. – A fair, carnival, show of any description, or public celebration.
- (2) Display operator. – An individual issued a display operator permit under G.S. 58-82A-3.
- (3) State Fire Marshal. – Defined in G.S. 58-80-1. (1947, c. 210, s. 1; 1993 (Reg. Sess., 1994), c. 660, s. 3; 1995, c. 475, s. 1; 2003-298, s. 2; 2007-38, s. 1; 2009-507, s. 1; 2010-22, s. 8.)

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

MEMORANDUM

TO: Weddington Town Council

FROM: Amy S. McCollum, Town Administrator/Clerk

DATE: November 11, 2011

SUBJECT: Preserve at Brookhaven

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.

Please let me know if you have any questions.

UNION COUNTY

DEPARTMENT OF PUBLIC WORKS

500 North Main Street, Suite 500, Monroe, NC 28112
Phone: (704)296-4210 • Fax: (704)296-4232



October 6, 2011

Mr. Jordan Cook
Town of Weddington
1924 Weddington Road
Matthews, N.C. 28104

Re: Preserve at Brookhaven

Dear Mr. Cook:

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.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Garbark", is written over the typed name.

Mike Garbark
Assistant Director

MG/pwb

WEDDINGTON TOWN COUNCIL

Deleted: ¶

RULES OF PROCEDURES

Deleted: ¶

UPDATED NOVEMBER 14, 2011

Deleted: JANUARY 14, 2010

RULES OF PROCEDURES
TOWN OF WEDDINGTON, NORTH CAROLINA

RULE 1. APPLICABILITY OF RULES

These rules apply to all meetings of the Town Council of Weddington, North Carolina at which the Town Council is empowered to exercise any of the executive, quasi-judicial, administrative, or legislative powers conferred on it by law.

COMMENT: On the whole, rules of procedure of a Council are intended to govern formal meetings of the board to exercise any of its executive and legislative powers conferred by law. These rules fulfill that purpose and also are designed to ensure compliance with the open meetings law, G.S. 143-318.9 through 143-318.18, which applies to any gathering of a majority of the board to discuss public business. The rules also apply to regular informal work sessions or committee meetings where public business is discussed but no official action taken.

RULE 2. REGULAR MEETINGS

The Council shall hold a regular meeting on the second Monday of each month, except that if a regular meeting day is a legal holiday, the meeting shall be rescheduled at the Town Council's discretion. The meeting shall be held at the Weddington Town Hall and shall begin at 7:00 p.m. A copy of the Council's current meeting schedule shall be filed with the Town Clerk.

COMMENT: G.S. 160A-71 allows the Council to fix a time and place for regular meetings. If the council does not do so, it is required to meet at least once a month at 10:00 a.m. on the first Monday. Although the general law permits a council to fix a regular meeting time that is less frequent than once a month, many town charters require the council to meet at least monthly. G.S. 143-318.12 (a) {part of the open meetings law} requires the Council's schedule of regular meetings to be kept on file with the Town Clerk.

RULE 3. SPECIAL, EMERGENCY, AND RECESSED MEETINGS

(a) Special Meetings

The mayor, the mayor pro tempore, or any two members of the council may at any time call a special council meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. At least 48 hours before a special meeting called in this manner, written notice of the meeting stating its time and place and the subjects to be considered shall be (1) delivered to the mayor and each council member or left at his or her usual dwelling place; (2) posted on the council's principal bulletin board, or if none, at the door of the Council's usual meeting room; and (3) mailed or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the Town Clerk. Only those items of business specified in the notice may be transacted at a special meeting called in this manner, unless all members are present or have signed a written waiver of notice.

A special meeting may also be called or scheduled by vote of the Council in open session during another duly called meeting. The motion or resolution calling or scheduling the special meeting shall specify its time, place, and purpose. At least 48 hours before a special meeting called in this manner, notice of the time, place, and purpose of the meeting shall be (1) posted on the council's principal bulletin board, or if none, at the door of the Council's usual meeting room; and (2) mailed or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the Town Clerk. Such notice shall also be mailed to deliver at least 48 hours before the meeting to each Council member not present at the meeting at which the special meeting was called or scheduled, and to the mayor if he or she was not present at that meeting.

COMMENT: The first paragraph of the "Special Meetings" section of this rule combines the special meeting notice requirements of the open meetings law found in G.S. (143-318.12 (b) with the notice requirements for special meetings called by the mayor, the mayor pro tempore, or any two council members under G.S. 160A-71 (b)(1). While G.S. 160A-71 (b)(1) only requires that the mayor and council members receive six hours notice of special meetings called by the mayor, the mayor pro tempore, or two council members, this rule increases the advance notice requirement for the mayor and council members to 48 hours. This change recognizes that the council will want to be notified of special meetings called by a few of their number at least as far ahead of time (48 hours) as are members of the news media and other persons on the Town's "sunshine list". A discussion of procedures and possible fees for inclusion on the "sunshine list" can be found in G.S. 160A-71 (b)(2). In accordance with the requirements of G.S. 160A-71 (b)(1), only those items of business specified in the notice may be transacted at a special meeting called in this manner, unless all members are present or have signed a written waiver of notice.

The second paragraph of the "Special Meetings" section deals with special meetings called during another duly called meeting, as permitted by G.S. 160A-71 (b)(3). Under the open meetings law, 48 hours advance notice of the time, place, and purpose of special meetings called in this manner must be mailed to the news media and other persons on the Town's "sunshine list", just as is required with any other special meeting. Note that G.S. 160A-71 (b)(3) requires no special notice to council members of a special meeting called during another meeting, since they presumably were present or had the opportunity to be present at the meeting where the special meeting was called or scheduled. An optional provision of this rule allows the council to go a bit beyond what the law requires by providing notice to members who were absent from the meeting where the scheduling took place.

Note that G.S. 160A-71 (b)(3) and this rule do not restrict the subjects that may be considered at a special meeting that is called during another meeting. Similarly, while the open meetings law requires that the "purpose" of a special meeting be stated in the meeting notice, it contains no restrictions that would prevent the Council from taking up unannounced subjects at a special meeting called during another meeting, if the Council did so in good faith.

(b) Emergency Meetings

One of the following two (2) procedures must be followed to call an emergency meeting of the Council.

- (1) The mayor, the mayor pro tempore, or any two members of the Council may at any time call an emergency Council meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. The notice shall be delivered to the mayor and

each council member or left at his or her usual dwelling place at least six hours before the meeting.

- (2) An emergency meeting may be held at any time when the mayor and all members of the council are present and consent thereto, or when those not present have signed a written waiver of notice, but only in either case if the council complies with the notice provisions of the next paragraph.

Notice of the meeting shall be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written emergency meeting notice request, which includes the newspaper's, wire service's, or station's telephone number, with the Town Clerk. This notice shall be given either by telephone or by the same method used to notify the mayor and the Councilmembers, and shall be given at the expense of the party notified.

Emergency meetings shall only be called because of generally unexpected circumstances that require immediate consideration by the Town Council. Only business connected with the emergency may be considered at an emergency meeting.

COMMENT: Rule 2(b) states the requirements of the open meetings law concerning emergency meetings [G.S. 143-318.12(b)(3)]. It adds to these requirements the two possible ways that emergency meetings might be called under G.S. 160A-71(b). The Town Council procedural statutes do not mention emergency meetings, so they must be considered a type of special meeting. The first method, described in G.S. 160A-71(b)(1), requires six hours' minimum notice to council members and the mayor. The second method, specified in G.S. 160A-71(b)(2), allows a meeting to be held whenever the entire council can be assembled or written waivers can be obtained from those not present, as long as the emergency meeting notice requirements are satisfied.

The third method for calling special council meetings, see G.S. 160A-71(b)(3), is not allowed for emergency meetings. Because emergency meetings are by their nature unexpected, it is assumed that they will not be called during the course of another meeting, but will be scheduled when needed using one of the other two methods.

(c) Adjourned or Recessed Meetings

A properly called regular, special, or emergency meeting may be adjourned or recessed by a procedural motion made and adopted as provided hereafter in Rule 21 in open session during the regular, special or emergency meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of an adjourned or recessed session of a properly called regular, special, or emergency meeting.

COMMENT: Note that a motion to adjourn (or recess) a meeting to a time and place certain must comply with the requirements of Rule 21 concerning procedural motions. It must be made in open session, since under the open meetings law the making of such a motion is not listed as an action that is permitted during an closed session (see Rule 28 concerning closed sessions). As explained in the Comment to Rule 21, Motion 1, the terms "adjourn to a time and place certain" and recess to a time and place certain" are both forms of the motion to adjourn, and are used interchangeably in these rules and in North Carolina law and practice.

The provisions of Rule 27 that concern notice of meetings to consider the budget should also be considered in conjunction with this rule.

(d) Work Sessions and Committee Meetings

The Town Council may schedule work sessions, committee meetings, or other informal meetings of the board or of a majority of its members at such times and concerning such subjects as may be established by resolution or order of the Council. A schedule of any such meetings held regularly shall be held in the same place and manner as the schedule of regular meetings. Work sessions and other informal official meetings not held regularly are subject to the same notice requirements as special Council meetings.

COMMENT: The open meetings law requires that any "official meeting" where a majority of the Town Council deliberates on public business must be open to the public and notice must be given. The last sentence of this rule embodies that principle. The rule goes beyond the open meetings law in requiring a published schedule of work sessions or committee meetings held regularly.

G.S. 143-318.13 (a) provides that if the Town Council holds any regular, special, emergency, or other official meeting by conference telephone or other electronic means, the clerk shall provide a location and method whereby the public may listen to the meeting and notice of the meeting shall specify that location.

(e) Sunshine List

Any individual and any newspaper, wire service, radio station, and television station may file a written request with the Town Clerk for notice of all special meetings of the board. Requests by individuals must be renewed by the last day of each calendar quarter and are subject to a \$10.00 nonrefundable annual fee; requests by news organizations must be renewed annually by January 1, of each year and are not subject to any fee. No fees shall be charged for notices sent by e-mail.

COMMENT: See G.S. 143-318.12 (b)(2).

RULE 4. MEETINGS TO BE OPEN

- (a) The public policy of North Carolina and of the Town of Weddington is that the hearings, deliberations, and actions of the Town Council and its committees be conducted openly.
- (b) Except as otherwise provided in these rules and in accordance with applicable law, each official meeting of the Weddington Town Council shall be open to the public, and any person may attend.

COMMENT: See G.S. 143-318.10 (a)

- (c) For the purposes of the provisions of these rules concerning open meetings, an official meeting of the Town Council is defined as any gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of board members for the purpose of conducting hearings, participating in

deliberations, or voting upon or otherwise transacting public business within the jurisdiction, real or apparent, of the Town Council.

COMMENT: See G.S. 143-318.10 (d). The open meetings law provides that a social meeting or other informal gathering of the members of the Town Council does not constitute an official meeting unless it is "called or held to evade the spirit and purposes" of the laws requiring meetings to be open.

RULE 5. BROADCASTING AND RECORDING OF MINUTES

- (a) Except as provided in this rule, any radio or television station may broadcast all or any part of an official board meeting required to be open to the public. Any person may photograph, film, tape record, or otherwise reproduce any part of a meeting required to be open.
- (b) A radio or television station wishing to broadcast any portion of an official board meeting shall notify the Town Clerk no later than seventy-two hours before the meeting. If the number of requests or the quantity and size of the necessary equipment is such that the meeting cannot be accommodated in the designated meeting room and no suitable alternative site in the Town Hall is available, the Town Clerk may require the news media to either pool equipment and personnel or to secure and pay the costs of an alternative meeting site mutually agreeable to the board and the media representatives.

COMMENT: See G.S. 143.318.14. Notwithstanding the proposed rule, the council probably could not exclude broadcasters simply because they failed to give the suggested seventy-two hour notice.

RULE 6. ORGANIZATIONAL MEETING.

On the date and at the time of the first regular meeting in December following a general election in which council members are elected, or at an earlier date, if any, set by the incumbent Council, the newly elected members shall take and subscribe the oath of office as the first order of business. As the second order of business, the Council shall elect a mayor pro tempore. This organizational meeting shall not be held before the municipal election results are officially determined, certified, and published in accordance with Sub-chapter IX of Chapter 163 of the North Carolina General Statutes.

COMMENT: This rule states the requirements of G.S. 160A-68 (a) and (b). The oath of office used is the one set forth in Article VI, Section 7, of the North Carolina Constitution (see also G.S. 11-7 and 11-7.1). G.S. 160A-68 (b) further provides that the organizational meeting shall take place notwithstanding the absence, death, refusal to serve, failure to qualify, or non-election or one or more members, provided a quorum is present.

Who presides at the organizational meeting until the new mayor is sworn in is a question best resolved by local custom. In some cities the town clerk, manager, or attorney presides, and in others the retiring mayor presides until the new mayor is sworn in.

RULE 7. AGENDA

(a) **Proposed Agenda.** The Town Clerk shall prepare a proposed agenda for each meeting. A request to have an item of business placed on the agenda must be received at least two working days before the meeting. Any council member may, by a timely request, have an item placed on the proposed agenda. A copy of all proposed ordinances shall be attached to the proposed agenda. An agenda package shall be prepared that includes, for each item of business placed on the proposed agenda, as much background information on the subject as is available and feasible to reproduce. Each council member shall receive a copy of the proposed agenda and the agenda package and they shall be available for public inspection and distribution or copying when they are distributed to the council members.

The Council may by unanimous consent of the Mayor and all council members in attendance vote to add items to the agenda. ~~The Council may by majority vote subtract items from the proposed agenda, except that (a) the council may not subtract items from the proposed agenda stated in the notice of a special meeting called by the mayor, mayor pro tempore, or two council members, unless those calling the meeting consent to the deletion, (b) the council may not add items to the proposed agenda stated in the notice of a special meeting called by the mayor, mayor pro tempore, or two council members, unless all members are present, or those who are absent sign a written waiver of notice, and (c) only business connected with the emergency may be considered at an emergency meeting. The council may add items to the proposed agenda of a special meeting only if it determines in good faith at the meeting that it is essential to discuss or act on the item immediately.~~

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The Council may designate certain agenda items "for discussion and possible action." Such designation means that the council intends to discuss the general subject area of that agenda item before making any motion concerning that item.

COMMENT: Because of the volume and complexity of the matters they must consider, most councils use an agenda for their meetings. This rule describes the typical agenda preparation procedure for regular and some special council meetings. Councils should adapt it to accommodate the special circumstances that accompany emergency and many special meetings.

Two uses of agendas are common. Some councils use an agenda only to organize the materials they must consider and to give them an opportunity to study the issues before they meet. These councils generally allow last-minute additions to the agenda by general consent. This rule allows such additions only with the unanimous consent of the Mayor and all council members in attendance. Note, however, that G.S. 160A-71 (b)(1) requires that all council members be present or consent in writing before additions can be made to the subjects listed on the notice of a special meeting called by the mayor, mayor pro tempore, or two council members. Also, since the agenda of such a special meeting is set by those calling it, this rule requires those persons' consent before items may be deleted from that agenda. Note also that G.S. 143-318.12 (b)(3) limits the agenda of emergency meetings to business connected with the emergency.

Other councils use their agenda to control the length of their meetings. In that case the council will often hold an agenda meeting or a work session before the regular meeting to ask questions and thoroughly explore the proposals that must be voted on at the regular meeting. Note that such an agenda meeting or work session is considered a meeting of the council for purposes of G.S. 160A-71 and the open meetings law and is subject to the regular or special meeting requirements in these

rules. Generally, these councils take a stricter approach and do not allow late additions to regular meeting agendas unless an unexpected and pressing matter arises.

As noted above, at special meetings called by the mayor, mayor pro tempore, or two council members, additions may only be made to the agendas of special meetings if all members are present or those not present sign a waiver of notice. These rules also impose an additional requirement for the agendas of all special meetings, regardless of how they are called, because of open meetings law concerns. Under this approach, an item may be added to the agenda of a special meeting only if all members are present and the board determines in good faith that it is essential to discuss or act on the item immediately. This restriction avoids surprises and is consistent with the spirit of the open meetings law, although neither requirement is actually part of the law. See the statement of public policy underlying the law in G.S. 143-318.9. For further discussion of adding items to special meeting agendas, see the Comment to Rule 3(a).

Rule 7(a) requires that longer or more complex proposals be in writing and attached to the agenda, so that council members will have a clear idea of the issues with which they will be dealing. The council may choose what sorts of proposed orders, policies, regulations, resolutions, or other items it wishes to make subject to this requirement. The council may also require that copies of relevant documents be provided to all council members when additions to the agenda are proposed at the meeting.

Town councils frequently desire to discuss an issue informally, attempting to reach a group consensus, before a formal motion is proposed. While standard parliamentary practice requires that a motion be made before any discussion can occur, conducting discussion first can be very useful to a small board such as a council. Such discussion may be especially important if the council does not hold agenda meetings or work sessions at which the members can discuss issues among themselves, before the more formal meetings at which the council generally takes action. This rule authorizes the practice of "discussion before moving" by permitting the council to designate particular agenda items "for discussion and possible action." If a motion is later made, discussion on the motion is then in order.

The Town Clerk or Chief Administrative Officer may find it convenient to maintain a mailing list of interested parties who wish to receive a copy of the proposed agenda and/or agenda package regularly. Since the background materials included with the proposed agenda in the agenda package may be quite voluminous, the council may wish to charge those receiving the full agenda package for the cost of reproduction. At the very least, the council should make provision for the public to inspect and copy the agenda package in the town offices, since the agenda package is generally a matter of public record open to public inspection.

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

COMMENT: Many councils use a consent agenda as a device to handle routine business more quickly. The persons preparing the proposed agenda group together on the agenda those items that they think will be non-controversial, routine, and unopposed. As a general rule, ordinances,

controversial items, matters in which citizens may be interested, and matters of great substance should probably not be included on the consent agenda.

The council reviews the "consent agenda" as part of its review of the proposed agenda at the beginning of the meeting. Each member is free to remove items from the consent agenda to the regular agenda. A member may wish to do so if, for example, he or she would like to debate the proposal or vote against the item.

Those items remaining on the consent agenda are all handled with a single motion and vote, which is legally a motion and vote on each one of them. In keeping with this understanding, the minutes should reflect separate motions and votes on each of the consent items.

RULE 8. PUBLIC ADDRESS TO THE COUNCIL

Any individual or group who wishes to address the council may do so at the time designated for public comment at each regularly scheduled meeting.

The council reserves the right to limit each person wishing to make a comment to three minutes should it appear that there are a large number of persons desiring to make public comments.

When publicly addressing the governing body, the public is asked to obey reasonable standards of courtesy in their remarks. The Mayor has the authority to determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members of the Council on this ground.

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COMMENT: The council shall provide at least one period for public comment per month at a regular meeting of the council. The council may adopt reasonable rules governing the conduct of the public comment period, including, but not limited to, rules (i) fixing the maximum time allotted to each speaker, (ii) providing for the designation of spokesmen for groups of persons supporting or opposing the same positions, (iii) providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall, and (iv) providing for the maintenance of order and decorum in the conduct of the hearing. The council is not required to provide a public comment period under this section if no regular meeting is held during the month. (2005-170, s. 3.)

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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:

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COMMENT: The council may decide as a matter of general policy to set aside part of each meeting for individuals or groups to address the council.¶

Open Regularly Scheduled Meeting
Pledge of Allegiance
Determination of Quorum/Additions or Deletions to the Agenda
Special Recognitions
Public Hearings

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Approval of the Minutes
Consent Agenda
Consideration of Public Hearings
Old Business
New Business
Reports and Updates
Public Comments
Comments from the Council Members
Adjournment

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

RULE 10. OFFICE OF MAYOR

The mayor shall preside at all meetings of the council but shall have the right to vote only when there is a tie. In order to address the council, a member must be recognized by the mayor. The mayor shall have the following powers:

- (a) To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes; The Council by majority vote may appeal a ruling by the Mayor.
- (b) To determine whether a speaker has gone beyond reasonable standards of courtesy (as discussed in Rule 8) in his remarks and to entertain and rule on objections from other members on this ground; (See 10 (a) for appeal process)
- (c) To entertain and answer questions of parliamentary law or procedure;
- (d) To call a brief recess at any time;
- (e) To adjourn in an emergency.

COMMENT: G.S. 160A-69 provides that the mayor shall have the right to vote only in cases of a tie among council members, unless the mayor is elected by the council from among its membership and the town charter is silent on the matter. In that case, the mayor has the right to vote on all matters. Many cities have charter provisions dealing with the mayor's voting rights; a special charter rule on mayoral voting takes precedence over the general rule in G.S. 160A-69.

The procedural powers given to the mayor in this rule are intended to replace the question of order and appeal in Robert's Rules of Order (RRO). This rule increases the mayor's authority in that his or her decisions regarding decorum in debate and rules of parliamentary procedure are final and cannot be appealed to the membership. Also, according to "RRO", a recess can be taken only on a motion and vote by the members. This rule authorizes the mayor to call a brief recess when necessary to "clear the air" and thus reduce friction among the members.

RULE 11. OFFICE OF MAYOR PRO TEMPORE

At the organizational meeting, the council shall elect from among its members a mayor pro tempore to serve at the Council's pleasure. A council member who serves as mayor pro tempore shall be entitled to vote on all matters and shall be considered a council member for all purposes, including the determination of whether a quorum is present. In the mayor's absence, the mayor pro tempore shall assume all of the mayor's powers and duties. If the mayor should become

physically or mentally unable to perform the duties of his or her office, the council may by unanimous vote declare that the mayor is incapacitated and confer any of the mayor's powers and duties on the mayor pro tempore. When a mayor declares that he or she is no longer incapacitated, and a majority of the council concurs, the mayor shall resume the exercise of his or her powers and duties. If both the mayor and the mayor pro tempore are absent from a meeting, the council may elect from among its members a temporary chairman to preside at the meeting.

COMMENT: This is G.S. 160A-70 paraphrased.

RULE 12. PRESIDING OFFICER WHEN THE MAYOR IS IN ACTIVE DEBATE

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 designate another council member to preside over the debate. The mayor shall resume presiding as soon as action on the matter is concluded.

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COMMENT: Good leadership depends, to a certain extent, on not taking sides during a debate. On a small board this may not always be feasible or desirable; yet an unfair advantage accrues to the side that advocate controls access to the floor. This rule is designed to insure even-handed treatment to both sides during a heated debate. Ordinarily the mayor should ask the mayor pro tempore to preside in this situation, but if he or she is also engaged in the debate, the mayor should feel free to call on some other council member in order to achieve the purpose of this rule.

RULE 13. ACTION BY THE COUNCIL

The council shall proceed by motion, except as otherwise provided for in Rule 7 and in Rule 33. Any member may make a motion.

COMMENT: Traditionally, if the mayor wishes to have a motion made, instead of making it personally, he or she states, "The Chair will entertain a motion that..." This custom is sound if the mayor may vote only in the case of a tie; if the mayor may vote in all cases, he or she may make a motion as any other member would.

RULE 14. SECOND NOT REQUIRED

A motion shall not require a second.

COMMENT: The philosophy underlying the requirement of a second is that if a proposal is not supported by at least two members, it is not worth the time necessary to consider it. This concept is not applicable to small boards on which consideration of a proposal that initially has the support of only one member would not seriously impair efficient use of the board's time. If the council has seven or more members, the requirement of a second may be desirable.

RULE 15. ONE MOTION AT A TIME

A member may make only one motion at a time.

RULE 16. SUBSTANTIVE MOTIONS

A substantive motion is out of order while another substantive motion is pending.

COMMENT: This rule sets forth the basic principle of parliamentary procedure that distinct issues will be considered and dealt with one at a time, and a new proposal may not be put forth until action on the preceding one has been concluded.

“RRO” does not refer to substantive motions as such; instead it uses such adjectives as main or principal. The term substantive motion is used here to underscore the distinction between the type of motion and the various procedural motions listed in Rule 21. Basically, a substantive motion is any motion other than the procedural motions listed in Rule 21. The possible subject matter of a substantive motion is coextensive with the council’s legal powers, duties, and responsibilities. Indeed, since Rule 13 provides that the council shall proceed by motion, the substantive motion is the only way the council can act. The procedural motions detailed in Rule 21 set forth various options the council has in dealing with substantive motions.

RULE 17. ADOPTION BY MAJORITY VOTE

A motion shall be adopted by a majority of the votes cast, a quorum being present, unless otherwise required by these rules or the laws of North Carolina.

COMMENT: See Rule 26 concerning the number of votes necessary to adopt an ordinance or approve a contract. Other extraordinary voting requirements imposed by particular statutes are not specified in these rules; the town attorney should be consulted as questions arise.

RULE 18. VOTING BY WRITTEN BALLOT

No vote may be taken by secret ballot. The Council may decide by majority vote to use written ballots in voting on a motion. Members shall sign his or her ballot and the minutes shall record the vote of each member. These ballots shall be retained and made available for public inspection until the minutes of that meeting have been approved, when they may be destroyed.

COMMENT: See G.S. 143-318.13 (b).

RULE 19. DEBATE

The mayor shall state the motion and then open the floor to debate on it.

The mayor shall preside over the debate according to the following general principles:

- (a) The maker of the motion is entitled to speak first;
- (b) A member who has not spoken on the issue shall be recognized before someone who has already spoken;
- (c) To the extent possible, the debate shall alternate between opponents and proponents of the measure.

RULE 20. RATIFICATION OF ACTIONS

To the extent permitted by law, the council may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

COMMENT: Ratification of actions taken on the council's behalf but without its prior approval is permitted under these rules, to the extent that such "after-the-fact" approval of actions is legally allowed. The principle behind the motion to ratify is that an assembly may subsequently approve that which it could have authorized. Unlike "RRO", these rules treat the motion to ratify as a substantive proposal rather than as a procedural motion, since a ratification is in effect an after-the-fact substantive action by the council concerning something that was done without council approval when advance authorization should have been obtained.

RULE 21. PROCEDURAL MOTIONS

In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

COMMENT: This rule is a substantial departure from "RRO". The following enumeration of procedural motions is exhaustive; if a procedural option is not on the list, then it is not available. See, however, Rule 20 concerning the motion to ratify an action. The motion to ratify is a procedural motion under "RRO"; it is treated as substantive rather than procedural under these rules.

While a substantive motion is out of order if another substantive motion is pending, under both "RRO" and these rules several procedural motions can be entertained in succession without necessarily disposing of the immediately pending procedural motion. The order of priority establishes which procedural motion yields to which – that is, which procedural motion may be made and considered while another one is pending.

Some of the main features of the procedural motions set out in this rule are summarized in table form in the appendix to these Rules. Note that the appended table is intended only to provide a quick reference guide to the motions; this rule and its comments should be consulted for a discussion of how each procedural motion is used.

In order of priority (if applicable), the procedural motions are:

- (1) **To adjourn.** The motion may be made only at the conclusion of action on a pending substantive matter; it cannot interrupt deliberation of a pending matter. A motion to adjourn to a time and place certain shall also comply with the requirements of Rule 3.

COMMENT: This motion differs from the RONR motion to adjourn in several respects. The RONR motion to adjourn is not debatable or amendable and can be made at any time, thus interrupting substantive deliberations. Here, however, since the number of members is small and procedures are available to limit debate, Motion 1 allows both debate and amendment, but specifies that the motion is in order only when consideration of a pending matter has concluded.

If the councils wants to adjourn before completing final action on a matter, it must, prior to adjourning, first temporarily conclude its consideration of that matter. This is done with one of three

motions: to defer consideration of the matter, to postpone the matter to a certain time or day, or to refer the matter to a committee. Only as a last resort should the council use a motion to suspend the rules, in order to allow the motion to adjourn to interrupt deliberation on the matter.

Another adjournment option is to recess the meeting to reconvene at a specified time and place, in accord with Rule 3. The motion to recess or adjourn to a time and place certain is a form of the motion to adjourn. As explained in the Comment to Rule 3, various North Carolina General Statutes and North Carolina practice refer both to the terminology "recess to a time and place certain" and the phrase "adjourn to a time and place certain," [see, for example, G.S. 160A-71(b1) and 143-318.12(b)(1)]. Thus both "recess" and "adjourn" are provided here as options. The motion has the same meaning regardless of the option chosen.

(2) **To take a Brief Recess.**

COMMENT: This motion is similar to the motion to recess under "RRO". To avoid confusing this motion with the motion "to recess to a time and place certain", which is a form of the motion to adjourn under these rules and in North Carolina practice (see Rule 21, Motion 1 above); this motion is called a motion "to take a brief recess" rather than a motion "to recess". "RRO" does not allow debate on motions to recess, but since the number of council members is small, and procedures are available to limit debate, debate is allowed on the motion described here. As is the case with the motion to recess in "RRO", a motion to take a brief recess is in order at any time. Under these rules, the mayor also has the power to call a brief recess (see Rule 10).

(3) **Call to Follow the Agenda.** The motion must be made at the first reasonable opportunity, or the right to make it is waived for the out-of-order in question.

COMMENT: This motion is patterned on the call for the orders of the day in "RRO". It differs in that it may be debated; also, unless the motion is made at the time an item of business that deviates from the agenda is proposed, the right to insist on following the agenda is waived for that item.

(4) **To Suspend the Rules.** 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. The council may not suspend provisions of the rules that state requirements imposed by law on the council.

COMMENT: This motion is generally the same as the motion in "RRO" to suspend the rules, except that it is debatable and amendable. It is in order when the council wishes to do something that it may legally do but cannot accomplish without violating its own rules.

A motion to suspend the rules requires approval by two-thirds of the actual membership of the council to pass. Note that the mayor is counted for purposes of determining two-thirds of the council only if he or she has the right to vote on all questions, and that vacant seats are excluded in making the two-thirds determination.

(5) **To Go into Closed Session.** The Council may go into closed session only for one or more of the permissible purposes listed in G.S. 143-318.11(a). The motion to go into closed session shall cite one or more of these purposes and shall be adopted at an open meeting. A motion based on G.S. 143-318.11 (a)(1) shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A

motion based on G.S. 143-318 (a)(3) shall identify the parties in each existing lawsuit concerning which the council expects to receive advice during the closed session, if in fact such advice is to be received.

COMMENT: The requirements for this motion are found in G.S. 143-318.11 (c). They include extra requirements for motions based on G.S. 143-318.11 (a)(1), and for those motions based on G.S. 143-318.11 (a)(3) that concern a closed session where the council expects to receive advice about an existing lawsuit or lawsuits. G.S. 143-318.11 (a)(1), cited in the rule, allows closed sessions "to prevent the disclosure of information that is privileged or confidential pursuant to the law of North Carolina or the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes." Part of G.S. 143-318.11 (a)(3), also cited, allows the council in closed session to "consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure."

(6) To Leave Closed Session.

COMMENT: This motion provides a procedural mechanism for returning from closed session to an open meeting. Under the open meetings law, public bodies probably must return to open session once they have concluded their closed session business, even if they have no other business to transact except adjourning the meeting.

(7) To Divide a Complex Motion and Consider It by Paragraph.

The motion is in order whenever a member wishes to consider and vote on subparts of a complex motion separately.

COMMENT: This motion is identical to the motion of the same name in "RRO" except that it is debatable.

(8) To Defer Consideration. The Council may defer a substantive motion for later consideration at an unspecified time. A substantive motion the consideration of which has been deferred expires 100 days thereafter unless a motion to revive consideration is adopted. If consideration of a motion has been deferred, a new motion with the same effect cannot be introduced while the deferred motion remains pending. A member who wishes to revisit the matter during that time must take action to revive consideration of the original motion, or else move to suspend the rules.

COMMENT: This motion replaces the motion to lay on the table in "RRO" and was renamed in order to avoid confusion. It allows the council temporarily to defer consideration of a proposal. It differs from the "RRO" motion in that it may be debated and amended. It also differs from the provision in "RRO" in that a motion that has been deferred dies if it is not taken up by the council (via motion to revive consideration; see Rule 21, Motion 13) within a specified number of days of the vote to defer consideration, whereas in "RRO" a motion that has been laid on the table dies at the end of the session in which it was introduced.

This motion should also be distinguished from the motion to postpone to a certain time or day (Rule 21, Motion 10). A matter that has been postponed to a certain time or day is brought up again automatically when that time arrives. Affirmative action (a motion to revive consideration) is required, however, before the council may again consider a substantive motion the consideration of

which has been deferred. If a deferred motion expires, its subject matter may be brought forward again by a new motion.

- (9) **Call of the Previous Question.** The motion is not in order until there have been at least five minutes of debate, and every member that desires to do so has had an opportunity to speak once.

COMMENT: This motion differs from the motion of the same name in "RRO". The "RRO" motion is always in order, is not debatable or amendable, and requires a two-thirds vote for adoption. Thus, it may be used to compel an immediate vote on a proposal without any debate on the issue. Such a device may be necessary to preserve efficiency in a large assembly. With a small board, however, a minimum period of debate on every proposal that comes before it strikes a better balance between efficiency and effective representative by all council members. Since every member will have an opportunity to speak, the debate may be ended by a majority vote.

- (10) **To Postpone to a Certain Time or Day.**

If consideration of a motion has been postponed, a new motion with the same effect cannot be introduced while the postponed motion remains pending. A member who wishes to revisit the matter must either wait until the specified time, or move to suspend the rules. (Rule 21, Motion 4).

COMMENT: This motion allows the council to postpone consideration to a specified time or day and is appropriate when more information is needed, or the deliberations are likely to be lengthy. It should be distinguished from the motion to defer consideration (see Comment to Rule 21, Motion 8).

- (11) **To Refer a Motion to a Committee.** Sixty days or more after a motion had been referred to a committee, the introducer of the motion may compel consideration of the measure by the entire council, whether or not the committee has reported the matter to the council.

COMMENT: This motion is similar to the motion of the same name in "RRO", except that the right of the introducer to compel consideration by the full council after a specified period of time prevents using the motion as a mechanism to defeat a proposal by referring it to a committee that is willing to "sit" on it. If the council does not use committees, this motion is unnecessary.

- (12) **To Amend.**

(a) An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the amended motion has the same effect as rejection of the original motion.

(b) A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote.

(c) Any amendment to a proposed ordinance shall be reduced to writing before the vote on the amendment.

COMMENT: This motion is similar to the motion to amend in "RRO". The restriction on amendments stated in the second sentence should be read narrowly; it is intended only to prevent an amendment that merely negates the provisions of the original motion. The intent of such an amendment can be achieved in a simpler and more straightforward manner by the defeat of the original proposal. Pertinent amendments that make major substantive changes in the original motion are quite proper under this rule.

The second paragraph of the rule limits the number of proposed amendments that may be pending at one time to two. Amendments are voted on in reverse order, that is, the last-offered amendment is voted on first. Once the last-offered of two pending amendments is disposed of, an additional amendment may be offered.

The motion does impose an additional requirement for amendments to proposed ordinances. Amendments to ordinances, like the ordinances themselves, should be in written form before they are voted on, both because of the importance of ordinances and to make it easier to maintain the required ordinance book (see G.S. 160A-78) accurately.

- (13) **To Revive Consideration.** The motion is in order at any time within the 100 days after the date of a vote to defer consideration. A substantive motion on which consideration has been deferred expires after 100 days have elapsed following the deferral unless a motion to revive consideration is adopted.

COMMENT: This motion replaced the motion "to take up from the table" in "RRO" and was renamed in order to avoid confusion. This motion may be debated and amended, whereas the motion in "RRO" may not. If the motion to revive consideration is not successful within the specified number of days after the date on which consideration was deferred, the substantive motion expires. Its subject matter may be brought forward again by a new motion. Ninety days is merely a suggested period of time; the number of days specified here should be the same as in Rule 21, Motion 8.

- (14) **To Reconsider.** The motion must be made by a member who voted with the prevailing side, and only at the meeting during which the original vote was taken, including any continuation of that meeting through adjournment to a time and place certain. The motion cannot interrupt deliberation on a pending matter, but is in order at any time before final adjournment of the meeting.

COMMENT: According to "RRO", the motion may be made at the same meeting as the vote or on the next legal day and may interrupt deliberation on another matter. To avoid placing a measure in limbo, these rules restrict the availability of the motion to the same meeting as the original vote, including any continuation of that meeting if it is adjourned or recessed to a time and place certain pursuant to Rule 3 and Rule 21, Motion 1. Also, the motion is permitted under these rules only when action on a pending matter concludes.

- (15) **To Rescind or Repeal.** The council may vote to rescind actions it has previously taken or to repeal items that it has previously adopted. The motion is not in order if rescission or repeal of an action is forbidden by law.

COMMENT: This motion is in order only for those measures adopted by the council that can legally be repealed or rescinded; it is not intended to suggest that the council can unilaterally rescind a binding contract, or may repeal an action where a person's rights have already vested.

(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.

COMMENT: This is a "clincher" motion designed to prevent the same motion from being continually introduced when the subject has been thoroughly considered. There is no comparable motion in "RRO", although the objection to consideration of a question accomplishes much the same purpose. Because this motion curtails a member's right to bring a matter before the council, the required vote is two-thirds of the actual membership of the council, excluding the mayor, unless he or she is entitled to vote on all matters, and excluding vacant seats. As with most other motions, a clincher motion may be, in effect, dissolved by a motion to suspend the rules. The motion is not effective beyond the next organizational meeting of the council, in order to give a new council a clean slate.

RULE 22. RENEWAL OF MOTION.

A motion that is defeated may be renewed at any later meeting unless a motion to prevent reconsideration has been adopted.

RULE 23. WITHDRAWAL OF MOTION.

A motion may be withdrawn by the introducer at any time before it is amended or before it is put to a vote.

COMMENT: "RRO" provides that once a motion has been stated by the chair for debate, it cannot be withdrawn with the assembly's consent. Such a procedure is unnecessary for a small board.

RULE 24. DUTY TO VOTE.

Every member must vote unless excused by the remaining members according to law. A member who wishes to be excused from voting shall so inform the mayor, who shall take a vote of the remaining members. No member shall be excused from voting except upon matters involving the consideration of his or her own financial interest or official conduct. In all other cases, a failure to vote by a member who is physically present in the council chambers, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.

COMMENT: This rule contains most of the requirements of the first paragraph of G.S. 160A-75.

RULE 25. INTRODUCTION OF ORDINANCES.

A proposed ordinance shall be deemed to be introduced on the date the subject matter is first voted on by the council.

COMMENT: G.S. 160A-75 provides that an ordinance may not be finally adopted at the meeting at which it is introduced except by a two-thirds vote of all the actual membership of the council, excluding vacant seats and not including the mayor unless he or she has the right to vote on all questions before the council. The statute specifies that an ordinance is deemed to be introduced "on the date the subject matter is first voted on by the council". A "vote on the subject matter" is not defined; some authorities think that a vote on the ordinance itself is required, while others think that any vote pertaining to the ordinance's subject matter (for example, a vote to refer the subject of an ordinance to a committee for further study) is sufficient to satisfy the definition. The town attorney should be consulted for guidance on this matter.

RULE 26. ADOPTION OF ORDINANCES AND APPROVAL OF CONTRACTS

(a) Generally an affirmative vote equal to a majority of all the members of the council not excused from voting on the question in issue (including the mayor's vote in case of an equal division) shall be required to adopt an ordinance, to take any action that has the effect of an ordinance, or to make, ratify, or authorize any contract on behalf of the town. In addition, no ordinance or action that has the effect of an ordinance may be finally adopted on the date on which it is introduced except by an affirmative vote equal to or greater than two-thirds of all the actual membership of the council, excluding vacant seats, and not including the mayor unless he or she has the right to vote on all questions before the council. No ordinance shall be adopted unless it has been reduced to writing before a vote on adoption is taken.

COMMENT: This rule paraphrases the special voting requirements in the second paragraph of G.S. 160A-75 for adoption of ordinances and approval of contracts. Special voting rules for authorizing or committing the expenditure of public funds are also found in this paragraph. In most cases, however, these latter requirements are superseded by the more specific provisions of G.S. 159-17 detailed in Rule 27. See Rule 25 and the accompanying Comment for the definition of "introduction" of an ordinance.

Although it may seem obvious that ordinances should be in writing before they are voted on (see, for example, the requirements of Rule 7 concerning copies of proposed ordinances), an explicit provision is included in the rules so that there can be no doubt on the matter. See also Procedural Motion 12 in Rule 21 concerning amendment of ordinances, and G.S. 160A-76(a) for requirements for franchises.

(b) Zoning Protest Petitions. An affirmative vote equal to three-fourths of all the members of the Town Council shall be required for an ordinance making a change in a zoning regulation, restriction, or boundary to become effective, if a valid protest petition is received in accordance with the requirements set out in G.S. 160A-385 (a) and G.S. 160A-386. This rule shall not apply in those cases excepted by G.S. 160A-385 (a).

COMMENT: This paragraph states the three-fourths vote requirement of G.S. 160A-385(a), which applies when neighboring property owners, as defined in the statute, protest a proposed rezoning and file a proper petition with the town clerk in a timely manner under G.S. 160A-386. Some zoning changes such as initial zonings of property added to the ordinance's coverage, and certain amendments to adopted special or conditional use districts, are not covered by the three-fourths vote requirement. These exceptions are specified in G.S. 160A-385 (a). The three-fourths rule applies to zoning ordinances only.

RULE 27. ADOPTION OF THE BUDGET ORDINANCE

Notwithstanding the provisions of any town charter, general law, or local act:

- (a) Any action with respect to the adoption or amendment of the budget ordinance may be taken at any regular or special meeting of the council by a simple majority of those present and voting, a quorum being present.
- (b) No action taken with respect to the adoption or amendment of the budget ordinance need be published or is subject to any other procedural requirement governing the adoption of ordinances or resolutions by the council; and
- (c) The adoption and amendment of the budget ordinance and the levy of taxes in the budget ordinance are not subject to the provisions of any town charter or local act concerning initiative or referendum.

During the period beginning with the submission of the budget to the council and ending with the adoption of the budget ordinance, the council may hold any special meetings that may be necessary to complete its work on the budget ordinance. Except for the notice requirements of the open meetings law, which continue to apply, no provision of law concerning the call of special meetings applies during that period so long as (a) each member of the board has actual notice of each special meeting called for the purpose of considering the budget, and (b) no business other than consideration of the budget is taken up. This rule does not allow, and may not be construed to allow, the holding of closed meetings or closed sessions by the council if it is otherwise prohibited by law from holding such a meeting or session.

COMMENT: This rule is G.S. 159-17 with minor modifications. G.S. 159-17 also provides that no general law, town charter, or local act that is enacted or takes effect after July 11, 1973, may be construed to modify, amend, or repeal any portion of this law unless it expressly so provides by specific reference to it. Since the notice requirements of the open meetings law continue to apply to meetings held to work on the budget ordinance, the only practical effect of the second paragraph of this rule is to eliminate the need for any special notification of council members that might otherwise be required concerning such meetings. See G.S. 159-8 to 159-13 for other procedures that must be followed in adopting the budget ordinance.

RULE 28. CLOSED SESSIONS

The Council may hold closed sessions as provided by law. The council shall only commence a closed session after a motion to go into closed session has been made and adopted during an open meeting. The motion shall state the purpose of the closed session. If the motion is based on G.S. 143-318.11 (a)(1) (closed session to prevent the disclosure of privileged or confidential information or information that is not considered a public record), it must also state the name or citation of the law that renders the information to be discussed privileged or confidential. If the motion is based on G.S. 143-318.11 (a)(3) (consultation with attorney; handling or settling of claims, judicial actions, or administrative procedure); it must identify the parties in any existing lawsuits concerning which the public body expects to receive advice during the closed session. The motion to go into closed session must be approved by the vote of a majority of those present and voting. The Council shall terminate the Closed Session by a majority vote.

Only those actions authorized by statutes may be taken in Closed Session. A motion to adjourn or recess shall not be in order during a Closed Session.

COMMENT: This rule states some of the requirements of G.S. 143-318.11 (c) for calling closed sessions. In particular, note the special requirements for motions to call closed sessions that are based on G.S. 143-318.11 (a)(1) or, in some cases, on G.S. 143-318.11 (a)(3). No attempt is made here to set forth all of the provisions of the open meetings law concerning the purposes for which closed sessions may be held and the actions that may be taken in closed session; specific information can be found in G.S. 143-318.11 (a). Note, however, that adjournment is not an action authorized by statute to be taken during a closed session. Minutes and general accounts of closed sessions are discussed in Rule 32.

RULE 29. QUORUM

A majority of the actual membership of the council plus the mayor, excluding vacant seats, shall constitute a quorum. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.

COMMENT: This is G.S. 160A-74. Note that the mayor is counted for quorum purposes regardless of whether he or she had the right to vote on all questions.

RULE 30. PUBLIC HEARINGS

Public Hearings required by law or deemed advisable by the council shall be organized by a special order, adopted by a majority vote, that sets forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time for each speaker, and other pertinent matters. The rules may include, but are not limited, to rules

- (a) fixing the maximum time allotted to each speaker;
- (b) providing for the designation of spokespersons for groups of persons supporting or opposing the same positions;
- (c) providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall; and
- (d) Providing for the maintenance of order and decorum in the conduct of the hearing.

All notice and other requirements of the open meetings law applicable to council meetings shall also apply to public hearings at which a majority of the council is present. A public hearing for which any notices required by the open meetings law or other provisions of law have been given may be continued to a time and place certain without further advertisement. The requirements of Rule 3 (c) shall be followed in continuing a hearing at which a majority of the council is present.

At the time appointed for the hearing, the mayor or his or her designee shall call the hearing to order and then preside over it. When the allotted time expires or when no one wishes to speak who has not done so, the presiding officer shall declare the hearing ended.

COMMENT: G.S. 160A-81 provides that public hearings may be held at any place within the town or within the county where the town is located. It also gives the council the authority to adopt reasonable rules governing the conduct of the hearing (specifically including the type of rules listed here) and to continue public hearings without further advertisement.

Public hearings, like other council meetings, are also subject to the notice, continuation, and other requirements of the open meetings law, if a majority of the council is present at the hearing. Those requirements are reflected in this rule.

RULE 31. QUORUM AT PUBLIC HEARINGS

A quorum of the council shall be required at all public hearings required by state law. If a quorum is not present at such hearing, the hearing shall be continued until the next regular council meeting without further advertisement.

COMMENT: G.S. 160A-81 implies that a quorum of council members is necessary for a public hearing by providing that a hearing shall be deferred to the next regular meeting if a quorum is not present at the originally scheduled time. If, however, the council decided to hold a public hearing that was not required by state law to gather a consensus of public opinion on an issue, it could hold the hearing at several sites, with a few members in attendance at each place. Such a hearing would not be subject to the quorum requirement of G.S. 160A-81. Note also that if a majority of the council were not present at such a hearing, it would not be subject to the notice, continuation, and other requirements of the open meetings law.

RULE 32. MINUTES

Full and accurate minutes of the council proceedings, including closed sessions, shall be kept. The board shall also keep a general account of any closed session so that a person not in attendance would have a reasonable understanding of what transpired. These minutes and general accounts shall be open to inspection of the public, except as otherwise provided in this rule. The exact wording of each motion and the results of each vote shall be recorded in the minutes, and on the request of any member of the council, the "ayes" and "nos" upon any question shall be taken. Members' and other persons' comments may be included in the minutes if the council approves.

Minutes and general accounts of closed sessions may be sealed by action of the council. Such sealed minutes and general accounts may be withheld from public inspection so long as public inspection would frustrate the purpose of the closed session.

COMMENT: G.S. 160A-72 requires that full and accurate council minutes be maintained, and G.S. 143-318.10(e) requires that full and accurate minutes be kept of all official meetings of all public bodies, including closed sessions [G.S. 143-318.11(a)]. The minutes are the official legal record of council actions and are a matter of public record. To be "full and accurate," they must include all actions taken by the council and must note the existence of conditions needed to take action, such as the existence of a quorum. However, the minutes need not record the council's discussion. Particular comments by members or other persons may be included in the minutes if the council so desires. Since the council usually takes action by motion (Rule 13), all motions that are made must be included in the minutes, along with a record of the motions' disposition. G.S. 160A-72 also

allows any member to request that the minutes included a record of how each member voted (the "ayes and noes").

Under the open meetings law, the council must also keep a "general account" of what transpires in closed sessions, so that a person not in attendance would have a reasonable understanding of what transpired. This wording probably requires that a somewhat more detailed account of these sessions be kept than would typically be found in the minutes, especially if the minutes record only actions and conditions needed to take action. The council should consult the town attorney and the bulletins mentioned in the next paragraph concerning what general accounts of closed sessions should include.

Finally, the rule includes the permission granted in G.S. 143-318.11(e) to withhold minutes and general accounts of closed sessions from public inspection for as long as necessary to avoid frustrating the purpose of the closed session. All closed session minutes are sealed unless stated otherwise. The Town Clerk will review closed session minutes quarterly and recommend to the Town Council that they be unsealed when the closed session's purpose would no longer be frustrated by making these records public. For a discussion of the legal requirements for minutes and general accounts of closed sessions, see the following publications by David M. Lawrence: "1997 Changes to the Open Meetings and Public Records Laws," *Local Government Law Bulletin* 80 (August 1997) and "The Court of Appeals Addresses Closed Sessions for Attorney-Client Discussions," *Local Government Law Bulletin* 93 (March 2000).

RULE 33. APPOINTMENTS

The Council may consider and make appointments to other bodies, including its own committees, if any, only in open session. The Council may not consider or fill a vacancy among its own membership except in open session.

Appointments shall proceed as follows. The mayor shall open the floor to nominations. Any member, including the mayor, may put forward a nominee. Any member, including the mayor, may also move that the Council appoint a nominee to the position. When a motion is made to appoint a nominee, that nominee shall be debated. When the debate ends, the mayor shall call the roll of the members, and each member shall cast an affirmative or negative vote for the nominee. The mayor may vote to break any tie.

If a majority of votes cast are in the affirmative, the nominee shall be appointed. If the majority of votes cast are not in the affirmative, the mayor shall open the floor to further nominations.

If the Council wishes to fill multiple positions, each position shall be considered and voted upon separately.

RULE 34. COMMITTEES AND BOARDS

The council or the mayor, as appropriate, may establish and appoint members for such temporary and standing committees and boards as are needed to help carry on the work of town government. Any specific provisions of law relating to particular committees and boards shall be followed.

The requirements of the open meetings law shall apply to all committees and boards that either (a) are established by the council, or (b) are comprised of council members.

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COMMENT: The town council is authorized by G.S. 160A-145 to “create, change, abolish, and consolidate offices, positions, departments, boards, commissions, and agencies of the town government...” subject to certain limitations. It is also customary in many communities for the mayor to appoint various committees to aid the council in its work. Specific statutes govern some of these committees and boards; G.S. 160A-388 (a), for example, regulates establishment of and appointments to boards of adjustment. The general requirements of Rule 33 for appointments by the council should also be kept in mind.

The open meetings law applies to all committees and board established by the council, G.S. 143-318.10 (b)(2)(iv), and to all committees and boards comprised of council members, however established. The latter rule is set out in the last sentence of G.S. 143-318.10 (b).

RULE 35. REFERENCE TO ROBERT’S RULES OF ORDER

To the extent not provided for in these rules and to the extent that it does not conflict with North Carolina law or with the spirit of these rules, the council shall refer to *Robert’s Rules of Order, Revised*, to answer unresolved procedural questions.

APPENDIX

MOTION	VOTE REQUIRED	SPECIAL REQUIREMENTS
(1) To adjourn	Majority	May not interrupt deliberation of pending substantive matter. Motion to adjourn to a time and place certain must also comply with Rule 3 (c).
(2) To take a Brief Recess	Majority	None
(3) Call to Follow the Agenda	Majority	Must be made at the first reasonable opportunity, or the right to make it is waived for the out-of-order item in question.
(4) To Suspend the Rules	Two-Thirds	The council may not suspend provisions of the rules that state requirements imposed by law on the council.
(5) To Go into Closed Session	Majority	Motion must cite one or more of the permissible purposes for closed sessions listed in G.S. 143-318.11(a) and must be adopted at an open meeting. A motion based on G.S. 143-318.11(a)(1) must also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on G.S. 143-318.11(a)(3) must identify the parties in each existing lawsuit concerning which the council expects to receive advise during the closed session, if in fact such advise is to be received.
(6) To Leave Closed Session	Majority	
(7) To Divide a Complex Motion and Consider It by Paragraph	Majority	None
(8) To Defer Consideration	Majority	A substantive motion the consideration of which has been deferred expires 100 days thereafter unless a motion to revive consideration (Motion 13) is adopted. While a deferred motion remains pending, a new motion with the same effect cannot be introduced.
(9) Call of the Previous Question	Majority	Not in order until there have been at least five minutes of debate and every member has had an opportunity to speak once.
(10) To Postpone to a Certain Time or Day	Majority	None. While a postponed motion remains pending, a new motion with the same effect cannot be introduced.
(11) To Refer a Motion to a Committee	Majority	Sixty days or more after a motion is referred to a committee, the introducer may compel consideration of the measure by the council, regardless of whether the committee had reported the matter to the council.

(12) To Amend	Majority	(a) Amendments must be pertinent to the subject matter of the motion being amended. An amendment is improper if adoption of the motion with that amendment added has the same effect as rejection of the original motion. A proposal to substitute a different motion shall be treated as a motion to amend. (b) A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote. (c) Any amendment to a proposed ordinance must be reduced to writing before the vote on the amendment.
(13) To Revive Consideration	Majority	In order at any time within 100 days after the day of a vote to defer consideration (Motion 8). Failure to adopt Motion 13 within the 100-day period results in expiration of the deferred substantive motion.
(14) To Reconsider	Majority	Must be made by a member who voted with the prevailing side (the majority side except in the case of a tie; in that case the "nos" prevail). May only be made at the meeting at which the original vote was taken, including any continuation of that meeting through adjournment to a time and place certain. Cannot interrupt deliberation on a pending matter, but is in order at any time before final adjournment of the meeting.
(15) To Rescind or Repeal	Majority	Not in order if rescission or repeal of an action is forbidden by law.
(16) To Prevent Reconsideration for Six Months	Two-Thirds	In order immediately following defeat of a substantive motion and at no other time. 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.

NOTES:

1. Under these rules all procedural motions are debatable, and none requires a second. All may be amended, subject to the state limitations on motions to amend (Motion 12). Except where indicated otherwise, procedural motions may interrupt deliberations on a pending substantive matter.
2. The required vote for adoption of a procedural motion is generally a majority of the votes cast, a quorum being present. In a few cases, the required vote is 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.

STATE OF NORTH CAROLINA
COUNTY OF UNION

**AMENDMENT # 5 TO INTERLOCAL
AGREEMENT BETWEEN UNION
COUNTY, NORTH CAROLINA AND THE
TOWN OF WEDDINGTON**

THIS AMENDMENT (the "Amendment") entered into this the _____ day of _____, 2011, by and between **UNION COUNTY, NORTH CAROLINA**, a body corporate and politic and a political subdivision of the State of North Carolina (the "County"), and **THE TOWN OF WEDDINGTON, NORTH CAROLINA**, a body corporate and politic and a political subdivision of the State of North Carolina (the "Town") (collectively, the "Parties"), shall modify that Interlocal Agreement between the Parties dated April 7, 2009, as amended (the "Agreement").

W I T N E S S E T H:

WHEREAS, the Agreement, as amended, provides in Section 7 that the amounts expended by each party for non-staff consultants shall not exceed Sixty-two Thousand, Five Hundred Dollars (\$62,500); and

WHEREAS, the County has engaged a FEMA specialist to help pursue a resolution to this matter, and the County and Town desire to increase the total payment authorized for such specialist by \$20,000 (\$10,000 each) from \$30,000 to \$50,000; and

WHEREAS, the Town has engaged US Infrastructure of Carolina, Inc. to help pursue a resolution to this matter, and the County and Town desire to increase the total payment authorized for US Infrastructure of Carolina, Inc. by \$5,000 (\$2,500 each) from \$95,000 to \$100,000; and

WHEREAS, the parties therefore desire to increase the limit in Section 7 so imposed.

NOW, THEREFORE, pursuant to authority contained in North Carolina General Statute § 160A-460, *et seq.* and the foregoing agreement and mutual covenants and benefits contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree and covenant as follows:

1. Amend Section 7 of the Agreement by deleting "Sixty-two Thousand, Five Hundred Dollars (\$62,500)" and replacing it with "Seventy-Five Thousand Dollars (\$75,000)".

Section 7 thus reads as rewritten:

In the event that the Parties agree to engage the services of non-staff consultants to further assist the Parties, the Parties shall each pay one-half of the cost of such consultant.
Amounts expended pursuant to Section 7 of this Agreement

for the payment of non-staff consultants shall not exceed Seventy-Five Thousand Dollars (\$75,000) for each party without written amendment to this Agreement. The Union County Board of Commissioners and the Weddington Town Council do hereby authorize their chief executive officers (the County Manager and Town Administrator) to approve and execute one or more agreements for non-staff consultants provided that the total amount expended thereto shall not exceed the stated amount.

2. Except as herein amended, the terms and provisions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this Amendment the day and year first above written.

UNION COUNTY, NORTH CAROLINA

By: _____
County Manager

ATTEST:

By: _____
Clerk to the Union County Board of Commissioners

TOWN OF WEDDINGTON, NORTH CAROLINA

By: _____
Mayor

ATTEST:

By: _____
Town Clerk

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.

**Memorandum of Agreement for the Development of a Regional Hazard
Mitigation Plan
For
Cabarrus, Stanly, & Union Counties**

As a result of the Disaster Mitigation Act of 2000 and NC Senate Bill 300 each local government including counties, cities, towns, and villages are required to have an approved Hazard Mitigation Plan. The types of plans throughout North Carolina vary from multi-jurisdictional plans, town plans, city plans, some village plans and several regional plans. North Carolina has approximately 130 hazard mitigation plans that must be updated every five years.

Cabarrus, Stanly, & Union Counties and their incorporated jurisdictions propose to develop a regional hazard mitigation plan. This plan would incorporate 3 multi-jurisdictional hazard mitigation plans into 1 regional plan. The participating jurisdictions are as follows:

Cabarrus County

- City of Concord (County Seat)
- Town of Harrisburg
- Town of Midland
- Town of Mt. Pleasant

Stanly County

- City of Albemarle (County Seat)
- Town of Badin
- Town of Locust
- Town of Misenheimer
- Town of New London
- Town of Norwood
- Town of Oakboro
- Town of Red Cross
- Town of Richfield
- Town of Stanfield

Union County

- Town of Fairview
- Town of Hemby Bridge
- Town of Indian Trail
- Village of Lake Park
- Town of Marshville
- Village of Marvin
- Town of Mineral Springs
- City of Monroe (County Seat)
- Town of Stallings
- Town of Unionville
- Town of Waxhaw
- Town of Weddington
- Village of Wesley Chapel
- Town of Wingate

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.

**AGREEMENT TO PARTICIPATE IN REGIONAL HAZARD MITIGATION PLAN
FOR
CABARRUS, STANLY, & UNION COUNTIES**

Union County

Village of Marvin

Town of Fairview

Town of Mineral Springs

Town of Hemby Bridge

City of Monroe

Town of Indian Trail

Town of Stallings

Village of Lake Park

Town of Unionville

Town of Marshville

Town of Waxhaw

Town of Weddington

Town of Wingate

Village of Wesley Chapel

From: "Ramsey, Tiawana" <tramsey@ncem.org>

To: "Speer, Neal" <nealspeer@co.union.nc.us>

CC:

bcc:

Date: Wednesday, July 27, 2011 05:59PM

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.

We will have a conference call on Tuesday, August 2, 10 am at (919) 212-5747 to explain the project and to answer any questions that you may have. Let me know if there are any issues with this or if there's anything I can do to help.

Tiawana Ramsey

Area 12 Coordinator

NC Division of Emergency Management

828-230-8184 - Cell

828-466-5555 - Office



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

October 31, 2011

TO: Ms. Amy McCollum
Town of Weddington
1924 Weddington Road
Weddington, NC 28104

FROM: D. Ritchie Hearne, PE
Project Manager

A handwritten signature in dark ink, appearing to read "D. Ritchie Hearne", written over the printed name.

SUBJECT: Transportation Improvement Project - Municipal Agreement with
Town of Weddington
WBS Element No. 34813.3.8
TIP No. U-2510A

Enclosed please find duplicate originals of the Transportation Improvement Project - Municipal Agreement covering work to be performed under WBS Element Number 34813.3.8, TIP No. U-2510A. Please execute these agreements by signing both originals, affixing your seal, and returning both originals **within thirty (30) days** of the date of this letter to NC Division of Highways, Attention: Ritchie Hearne, 716 West Main Street, Albemarle, NC 28001.

Thank you for your assistance in this matter. Please call me at the number below if you need additional information.

Enclosures

DRH:cai

JUL 9 1993 11:24M

20111



TOWN OF
WEDDINGTON

1924 Weddington Road • Weddington, North Carolina 28104

VIA FACSIMILE: 919-250-4036

July 9, 2003

Mr. Art McMillan
Assistant State Roadway Design Engineer
NC Department of Transportation
1000 Birch Ridge Drive
Raleigh, NC 27699

Dear Mr. McMillan:

The Town of Weddington wishes to participate in constructing sidewalks on both sides of the Highway 16 widening project (U2510A). Also, the Town would like to add additional landscaping to the median and would like to work with the Department of Transportation at the appropriate time on this matter.

If you have any questions, please call me at (704) 846-2709. Thank you for your help in this matter.

Sincerely,

Edward S. Howie
asm

Edward S. Howie
Mayor

E. Sidewalks

As stated in the EA, sidewalks do not exist along the project corridor, but are proposed with the project. Previously, sidewalks were only proposed for the Mecklenburg County portion of the project. Currently, sidewalks are proposed along both sides of the project for Mecklenburg and Union Counties at the request of the City of Charlotte and the Town of Weddington. Municipal agreements will be made between the City of Charlotte and the Town of Weddington separately to finalize the construction and maintenance costs for the implementation of sidewalks in each municipality's jurisdiction.

VIII. BASIS FOR FINDING OF NO SIGNIFICANT IMPACT

Based upon a study of the impacts of the proposed project as documented in the Environmental Assessment, and upon comments from federal, state, and local agencies, it is the finding of the NCDOT and the Federal Highway Administration (FHWA) that the project will not have a significant impact upon the quality of the human or natural environment. Therefore, an environmental impact statement will not be required.

The following persons may be contacted for additional information:

Gregory J. Thorpe, PhD.
Manager, NCDOT - Project Development and Environmental Analysis Branch
1548 Mail Service Center
Raleigh, NC 27699-1548
(919) 733-7844

John F Sullivan, III, P.E.
Division Administrator, FHWA
310 New Bern Avenue, Suite 410
Raleigh, NC 27601-1418
(919) 856-4350

UJM/

Iorlano, Cindy A

From: Bruton, Teresa M
Sent: Tuesday, December 21, 2004 12:00 PM
To: Cook, Robert
Cc: Mosley, Barry; Basham, Stuart; Hamidi, K. Zak
Subject: Re: U-2510A

Bob,

As we discussed during our recent telephone conversation, the proposed NC 16 / NC 84 intersection configuration accommodates the 2030 design year traffic volumes, which were based on the land use plans and future roadway improvements in proximity to the project. Prior to modifying the proposed intersection configuration, information supporting a reduction in traffic volumes through the NC 16 / NC 84 intersection must be provided. As a minimum, the supporting information should verify completion of alternate routes prior to the aforementioned 2030 design year.

Please do not hesitate to contact me if you have any questions or need additional information.

Hope you have a nice holiday,
Teresa

"Cook, Robert" wrote:

> Teresa:

>

> I spoke with Mayor Anderson of Weddington yesterday regarding the NC
> 16 widening, and in particular, the impact on Hwy 84. Mayor Anderson
> told me that NCDOT is amenable to a change in the cross-section for
> Hwy 84 that fits with the town's vision of a future downtown for that
> area. She also indicated that you and your staff were looking for
> information to support the argument for a smaller cross-section.

>

> Please let me know what type of information would be helpful. One
> thing I can get are future year volumes from the regional model. We
> just recently began to get some outputs.

>

> Bob Cook

>

>

>

> Robert W. Cook, AICP
> Transportation Program Manager
> Charlotte-Mecklenburg Planning Commission
> 600 E. Fourth St.
> Charlotte, North Carolina 28202
> 704-336-8643
> 704-336-5132 (fax)

NORTH CAROLINA

**TRANSPORTATION IMPROVEMENT PROJECT –
MUNICIPAL AGREEMENT**

UNION COUNTY

DATE: 10/28/2011

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

TIP #: U-2510 A

AND

WBS Elements: 34813.3.8

TOWN OF WEDDINGTON

THIS MUNICIPAL AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department" and the Town of Weddington, a local government entity, hereinafter referred to as the "Municipality".

WITNESSETH:

WHEREAS, the Department has plans to make certain street and highway constructions and improvements within the Municipality under TIP # U-2510 A, in Union County; and,

WHEREAS, the Department and the Municipality have agreed that the municipal limits, as of the date of the awarding of the contract for the construction of the above-mentioned project, are to be used in determining the duties, responsibilities, rights and legal obligations of the parties hereto for the purposes of this Agreement; and,

WHEREAS, this Agreement is made under the authority granted to the Department by the North Carolina General Assembly, including but not limited to, the following applicable legislation: General Statutes of North Carolina, Section 136-66.1, Section 160A-296 and 297, Section 136-18, and Section 20-169, to participate in the planning and construction of a Project approved by the Board of Transportation for the safe and efficient utilization of transportation systems for the public good; and,

WHEREAS, the parties to this Agreement have approved the construction of said Project with cost participation and responsibilities for the Project as hereinafter set out.

NOW, THEREFORE, the parties hereto, each in consideration of the promises and undertakings of the other as herein provided, do hereby covenant and agree, each with the other, as follows:

SCOPE OF THE PROJECT

1. The Project consists of construction of NC 16 (Old Providence Road) from south of SR 2948 (Rea Road Extension) to south of I-485 (Charlotte Outer Loop) in Union County. At the request of the Municipality, additional work to be included within the scope of the project shall include sidewalk along both sides of the Highway 16 widening project.

PLANNING, DESIGN AND RIGHT OF WAY

2. The Department shall prepare the environmental and/or planning document, and obtain any environmental permits needed to construct the Project, and prepare the Project plans and specifications needed to construct the Project. All work shall be done in accordance with departmental standards, specifications, policies and procedures.
3. The Department shall be responsible for acquiring any needed right of way required for the Project. Acquisition of right of way shall be accomplished in accordance with the policies and procedures set forth in the North Carolina Right of Way Manual.

UTILITIES

4. It is understood that there are no municipally-owned water and sewer lines to be adjusted or relocated at this time. If during the project it becomes necessary to adjust or relocate municipally-owned water and/or sewer lines a separate Utility Agreement will be prepared at the appropriate time.

CONSTRUCTION AND MAINTENANCE

5. The Department shall construct, or cause to be constructed, the Project in accordance with the plans and specifications of said Project as filed with, and approved by, the Department. The Department shall administer the construction contract for said Project.
6. It is further agreed that upon completion of the Project, the Department shall be responsible for all traffic operating controls and devices which shall be established, enforced, and installed and maintained in accordance with the North Carolina General Statutes, the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, the latest edition of the "Policy on Street and Driveway Access to North Carolina Highways", and departmental criteria.
7. Upon completion of the Project, the improvement(s) shall be a part of the State Highway System and owned and maintained by the Department.

FUNDING

8. The Municipality shall participate in the Betterment costs of the Project as follows:

- A. Upon completion of the work, the Municipality shall reimburse the Department ten percent (10%), of the actual cost, including administrative costs, of the work associated with the construction of the sidewalks. The Department shall participate in ninety percent (90%) of the cost of the sidewalks of the actual total project construction cost of that portion of the project within the corporate limits, where new sidewalks are to be installed. The estimated cost of the sidewalks is \$268,510.05. The estimated cost to the Municipality is \$26,851.01. Both parties understand that this is an estimated cost and is subject to change.
- B. Reimbursement to the Department shall be made in one final payment upon completion of the work and within sixty days of invoicing by the Department.
- C. In the event the Municipality fails for any reason to pay the Department in accordance with the provisions for payment herein above provided, North Carolina General Statute 136-41.3 authorizes the Department to withhold so much of the Municipality's share of funds allocated to said Municipality by the General Statutes of North Carolina, Section 136-41.1 until such time as the Department has received payment in full under the reimbursement terms set forth in this Agreement. A late payment penalty and interest shall be charged on any unpaid balance due in accordance with G.S. 147-86.23.

ADDITIONAL PROVISIONS

- 9. At the request of the Municipality, and in accordance with the Department's "Guidelines for Planning Pedestrian Facilities", the Department shall include provisions in its construction contract for the construction of sidewalks on/or along both sides of the Highway 16 widening project. Said work shall be performed in accordance with Departmental policies, procedures, standards and specifications, and the following provisions.
 - A. It is understood by both parties that all sidewalk work shall be performed within the existing right of way. However, should it become necessary, the Municipality, at no expense or liability whatsoever to the Department, shall provide any needed right of way and or construction easements for the construction of the sidewalks, and remove from said rights of way all obstructions and encroachments of any kind or character. Acquisition of any needed right of way shall be performed in accordance with the following state and federal policies and procedures, "Right of Way Acquisition Policy and

Land Acquisition Policy, contained in the Federal-Aid Policy Guide, Part 712, Subpart B", and the North Carolina Right of Way Manual (Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970). The Department shall be indemnified and held harmless from any and all damages and claims for damages associated with the acquisition of any construction easements and/or right of way.

B. Upon completion of the work, the Municipality shall reimburse the Department in accordance with Provision #8 stated hereinabove.

C. The Municipality, at no expense to the Department, shall assume all maintenance responsibilities for the sidewalks and release the Department from all liability relating to such maintenance.

10. It is the policy of the Department not to enter into any agreement with another party that has been debarred by any government agency (Federal or State). The Municipality certifies, by signature of this agreement, that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Department or Agency.

11. To the extent authorized by state and federal claims statutes, each party shall be responsible for its respective actions under the terms of this agreement and save harmless the other party from any claims arising as a result of such actions.

12. All terms of this Agreement are subject to available departmental funding and fiscal constraints.

13. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).

IT IS UNDERSTOOD AND AGREED upon that the approval of the Project by the Department is subject to the conditions of this Agreement.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

L.S. ATTEST:

TOWN OF WEDDINGTON

BY: _____ BY: _____

TITLE: _____ TITLE: _____

DATE: _____ DATE: _____

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Approved by _____ of the local governing body of the Town of Weddington as
attested to by the signature of Clerk of said governing body on _____ (Date)

This Agreement has been pre-audited in the manner
required by the Local Government Budget and
Fiscal Control Act.

(SEAL)

BY: _____
(FINANCE OFFICER)

Federal Tax Identification Number

Remittance Address:

Town of Weddington

DEPARTMENT OF TRANSPORTATION

BY: _____

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (Date)



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

NOVEMBER 4, 2011

EUGENE A. CONTI, JR.
SECRETARY

Mayor Nancy Anderson
Town of Weddington
1924 Weddington Road
Weddington, NC 28104

SUBJECT: NC 84 and Matthews-Weddington Road (SR 1344) Roundabout

Dear Mayor Anderson,

Thank you for taking the time to meet with members of my staff on October 4, 2011. Several items were discussed that we would like to gain consensus on:

Sidewalks along NC 84. You had mentioned that requests were made for this to be included in the TIP project. We have located the attached letter from Mayor Howie dated July 9, 2003 on the sidewalk to be added to the project but only NC 16 was requested. While there might be adequate space for sidewalk along NC 84, we will need to enter into a cost sharing agreement for this to be added. It is estimated that 1500LF of 5' sidewalk would be needed. The estimate is \$35,000. At 10% the Town's share would be \$3500. On a related note, it should that NCDOT plans to request Weddington's participation amount for the sidewalk portion along NC 16 on the previous project under a separate letter.

Irrigation to the center of the roundabout. While irrigation to the median of the roundabout is not preferred we are willing to accommodate your request. The addition of a conduit to house the supply line and an underdrain configuration to drain the runoff will require an estimated \$5,000. The topsoil for backfill to provide an adequate plant bed is estimated to be \$4,000. The total \$9,000 cost we would consider to be the Town's responsibility.

Items that can be placed inside the center of the roundabout. Our policy is generally defined under our allowable planting requirements and sight distance criterion. This can be handled through an encroachment process through our District Engineer's office in Monroe after construction is complete.

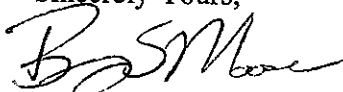
Upgraded crosswalks and sign posts. Stamped crosswalks can be allowed if sidewalks are present adjacent to the roundabout. The estimated cost for a decorative crosswalk is \$5,000 per crossing. We can also allow upgraded sign posts provided the Town is willing to provide the actual cost and enters into an encroachment agreement to maintain the

decorative posts. Please be aware that the Department will not maintain these posts. If a sign is damaged, the Department will supply the Town with a replacement sign, and the Town must reinstall. If the sign is safety critical, the Department will immediately install a replacement on our U-channel post, and the Town may move the sign to their decorative post thereafter. As we do not utilize decorative sign posts, we do not have a cost estimate for this item. Decorative sign posts must be either breakaway or yielding so that they are crashworthy. Powder coated black tubular steel posts would be satisfactory, can be driven with a standard post driver, are cost effective, and are generally crash worthy. We would just require that these posts not have a round cross section, as round posts tend to twist and allow the sign to shake. More ornate posts may require a reinforced concrete or other type anchor base. If the Town has any preference on this item, it should submit cut sheets and an estimated cost for the material and installation.

Extension of street lighting. We would be willing to allow the extension of the street lighting on both sides of NC 84 provided that the coordination of this work is closely followed with our Resident Engineer's office. It should be noted that the timeframe of this project is very tight to coincide with the school summer vacation so the effect on the overall project schedule is of concern. Again, lighting is allowed under encroachment, typically between the Department and the utility company.

In summary, we need to come to agreement on participation from the Town. In order to make these accommodations we will need to have the scope clearly defined of a municipal agreement with the Town of Weddington by January 13, 2012.

Sincerely Yours,



Barry S. Moose, PE
Division Engineer

Attachment: letter dated 7-9-03 from Mayor Howie
BSM/TMB

CC: Richard Hancock, PE – Deputy Division Engineer
Tim Boland, PE – Division Operations Engineer
Randy Bowers – Division Design/Construct Engineer
Jordon Cooke, Town Planner
Ritchie Hearne, PE – Division Project Engineer
Scott Cole, PE – Division Traffic Engineer
John Underwood – District Engineer
Tim Simpson – Division Roadside Environmental Engineer
file



TOWN OF WEDDINGTON MEMORANDUM

DATE: 11/14/2011
TO: NANCY ANDERSON, MAYOR
TOWN COUNCIL
CC: AMY MCCOLLUM, TOWN CLERK
FROM: JORDAN COOK, ZONING ADMINISTRATOR/PLANNER
RE: UPDATE FROM PLANNING/ZONING OFFICE

- 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 Rec 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.



Union County Sheriff's Office
Events By Nature

Date of Report

11/3/2011

3:19:16PM

For the Month of: October 2011

<u>Event Type</u>	<u>Total</u>
911 HANG UP	38
911 MISDIAL	1
911 SILENT OPEN LINE	7
ABANDONED VEHICLE	1
ACCIDENT EMD	4
ACCIDENT HITRUN PD LAW	1
ACCIDENT PD COUNTY NO EMD	11
ACCIDENT PD MUNICIPAL	1
ALARMS LAW	47
ANIMAL BITE REPORT LAW	4
ANIMAL COMP SERVICE CALL LAW	7
ANIMAL LOST STRAY UNWNTD LAW	6
ARMED ROBBERY	1
ASSIST EMS OR FIRE	1
ATTEMPT TO LOCATE	6
BOLO	3
BURGLARY VEHICLE	7
BUSINESS CHECK	37
CALL BY PHONE	13
COMMERCIAL STRUCTURE FIRE	1
DELIVER MESSAGE	2
DISCHARGE OF FIREARM	8
DISTURBANCE OR NUISANCE	3
DOMESTIC DISTURBANCE	4
DRUG INFORMATION NOT IN PROGR	3
DRUG POSSESSION SCHEDULE	1
ESCORT	5
FUNERAL ESCORT	3

<u>Event Type</u>	<u>Total</u>
HARASSMENT STALKING THREATS	3
IDENTITY THEFT	1
ILLEGAL DUMPING LITTERING	1
INTOXICATED PEDESTRIAN	2
INVESTIGATION	7
JUVENILE COMPLAINT	3
LARCENY THEFT	7
NC DOT MISCELLANEOUS	3
NOISE COMPLAINT	4
OVERDOSE POISONING EMD	2
PREVENTATIVE PATROL	103
PROP DAMAGE VANDALISM MISCHIEF	6
PSYCHIATRIC PATIENT EMD	2
PUBLIC WORKS CALL	2
REFERAL OR INFORMATION CALL	2
REPOSESSION OF PROPERTY	1
RESIDENTIAL CHECK	2
SERVE CRIMINAL SUBPOENA	2
SERVE DOMESTIC VIOL ORDER	3
SERVE WARRANT	11
SICK PERSON	1
STRUCTURE FIRE EFD	2
SUICIDAL THREAT EPD	3
SUSPICIOUS CIRCUMSTANCES	4
SUSPICIOUS PERSON	5
SUSPICIOUS VEHICLE	8
TEST PLEASE LIMIT THESE	2
THEFT OF VEHICLE PARTS TAGS	1
TRAFFIC STOP	14
WELL BEING CHECK	1

Total Calls for Month:

434

Weddington

10/2011

UCR Code	Description	Date of Report	Incident ID	
120				
120	ROBBERY WITH A DANGEROUS WEAPON	10/2/11	201107363	
			Total:	1
13B				
13B	SIMPLE ASSAULT	10/18/11	201107829	
13B	SIMPLE ASSAULT	10/26/11	201108117	
			Total:	2
13C				
13C	COMMUNICATING THREATS	10/19/11	201107844	
			Total:	1
23F				
23F	BEL / THEFT FROM MOTOR VEHICLE	10/2/11	201107355	
23F	BEL / THEFT FROM MOTOR VEHICLE	10/7/11	201107539	
23F	BEL / THEFT FROM MOTOR VEHICLE	10/22/11	201107962	
23F	BEL / THEFT FROM MOTOR VEHICLE	10/26/11	201108080	
23F	BEL / THEFT FROM MOTOR VEHICLE	10/26/11	201108082	
23F	BEL / THEFT FROM MOTOR VEHICLE	10/26/11	201108081	
			Total:	6
23H				
23H	LARCENY-FELONY	10/11/11	201107654	
23H	LARCENY-FELONY	10/25/11	201108050	
			Total:	2
240				
240	MOTOR VEHICLE THEFT	10/26/11	201108107	
			Total:	1
26A				
26A	IDENTITY THEFT	10/24/11	201108031	
			Total:	1
290				
290	INJURY TO PERSONAL PROPERTY	10/7/11	201107539	
			Total:	1
35A				
35A	TRAFFICKING IN OPIUM OR HEROIN	10/16/11	201107744	
35A	POSSESS HEROIN FEL	10/18/11	201107812	
			Total:	2
35B				
35B	POSSESS DRUG PARAPHERNALIA	10/19/11	201107844	
			Total:	1

Weddington

10/2011

UCR Code	Description	Date of Report	Incident ID	
90Z				
90Z	LITTERING	10/14/11	201107717	
90Z	LITTERING	10/26/11	201108106	
			Total:	2
999				
999	FOUND PROPERTY	10/4/11	201107423	
999	ANIMAL CALL BITE	10/6/11	201107478	
999	OVERDOSE	10/17/11	201107778	Unfounded
999	OVERDOSE	10/18/11	201107812	
999	INVESTIGATION	10/24/11	201108022	
			Total:	5
9999				
9999	ATTEMPTED SUICIDE	10/18/11	201107834	
			Total:	1

Monthly Crime Total 26

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

Providence Volunteer Fire Department

Income & Expense Budget Performance

October 2011

	<u>Oct 11</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>Jul - Oct 11</u>	<u>YTD Budget</u>	<u>\$ Over Budget</u>
Ordinary Income/Expense						
Income						
110 - Subsidies						
111 - Mecklenburg Cty	5,416.67	5,416.66	0.01	31,193.35	21,666.72	9,526.63
112 - Union County	1,800.00	1,800.00	0.00	7,200.00	7,200.00	0.00
114 - Town of Weddington - Day Staff	28,235.10	17,166.66	11,068.44	28,235.10	68,666.72	-40,431.62
115 - Town of Weddington - Night Staff	18,823.40	2,500.00	16,323.40	18,823.40	10,000.00	8,823.40
Total 110 - Subsidies	54,275.17	26,883.32	27,391.85	85,451.85	107,533.44	-22,081.59
120 - Dues & Fees						
121 - Union County Fire Fees	7,196.03	10,000.00	-2,803.97	14,397.69	40,000.00	-25,602.31
Total 120 - Dues & Fees	7,196.03	10,000.00	-2,803.97	14,397.69	40,000.00	-25,602.31
130 - Vol Donations						
134 - Other	170.00			825.00	2,000.00	-1,175.00
130 - Vol Donations - Other	0.00			0.00	500.00	-500.00
Total 130 - Vol Donations	170.00			825.00	2,500.00	-1,675.00
140 - Other Income						
142 - Fire Fighters' Relief Fund	5,089.99			5,089.99	5,000.00	89.99
143 - Fuel Tax Refund	0.00			0.00	1,000.00	-1,000.00
144 - Sales Tax Refund	0.00			0.00	3,000.00	-3,000.00
145 - Interest	4,707.16			4,712.27	2,000.00	2,712.27
147 - Medic-EMS Reimbursement	0.00	1,000.00	-1,000.00	41.10	4,000.00	-3,958.90
148 - Firemen Relief Interest	0.00			3.71		
140 - Other Income - Other	0.00			136.68		
Total 140 - Other Income	9,797.15	1,000.00	8,797.15	9,983.75	15,000.00	-5,016.25
150 - Uncategorized Income	332.15			332.15		
Total Income	71,770.50	37,883.32	33,887.18	110,990.44	165,033.44	-54,043.00
Expense						
200 - Administration						
202 - Legal Fees	0.00			220.00		
209 - Annual Dinner/Award	0.00	500.00	-500.00	0.00	2,000.00	-2,000.00
210 - Fire Chief Discretionary	0.00	166.66	-166.66	140.93	666.72	-525.79
211 - Bank Charges & Credit Card Fees	0.00	20.83	-20.83	42.00	83.36	-41.36
212 - Prof Fees	300.00	333.33	-33.33	1,200.00	1,333.36	-133.36
214 - Off Supplies	17.00	208.33	-191.33	61.20	833.36	-772.16
215 - Printing/Newsletter	0.00	166.66	-166.66	0.00	666.72	-666.72
216 - Postage	12.76	41.66	-28.90	154.90	166.72	-11.82
217 - Dues, Subscriptions, & Internet	0.00	41.66	-41.66	107.40	166.72	-59.32
218 - Fire Fighters' Association	0.00	41.66	-41.66	90.00	166.72	-76.72
219 - Miscellaneous	112.47	416.66	-304.19	267.26	1,666.72	-1,399.46
Total 200 - Administration	442.23	1,937.45	-1,495.22	2,283.69	7,750.40	-5,466.71
220 - Insurance						
223 - Vol. Fire Fighters' Workers Com	0.00	625.00	-625.00	0.00	2,500.00	-2,500.00
224 - Commercial Package	4,762.00	1,666.66	3,095.34	4,762.00	6,666.72	-1,904.72
Total 220 - Insurance	4,762.00	2,291.66	2,470.34	4,762.00	9,166.72	-4,404.72
225 - Drug Testing/Physical Exams	165.00	416.66	-251.66	595.00	1,666.72	-1,071.72

Providence Volunteer Fire Department

Income & Expense Budget Performance

October 2011

	<u>Oct 11</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>Jul - Oct 11</u>	<u>YTD Budget</u>	<u>\$ Over Budget</u>
230 - Taxes						
231 - Sales Taxes						
232 - Meck CO.	402.53	125.00	277.53	1,083.73	500.00	583.73
233 - Union County	0.00	125.00	-125.00	140.35	500.00	-359.65
239 - Electricity & Telecommunication	0.00			73.56		
Total 231 - Sales Taxes	402.53	250.00	152.53	1,297.64	1,000.00	297.64
236 - Property Tax	0.00	8.33	-8.33	100.00	33.36	66.64
237 - Freight	0.00	8.33	-8.33	0.00	33.36	-33.36
Total 230 - Taxes	402.53	266.66	135.87	1,397.64	1,066.72	330.92
300 - Build Maintenance						
310 - Cleaning	0.00	41.66	-41.66	125.00	166.72	-41.72
320 - Landscaping & Lawn Care	195.00	208.33	-13.33	670.00	833.36	-163.36
330 - Trash and Landfill	117.97	41.66	76.31	235.94	166.72	69.22
340 - Pest Control	228.00	41.66	186.34	228.00	166.72	61.28
350 - Maintenance Supplies	187.84	333.33	-145.49	556.37	1,333.36	-776.99
351 - Furniture	0.00	166.66	-166.66	0.00	666.72	-666.72
360 - Repairs	221.33	1,000.00	-778.67	1,402.81	4,000.00	-2,597.19
Total 300 - Build Maintenance	950.14	1,833.30	-883.16	3,218.12	7,333.60	-4,115.48
400 - Utilities						
410 - Electric	693.57	750.00	-56.43	3,158.95	3,000.00	158.95
420 - Natural Gas	24.00	291.66	-267.66	93.79	1,166.72	-1,072.93
430 - Telephone	409.55	416.66	-7.11	1,689.29	1,666.72	22.57
440 - Water	31.46	41.66	-10.20	98.79	166.72	-67.93
Total 400 - Utilities	1,158.58	1,499.98	-341.40	5,040.82	6,000.16	-959.34
500 - Fire Fighters' Equip/Training						
510 - Clothing						
512 - Dress Uniforms	143.12	291.66	-148.54	143.12	1,166.72	-1,023.60
513 - Clothing - Other	108.52	291.66	-183.14	108.52	1,166.72	-1,058.20
Total 510 - Clothing	251.64	583.32	-331.68	251.64	2,333.44	-2,081.80
520 - Equipment						
521 - Radios\ Pagers - New	0.00	250.00	-250.00	0.00	1,000.00	-1,000.00
522 - Radios\ Pagers - Maintenance	0.00	83.33	-83.33	121.76	333.36	-211.60
523 - Equipment - New	890.92	750.00	140.92	9,427.43	3,000.00	6,427.43
524 - Equipment - Maintenance	1,002.50	416.66	585.84	1,033.25	1,666.72	-633.47
525 - Firefighting Supplies	0.00	208.33	-208.33	103.02	833.36	-730.34
Total 520 - Equipment	1,893.42	1,708.32	185.10	10,685.46	6,833.44	3,852.02
526 - PPE (Personal Protective Equip)	3,801.27	2,083.33	1,717.94	9,180.27	8,333.36	846.91
530 - Medical						
532 - Supplies	11.88	208.33	-196.45	115.15	833.36	-718.21
533 - Waste	119.75	125.00	-5.25	442.48	500.00	-57.52
Total 530 - Medical	131.63	333.33	-201.70	557.63	1,333.36	-775.73
540 - Training						
541 - Seminars	0.00	208.33	-208.33	0.00	833.36	-833.36
542 - Books	0.00	166.66	-166.66	0.00	666.72	-666.72
543 - PR Literature	0.00	125.00	-125.00	0.00	500.00	-500.00

Providence Volunteer Fire Department

Income & Expense Budget Performance

October 2011

	Oct 11	Budget	\$ Over Budget	Jul - Oct 11	YTD Budget	\$ Over Budget
544 - Other	0.00			13.90		
Total 540 - Training	0.00	499.99	-499.99	13.90	2,000.08	-1,986.18
 Total 500 - Fire Fighters' Equip/Training	6,077.96	5,208.29	869.67	20,688.90	20,833.68	-144.78
 600 - Fire Engines						
620 - '99 Southern Coach Eng #322	0.00	1,250.00	-1,250.00	506.18	5,000.00	-4,493.82
640 - '03 Red Diamond #324	0.00	500.00	-500.00	0.00	2,000.00	-2,000.00
650 - '02 Ford Quesco Brush #326	0.00	166.66	-166.66	703.44	666.72	36.72
660 - '95 Intern\Hackney Squad #32	0.00	416.66	-416.66	1,069.21	1,666.72	-597.51
680 - '06 KME Pumper #321	0.00	1,333.33	-1,333.33	884.80	5,333.36	-4,448.56
681 - Diesel Fuel	1,147.71	1,000.00	147.71	3,367.81	4,000.00	-632.19
682 - Gasoline	0.00	16.66	-16.66	0.00	66.72	-66.72
683 - Cleaning Supplies	0.00	83.33	-83.33	0.00	333.36	-333.36
684 - Miscellaneous Parts	-70.68	83.33	-154.01	598.13	333.36	264.77
685 - Fire Engines - Other	0.00	500.00	-500.00	3,028.15	2,000.00	1,028.15
Total 600 - Fire Engines	1,077.03	5,349.97	-4,272.94	10,157.72	21,400.24	-11,242.52
 800 - Firefighters Payroll						
801 - Payroll - Day Shift	12,315.50	15,333.33	-3,017.83	46,186.00	61,333.36	-15,147.36
802 - Payroll - Night Shift	6,474.00	7,000.00	-526.00	28,734.00	28,000.00	734.00
808 - Payroll Expenses						
FICA	1,437.38	1,500.00	-62.62	5,731.36	6,000.00	-268.64
FUTA	0.00	83.33	-83.33	0.00	333.36	-333.36
SUTA	265.79	300.00	-34.21	1,141.45	1,200.00	-58.55
808 - Payroll Expenses - Other	61.00	250.00	-189.00	254.00	1,000.00	-746.00
Total 808 - Payroll Expenses	1,764.17	2,133.33	-369.16	7,126.81	8,533.36	-1,406.55
 Total 800 - Firefighters Payroll	20,553.67	24,466.66	-3,912.99	82,046.81	97,866.72	-15,819.91
 850 - Christmas Fundraising Expense	0.00			0.00		
Total Expense	35,589.14	43,270.63	-7,681.49	130,190.70	173,084.96	-42,894.26
 Net Ordinary Income	36,181.36	-5,387.31	41,568.67	-19,200.26	-8,051.52	-11,148.74
 Net Income	36,181.36	-5,387.31	41,568.67	-19,200.26	-8,051.52	-11,148.74

Providence Volunteer Fire Department

Income & Expense Budget Performance

October 2011

Annual Budget

Ordinary Income/Expense

Income

110 · Subsidies

111 · Mecklenburg Cty	65,000.00
112 · Union County	21,600.00
114 · Town of Weddington - Day Staff	206,000.00
115 · Town of Weddington - Night Staf	30,000.00
Total 110 · Subsidies	322,600.00

120 · Dues & Fees

121 · Union County Fire Fees	120,000.00
Total 120 · Dues & Fees	120,000.00

130 · Vol Donations

134 · Other	2,000.00
130 · Vol Donations - Other	500.00
Total 130 · Vol Donations	2,500.00

140 · Other Income

142 · Fire Fighters' Relief Fund	5,000.00
143 · Fuel Tax Refund	1,000.00
144 · Sales Tax Refund	3,000.00
145 · Interest	2,000.00
147 · Medic-EMS Reimbursement	12,000.00
148 · Firemen Relief Interest	
140 · Other Income - Other	
Total 140 · Other Income	23,000.00

150 · Uncategorized Income

Total Income	468,100.00
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Expense

200 · Administration

202 · Legal Fees

209 · Annual Dinner/Award	6,000.00
210 · Fire Chief Discretionary	2,000.00
211 · Bank Charges & Credit Card Fees	250.00
212 · Prof Fees	4,000.00
214 · Off Supplies	2,500.00
215 · Printing/Newsletter	2,000.00
216 · Postage	500.00
217 · Dues, Subscriptions, & Internet	500.00
218 · Fire Fighters' Association	500.00
219 · Miscellaneous	5,000.00
Total 200 · Administration	23,250.00

220 · Insurance

223 · Vol. Fire Fighters' Workers Com	7,500.00
224 · Commercial Package	20,000.00
Total 220 · Insurance	27,500.00

225 · Drug Testing/Physical Exams	5,000.00
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Providence Volunteer Fire Department
Income & Expense Budget Performance
October 2011

	Annual Budget
230 - Taxes	
231 - Sales Taxes	
232 - Meck CO.	1,500.00
233 - Union County	1,500.00
239 - Electricity & Telecommunication	
Total 231 - Sales Taxes	3,000.00
236 - Property Tax	100.00
237 - Freight	100.00
Total 230 - Taxes	3,200.00
300 - Build Maintenance	
310 - Cleaning	500.00
320 - Landscaping & Lawn Care	2,500.00
330 - Trash and Landfill	500.00
340 - Pest Control	500.00
350 - Maintenance Supplies	4,000.00
351 - Furniture	2,000.00
360 - Repairs	12,000.00
Total 300 - Build Maintenance	22,000.00
400 - Utilities	
410 - Electric	9,000.00
420 - Natural Gas	3,500.00
430 - Telephone	5,000.00
440 - Water	500.00
Total 400 - Utilities	18,000.00
500 - Fire Fighters' Equip/Training	
510 - Clothing	
512 - Dress Uniforms	3,500.00
513 - Clothing - Other	3,500.00
Total 510 - Clothing	7,000.00
520 - Equipment	
521 - Radios\ Pagers - New	3,000.00
522 - Radios\ Pagers - Maintenance	1,000.00
523 - Equipment - New	9,000.00
524 - Equipment - Maintenance	5,000.00
525 - Firefighting Supplies	2,500.00
Total 520 - Equipment	20,500.00
526 - PPE (Personal Protective Equip)	25,000.00
530 - Medical	
532 - Supplies	2,500.00
533 - Waste	1,500.00
Total 530 - Medical	4,000.00
540 - Training	
541 - Seminars	2,500.00
542 - Books	2,000.00
543 - PR Literature	1,500.00

Providence Volunteer Fire Department
Income & Expense Budget Performance
October 2011

	Annual Budget
544 - Other	
Total 540 - Training	6,000.00
 Total 500 - Fire Fighters' Equip/Training	 62,500.00
 600 - Fire Engines	
620 - '99 Southern Coach Eng #322	15,000.00
640 - '03 Red Diamond #324	6,000.00
650 - '02 Ford Quesco Brush #326	2,000.00
660 - '95 Intern\Hackney Squad #32	5,000.00
680 - '06 KME Pumper #321	16,000.00
681 - Diesel Fuel	12,000.00
682 - Gasoline	200.00
683 - Cleaning Supplies	1,000.00
684 - Miscellaneous Parts	1,000.00
685 - Fire Engines - Other	6,000.00
Total 600 - Fire Engines	64,200.00
 800 - Firefighters Payroll	
801 - Payroll - Day Shift	184,000.00
802 - Payroll - Night Shift	84,000.00
808 - Payroll Expenses	
FICA	18,000.00
FUTA	1,000.00
SUTA	3,600.00
808 - Payroll Expenses - Other	3,000.00
Total 808 - Payroll Expenses	25,600.00
 Total 800 - Firefighters Payroll	 293,600.00
 850 - Christmas Fundraising Expense	 4,000.00
Total Expense	523,250.00
 Net Ordinary Income	 -55,150.00
 Net Income	 -55,150.00

Providence Volunteer Fire Department

Balance Sheet

As of October 31, 2011

	<u>Oct 31, 11</u>
ASSETS	
Current Assets	
Checking/Savings	
Checking Accounts	
BB&T Checking-5119	71,440.01
BOA Bus Economy - 8095	2,642.93
BOA Payroll-7449	<u>51,071.72</u>
Total Checking Accounts	<u>125,154.66</u>
CD - BBT - 0094 (02/10/14)	119,487.22
CD - BBT - 0108 (02/10/14)	59,649.81
Firemen Relief-BOA-8254	<u>34,432.04</u>
Total Checking/Savings	<u>338,723.73</u>
Total Current Assets	338,723.73
Fixed Assets	
Air Packs	73,087.70
Bauer Vertecon Air Compressor	40,000.00
Commercial Protector System	2,112.50
Dexter T-400 Washer\Extractor	3,611.00
Fire Fighter Main Equipment	2,448.00
Groban Electric Generator	5,000.00
Ladder Truck Building	<u>32,452.08</u>
Total Fixed Assets	158,711.28
Other Assets	
1996 Internat'l #32	119,365.76
1999 SouthCo #322	274,231.58
2002 Ford #326	44,029.33
2003 Red Diamond #324	240,302.00
2006 KME Pumper #321	400,555.50
Building	346,812.09
Equip	27,615.37
Land	12,590.00
X Accum Depr	<u>-914,663.00</u>
Total Other Assets	<u>550,838.63</u>
TOTAL ASSETS	<u><u>1,048,273.64</u></u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Other Current Liabilities	
2100 - Payroll Liabilities	<u>4,869.77</u>
Total Other Current Liabilities	<u>4,869.77</u>
Total Current Liabilities	<u>4,869.77</u>
Total Liabilities	4,869.77
Equity	
3900 - Retained Earnings	1,062,604.13
Net Income	<u>-19,200.26</u>
Total Equity	<u>1,043,403.87</u>

2:23 PM
11/03/11
Cash Basis

Providence Volunteer Fire Department

Balance Sheet

As of October 31, 2011

Oct 31, 11

TOTAL LIABILITIES & EQUITY

1,048,273.64

TOWN OF WEDDINGTON

MEMORANDUM

TO: Mayor and Town Council

FROM: Kim Woods, Tax Collector

DATE: November 14, 2011

SUBJECT: 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	\$(32017.49)
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	\$2945.33
2009	\$4398.10
2010	\$8514.36
2011	\$413497.11
Total Outstanding:	\$430573.41

TOWN OF WEDDINGTON REVENUE & EXPENDITURE STATEMENT

FY 2011-2012

	10/01/2011 TO 10/31/2011			
	<u>CURRENT PERIOD</u>	<u>YEAR-TO-DATE</u>	<u>BUDGETED</u>	<u>% BUDGET REN</u>
REVENUE:				
10-3101-110 AD VALOREM TAX - CURRENT	31,740.91	155,831.58	550,000.00	7
10-3102-110 AD VALOREM TAX - 1ST PRIOR Y	39.00	5,515.10	5,000.00	-1
10-3103-110 AD VALOREM TAX - NEXT 8 YRS	39.00	1,044.07	1,000.00	-
10-3110-121 AD VALOREM TAX - MOTOR VEH	2,786.75	7,834.97	30,000.00	7
10-3115-180 TAX INTEREST	17.85	375.88	1,750.00	7
10-3231-220 LOCAL OPTION SALES TAX REV -	11,831.59	24,819.61	120,000.00	7
10-3322-220 BEER & WINE TAX	0.00	0.00	48,750.00	10
10-3324-220 UTILITY FRANCHISE TAX	0.00	105,498.63	450,000.00	7
10-3340-400 ZONING & PERMIT FEES	600.00	4,575.00	10,000.00	5
10-3350-400 SUBDIVISION FEES	0.00	0.00	1,000.00	10
10-3830-891 MISCELLANEOUS REVENUES	0.00	13,271.65	1,500.00	-78
10-3831-491 INVESTMENT INCOME	186.44	387.04	21,020.00	9
TOTAL REVENUE	47,241.54	319,153.53	1,240,020.00	7
AFTER TRANSFERS	47,241.54	319,153.53	1,240,020.00	
4110 GENERAL GOVERNMENT				
EXPENDITURE:				
10-4110-126 FIRE DEPT SUBSIDIES	47,058.50	47,058.50	236,520.00	8
10-4110-128 POLICE PROTECTION	0.00	54,152.25	220,000.00	7
10-4110-192 ATTORNEY FEES	0.00	17,167.05	110,000.00	8
10-4110-195 ELECTION EXPENSE	0.00	1,830.50	10,825.00	8
10-4110-340 EVENTS & PUBLICATIONS	827.09	17,542.47	27,750.00	3
10-4110-495 OUTSIDE AGENCY FUNDING	0.00	0.00	4,000.00	10
TOTAL EXPENDITURE	47,885.59	137,750.77	609,095.00	7
BEFORE TRANSFERS	-47,885.59	-137,750.77	-609,095.00	
AFTER TRANSFERS	-47,885.59	-137,750.77	-609,095.00	
4120 ADMINISTRATIVE				
EXPENDITURE:				
10-4120-121 SALARIES - CLERK	5,164.48	21,987.55	67,500.00	6
10-4120-123 SALARIES - TAX COLLECTOR	3,190.74	12,152.90	40,000.00	7
10-4120-124 SALARIES - FINANCE OFFICER	1,062.08	2,914.14	10,500.00	7
10-4120-125 SALARIES - MAYOR & TOWN COU	1,750.00	7,000.00	21,000.00	6
10-4120-181 FICA EXPENSE	842.45	3,672.27	10,400.00	6
10-4120-182 EMPLOYEE RETIREMENT	1,249.94	8,296.87	17,100.00	5
10-4120-183 EMPLOYEE INSURANCE	1,479.00	5,842.05	18,000.00	6
10-4120-184 EMPLOYEE LIFE INSURANCE	27.16	107.60	325.00	6
10-4120-185 EMPLOYEE S-T DISABILITY	24.00	94.80	300.00	6
10-4120-191 AUDIT FEES	0.00	0.00	8,100.00	10
10-4120-193 CONTRACT LABOR	0.00	34.00	5,000.00	9
10-4120-200 OFFICE SUPPLIES - ADMIN	1,632.78	9,877.00	20,500.00	5
10-4120-210 PLANNING CONFERENCE	0.00	0.00	2,500.00	10
10-4120-321 TELEPHONE - ADMIN	114.40	458.66	1,575.00	7
10-4120-325 POSTAGE - ADMIN	150.00	1,217.23	4,200.00	7
10-4120-331 UTILITIES - ADMIN	160.70	1,118.33	4,725.00	7
10-4120-351 REPAIRS & MAINTENANCE - BUIL	1,750.00	4,939.56	8,500.00	4
10-4120-352 REPAIRS & MAINTENANCE - EQU	996.55	3,009.41	20,000.00	8
10-4120-354 REPAIRS & MAINTENANCE - GRO	1,125.00	7,163.00	108,450.00	9
10-4120-355 REPAIRS & MAINTENANCE - PES	0.00	110.00	750.00	8

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TOWN OF WEDDINGTON REVENUE & EXPENDITURE STATEMENT

FY 2011-2012

		10/01/2011 TO 10/31/2011		BUDGETED	% BUDGET REM
		CURRENT PERIOD	YEAR-TO-DATE		
10-4120-356	REPAIRS & MAINTENANCE - CUS	400.00	1,300.00	5,750.00	7
10-4120-370	ADVERTISING - ADMIN	0.00	81.00	1,000.00	9
10-4120-397	TAX LISTING & TAX COLLECTION	58.37	-2.82	2,000.00	10
10-4120-400	ADMINISTRATIVE:TRAINING	424.00	1,064.00	4,100.00	7
10-4120-410	ADMINISTRATIVE:TRAVEL	53.84	1,520.89	6,500.00	7
10-4120-450	INSURANCE	0.00	11,166.67	24,000.00	5
10-4120-491	DUES & SUBSCRIPTIONS	0.00	12,184.00	18,000.00	3
10-4120-498	GIFTS & AWARDS	58.00	58.00	1,500.00	9
10-4120-499	MISCELLANEOUS	500.16	2,197.66	2,000.00	-1
	TOTAL EXPENDITURE	22,213.65	119,564.77	434,275.00	7
BEFORE TRANSFERS		-22,213.65	-119,564.77	-434,275.00	
AFTER TRANSFERS		-22,213.65	-119,564.77	-434,275.00	
4130 PLANNING & ZONING					
EXPENDITURE:					
10-4130-121	SALARIES - ZONING ADMINISTR	5,016.38	20,065.52	60,375.00	6
10-4130-122	SALARIES - ASST ZONING ADMIN	92.82	639.14	2,500.00	7
10-4130-123	SALARIES - RECEPTIONIST	1,546.86	6,440.81	22,575.00	7
10-4130-124	SALARIES - PLANNING BOARD	1,450.00	5,000.00	17,500.00	7
10-4130-125	SALARIES - SIGN REMOVAL	361.95	1,531.34	4,500.00	6
10-4130-181	FICA EXPENSE - P&Z	647.82	2,832.16	8,000.00	6
10-4130-182	EMPLOYEE RETIREMENT - P&Z	981.87	4,499.78	13,700.00	6
10-4130-183	EMPLOYEE INSURANCE	1,479.00	5,989.95	19,500.00	6
10-4130-184	EMPLOYEE LIFE INSURANCE	21.84	88.40	300.00	7
10-4130-185	EMPLOYEE S-T DISABILITY	12.00	49.20	200.00	7
10-4130-193	CONSULTING	12,882.69	17,514.62	15,000.00	-1
10-4130-194	CONSULTING - COG	429.50	565.50	10,000.00	9
10-4130-200	OFFICE SUPPLIES - PLANNING &	727.79	2,064.87	5,000.00	5
10-4130-201	ZONING SPECIFIC OFFICE SUPPLI	0.00	0.00	2,500.00	10
10-4130-215	HISTORIC PRESERVATION	0.00	0.00	500.00	10
10-4130-220	TRANSPORTATION & IMPROVEM	0.00	-9,031.29	3,000.00	40
10-4130-321	TELEPHONE - PLANNING & ZONI	114.40	458.67	1,575.00	7
10-4130-325	POSTAGE - PLANNING & ZONING	150.00	1,247.60	4,200.00	7
10-4130-331	UTILITIES - PLANNING & ZONING	160.72	1,118.38	4,725.00	7
10-4130-370	ADVERTISING - PLANNING & ZON	0.00	119.00	1,000.00	8
	TOTAL EXPENDITURE	26,075.64	61,193.65	196,650.00	6
BEFORE TRANSFERS		-26,075.64	-61,193.65	-196,650.00	
AFTER TRANSFERS		-26,075.64	-61,193.65	-196,650.00	
GRAND TOTAL		-48,933.34	644.34	0.00	

TOWN OF WEDDINGTON BALANCE SHEET

FY 2011-2012

PERIOD ENDING: 10/31/201

10

ASSETS

ASSETS

10-1120-000 TRINITY CHECKING ACCOUNT	348,382.05
10-1120-001 TRINITY MONEY MARKET	806,537.35
10-1120-002 CITIZENS SOUTH CD'S	1,018,635.03
10-1170-000 NC CASH MGMT TRUST	529,504.95
10-1211-001 A/R PROPERTY TAX	413,497.11
10-1212-001 A/R PROPERTY TAX - 1ST YEAR PRIOR	8,514.36
10-1212-002 A/R PROPERTY TAX - NEXT 8 PRIOR YRS	8,561.94
10-1232-000 SALES TAX RECEIVABLE	1,026.67
10-1610-001 FIXED ASSETS - LAND & BUILDINGS	828,793.42
10-1610-002 FIXED ASSETS - FURNITURE & FIXTURES	14,022.92
10-1610-003 FIXED ASSETS - EQUIPMENT	134,876.46
TOTAL ASSETS	4,112,352.26

LIABILITIES & EQUITY

LIABILITIES

10-2120-000 BOND DEPOSIT PAYABLE	201,141.26
10-2151-000 FICA TAXES PAYABLE	3,197.62
10-2152-000 FEDERAL TAXES PAYABLE	1,606.50
10-2153-000 STATE W/H TAXES PAYABLE	873.00
10-2154-001 NC RETIREMENT PAYABLE	4,316.65
10-2155-000 HEALTH INSURANCE PAYABLE	3,173.50
10-2156-000 LIFE INSURANCE PAYABLE	49.00
10-2157-000 401K PAYABLE	41.27
10-2620-000 DEFERRED REVENUE - DELQ TAXES	8,514.36
10-2625-000 DEFERRED REVENUE - CURR YR TAX	413,497.11
10-2630-000 DEFERRED REVENUE-NEXT 8	8,561.94
TOTAL LIABILITIES	644,972.21

TOWN OF WEDDINGTON
BALANCE SHEET

FY 2011-2012

PERIOD ENDING: 10/31/201

10

EQUITY

10-2620-001 FUND BALANCE - UNDESIGNATED	1,901,239.14
10-2620-003 FUND BALANCE-DESIG FOR CAP PROJECTS	569,629.30
10-2620-004 FUND BALANCE-INVEST IN FIXED ASSETS	977,692.80
10-2620-005 CURRENT YEAR EQUITY YTD	18,168.47
CURRENT FUND BALANCE - YTD NET REV	644.34
TOTAL EQUITY	3,467,374.05
TOTAL LIABILITIES & FUND EQUITY	4,112,346.26

TOWN OF WEDDINGTON
BALANCE SHEET

FY 2011-2012

PERIOD ENDING: 10/31/201

10