

**TOWN OF WEDDINGTON  
REGULAR TOWN COUNCIL MEETING  
MONDAY, JULY 12, 2010 - 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 July 12, 2010, at 7:00 p.m. 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 and Town Administrator/Clerk Amy S. McCollum

Absent: Councilmember Robert Gilmartin

Visitors: Bill Price, Harry Loftin, Walker Davidson, Barbara Harrison, Pat Harrison, Thomas T. Wojcik, D. Craig Horn, Matt Morse, Richard Hancock, Larry Almond, Bonnie Wojcik, Janet Fee, Union County Sheriff's Deputy Ron Honeycutt and Jane Duckwall.

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

**Item No. 1. Call to Order.** Mayor Anderson called the July 12, 2010 Regular Town Council Meeting to order at 7:11 p.m.

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

**Item No. 3. Determination of Quorum/Additions or Deletions to the Agenda.** There was a quorum.

Councilmember Jerry McKee moved to approve the agenda with the following change:

- Delete from the Agenda - Discussion and Consideration of Speed Limit Modifications

All were in favor, with votes recorded as follows:

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

NAYS: None

**Item No. 4. Presentation by Turning Point.** Ms. Naomi Herndon spoke to the Town Council regarding Turning Point. She stated, "Our mission is to raise awareness for domestic violence. Turning Point is the only shelter in Union County and we are the largest in the region. We can accommodate up to 42 women and children at any one time. Domestic violence covers all groups of people. When I speak about victims, I speak about female victims because that is who we take care of but we also know that there are male victims. Domestic violence is when one partner assumes power and control over another partner and they keep that power and control through fear and intimidation. When women come to us, they are never separated from their children. We have three goals at Turning Point. One is to empower women and to teach them how to live self sufficiently. We do that through case management, counseling, court advocacy, finding jobs and transportation. We do these things to get women back on their feet. We also raise awareness of domestic violence which is a silent killer. There were 75 domestic related homicides throughout the State last year. There is a study through the Urban Institute that 1 in 4 people in Union County have been impacted by domestic violence. We work with the children of domestic violence to

help them understand what they have seen. We know that there is a generational cycle to domestic abuse. We would appreciate your support.”

Council thanked Ms. Herndon for the work that Turning Point does and advised that the Town would like to highlight them in the next Town newsletter.

**Item No. 5. Update and Discussion on Weddington Transportation Issues.**

**A. Presentation by Barry Moose with NCDOT.** Mayor Anderson – What prompted my invitation to Mr. Moose is that we wanted to grant an easement to the shopping center along the back side of our property and Council has consensus on that. Our issue on that was the placement. I know you have discussions on that and how to change the driveway portion to push it closer to the hill so that it works for everyone.

Mr. Barry Moose – My understanding of the Town’s concerns was taking as much of the back yard as what we have staked out there. After walking the property, I think that we can push it closer to Dr. Pinsak’s building. We will need to do some engineering before I can tell you exactly how far that way we can push it. The biggest concern I have is the retaining wall. I do not know how that retaining wall was built. I will have to start at the bottom elevation of that wall and design something that would be safe assuming that wall is not there and it would be just filled material. I am confident that we will be able to push it that way. The tradeoff will be that we will not take as much of the Town property but we will have a steeper tie-in point so that the driveway itself will have a substantial grade to get up to the top elevation. Let me talk with our guys and get something on paper.

Councilmember McKee - I do not know why this driveway is going to be so important to these office buildings. Putting this road in is only going to save 15 seconds.

Mr. Moose – Dr. Pinsak is concerned about the viability of his practice and his building as well. I see that second drive helping the Town Hall as much if not more than Dr. Pinsak.

Councilmember McKee – Fifty feet is going to be lost off the back of the Town property. It narrows the use of our property to be used for any gathering or green space area. We need to be very careful in giving up so much property.

Mayor Anderson asked Mr. Moose to discuss the roundabout.

Mr. Moose – We do not have it designed yet but that realistically could impact you as well. I think to make it work it has to be a two lane roundabout. I would personally like to see a single lane for various reasons because it is easier to maneuver around but in order to build something that has some sustainability it would have to be a two lane roundabout.

Mayor Anderson – I do not want a lot of time and energy spent by your department and we have sticker shock if you will because it may take a lot of our yard. Is there any way that you can show where it is going to come out to before we go down that road?

Mr. Moose – We can attempt to. This is a really unique design.

Mayor Anderson – Is there any money for sidewalks for the Highway 84 section?

Mr. Moose – I have gone to the money tree one too many times on this project. Let’s get this project behind us and then reevaluate what you want to do. There is a possibility that we would be able to finance some of the sidewalk. I know that you have made a request of having us put the conduit in now.

The contractor is going to ask for a time extension on the project to do that. I am not going to delay this project for that. His price is outrageous and I think that we can work together outside of this contract to get the Town a much better price.

Councilmember Thomisser – You are comfortable with traffic coming on Highway 16 going north and south that there would not be a backup with the roundabout?

Mr. Moose – That was my biggest concern that the queue of traffic trying to get to Highway 16 would back up through the circle. Our traffic engineers in Raleigh have said it will work to 2035 which is the same design year that we have 16 designed for. There would be a point in time given no other improvements were ever made where traffic could potentially back up.

**B. Consideration of Resolution Granting a Temporary Easement to Weddington Corners Shopping Center for the Construction of a Temporary Access Road.** Mayor Pro Tem Barry moved to approve Resolution R-2010-10 (Resolution shown below is with amendments) with the following amendments:

- Take out references to Exhibit B
- Take out the bullet regarding no left turns allowed
- Add language regarding street lights as referenced in the Downtown Lighting Plan

**TOWN OF WEDDINGTON  
RESOLUTION GRANTING A TEMPORARY EASEMENT  
TO WEDDINGTON CORNERS SHOPPING CENTER  
FOR THE CONSTRUCTION OF A TEMPORARY ACCESS ROAD  
R-2010-10**

**WHEREAS**, Weddington Corners Shopping Center (“Shopping Center”) seeks to improve ingress/egress to its site via a road to Weddington-Matthews Road; and

**WHEREAS**, said road will help improve circulation patterns to patrons who visit the Weddington Corners Shopping Center; and

**WHEREAS**, access to Weddington-Matthews Road from the Shopping Center requires the use of a portion of Town of Weddington (“Town”) property; and

**WHEREAS**, NCDOT is willing to allow the connection of the road and access to Weddington-Matthews Road provided Weddington Corners Shopping Center obtains a temporary easement from the Town; and

**WHEREAS**, the Town is amenable to providing a temporary easement to Weddington Corners for a road for the improvement of traffic in and around the Shopping Center under certain conditions;

**NOW THEREFORE BE IT RESOLVED THAT** the Town of Weddington grants to Weddington Corners a temporary easement as shown on a map attached hereto as Exhibit A contingent upon the following:

- The easement shall be temporary and shall be terminated in 60 days of a written request from the Town of Weddington;
- Weddington Corners shall bear all costs associated with the termination of this temporary easement;

- Weddington Corners shall provide appropriate plantings and screening along the road, subject to the approval of the Town of Weddington;
- Tractor Trailer Truck or other deliveries to the Shopping Center shall be prohibited from using the temporary easement;
- In consideration for the easement, Weddington Corners shall pay to the Town \$50,000 upon execution of the easement; and
- In further consideration for the easement, Weddington Corners agrees to participate in the improvement of the lighting on Providence Road thru the installation of street lighting on the property for Weddington Corners as shown in the Downtown Lighting Plan and Weddington Corners agrees to pay all costs of such lights which are deemed to add value to the shopping center.

Adopted this 12<sup>th</sup> day of July, 2010.

All were in favor, with votes recorded as follows:

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

**C. Discussion and Consideration of the Utilization of Radarsigns for Highway 16 and Highway 84.**

Councilmember Thomisser - People do not pay attention to the speed limit signs and after speaking with the Weddington Deputies they suggested having three radar signs. One would be located as you are coming through the light at Hemby Road approaching Weddington just before you get to the one entrance at the shopping center, one at the Family Life Center coming north and one coming on Highway 84 beyond the roundabout. The Deputies feel if we have these radar signs at these locations, people would pay attention. Not only would they see the speed limit they would see their own speed which would help slow traffic down. Highway 16 is going to be like Rea Road and it is coming through the center of our Town.

Mr. Moose – When you do open up a road in its final state it is so much different than people are accustomed to. There is a tendency for people to drive faster because it is a more comfortable drive than compared to what they had before. We have had mixed results with the radar signs. There is some effectiveness to them. We have speed limit signs that have the orange stripe down them with orange flags that are just as effective. We could do that and then if we needed to we could go to the next step of the radar speed signs.

Deputy Ron Honeycutt – I also think that the signs that have the orange boundaries is a good place to begin. We need to do better planning when the road is finally opened up to make sure that we have all of the signs out regarding new traffic patterns.

Mr. Moose – The posting of the road is going to be 45 mph. There may be a section around 84 that gets dropped back down to 35.

**Item No. 6. Public Hearing.**

**A. Public Hearing to Consider Proposed Text Changes to Section 46-45 – Final Major Subdivision Plat Submission and Review.** Mayor Anderson opened the public hearing to consider proposed text changes to Section 46-45. The Town Council received a copy of the proposed text change. A copy is attached to the minutes as an exhibit.

Attorney Anthony Fox - This is a proposed amendment to the subdivision and final subdivision plat process. This spells out the various instruments which a developer, following preliminary plat approval and at final plat approval, can use to secure the performance of the improvements over time. It is modeled after language that many municipalities use throughout the state and is designed to ensure that the surety has a certain amount of capital and backing to support the obligation to make the appropriate improvements after final plat approval. It ensures that the bank or lending institution has a certain amount of assets. It spells out the obligation to satisfy the letter of credit only by presentment and states terms under which the letter of credit can be called upon. It provides for cash or other types of collateral to ensure that the improvements will be made in the subdivision in accordance with the final plat approval. It spells out terms of default and also it does provide for the release of the surety or the amount of the guarantee upon certain conditions. It really is a clarification of what has been the practice in the past and beefing up the provisions to ensure the solvency of the bank or the bonding company of the surety.

Councilmember McKee – I would like to see Planning Board omitted in all places. I think it should be the sole discretion of the Town Council since they are appointed and we are elected.

Attorney Fox - You have delegated to your Planning Board the ability to make certain final plat approvals and that is why that is in there. That just carries out what your current approval scheme is in your ordinances. There is a limitation to the amount. There are some subdivision approvals that the Planning Board is authorized to make and this is carrying over and recognizing that if they make those approvals then the guarantees that go with that approval can also be made by the Planning Board.

Mayor Anderson - We approve the bond amounts based on what our engineer states that they need to be.

Attorney Fox – You have given to the Planning Board under your subdivision ordinance approval of final plats. In order for them to approve the final plat they have to determine the surety that the improvements are going to be carried out. It is a scheme that is set up in your subdivision ordinance.

Councilmember McKee - That should be addressed then.

Attorney Fox - That is a policy decision for the Town Council whether or not it wants to continue to allow the Planning Board to have the ability to approve final plats at any point. This is consistent with the scheme that is currently established in your ordinance which allows some Planning Board approval. If the Council would like to revisit the scheme and remove the Planning Board's authority for some of these areas, that is something that can be accomplished at a later time.

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

**Item No. 7. Public Comment.** Mr. Don Deacon – I believe that there should be something in open session from you that discusses what is going on with the WCWAA situation.

**Item No. 8. Consent Agenda.**

**A. Consideration to Authorize the Tax Collector to Collect 2010 Real Property Taxes.** Mayor Pro Tem Barry moved to authorize the Tax Collector to collect the 2010 Real Property Taxes.

In accordance with General Statutes 105.321, I am hereby requesting authorization to collect the 2010 Real Property Taxes for the Town of Weddington.

State of North Carolina  
Town of Weddington  
To the Tax Collector of the Town of Weddington

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the Town of Weddington Collections Department and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the Town of Weddington, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with the law.

Witness my hand and official seal this 12th day of July, 2010.

All were in favor, with votes recorded as follows:

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

**B. Consideration of Acceptance of 2009 Tax Settlement Statement.** Mayor Pro Tem Barry moved to accept the 2009 Tax Settlement Statement.

2009 Tax Levy	\$629,455.68
Discoveries	\$355.19
Interest Charges	\$2,737.98
Refunds	\$8,131.03
Advertising Costs	\$877.14
Late List Penalties	\$182.77
Adjust Under \$5.00	\$(427.66)
Balance Adjustment	\$58.42
Exemptions	\$(33,718.52)
Overpayments	\$(266.09)
2009 Collected	\$(558,289.50)
Interest Payments	\$(1,883.50)
Penalty Payments	\$(391.84)
Releases	\$(2,948.86)
Tax Deferments	\$(30,492.14)
Under \$5.00 Tax Write-offs	\$(728.42)
Total Outstanding:	\$12,651.68

2009 Collection Percentage 98%

All were in favor, with votes recorded as follows:

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

**C. Call for Public Hearing to Consider Proposed Text Changes to Section 46-76 (l) of the Weddington Code of Ordinances – Connection to Public Water Lines (Public Hearing to be Held August 9, 2010 at 7:00 p.m. at the Weddington Town Hall).** The Town Council received a copy of the proposed text change. Mayor Pro Tem Barry moved to call for a public hearing to consider proposed text

changes to Section 46-76 – Connection to Public Water Lines. The public hearing is to be held August 9, 2010 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

**Item No. 9. Approval of Minutes.**

**A. April 12, 2010 Regular Town Council Meeting.** Mayor Pro Tem Barry moved to approve the April 12, 2010 Regular 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. June 14, 2010 Special Town Council Meeting.** Mayor Pro Tem Barry moved to approve the June 14, 2010 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

**C. June 24, 2010 Special Town Council Meeting.** Mayor Pro Tem Barry moved to approve the June 24, 2010 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. 10. Consideration of Public Hearing.**

**A. Consideration of Ordinance to Adopt Text Changes to Section 46-45 – Final Major Subdivision Plat Submission and Review.** Mayor Pro Tem Barry moved to adopt Ordinance O-2010-11.

Councilmember McKee - I believe that elected officials, not the Planning Board, should make decisions relative to money, insurance, quality of work, etc.

Attorney Fox - If this is not adopted, the language is still in the current text of the code. The language that is before you is merely just to clarify the strength of the lending institutions and the sureties and the bonds for the purposes of instruments.

Mayor Pro Tem Barry – We can recommend that we have a working session with either the Planning Board or the Town Planner outlining this process and if it is determined at that time that we do not like it then we can revisit the subdivision and plat approval and the role of the Planning Board and Town Council in that process.

**AN ORDINANCE TO AMEND SECTION 46-45  
OF THE CODE OF ORDINANCES  
OF THE TOWN OF WEDDINGTON  
O-2010-11**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT SECTION 46-45 OF THE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:**

**Sec. 46-45. Final major subdivision plat submission and review.**

(a) *Preparation of final plat and installation of improvements.* Upon approval of the preliminary plat by the town council, the subdivider may proceed with the preparation of the final plat and the installation of or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this chapter. Prior to initiation of the construction of utility and street improvements, plans shall have all necessary approvals from state agencies and appropriate county. Prior to approval of a final plat, the subdivider shall have installed the improvements specified in this chapter or guaranteed their installation as provided herein. No final plat will be accepted for review by the town council unless accompanied by written notice by the subdivision administrator acknowledging compliance with the improvement and guarantee standards of this chapter. If the street improvements are completed prior to preparation of the final plat, section 46-49(b) shall be complied with before submission of the final plat to the town council for approval. The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at that time; such portion shall conform to all requirements of this chapter.

(b) *Improvement and guarantee standards.*

(1) *Optional agreement.* In lieu of requiring the completion, installation and, if applicable, dedication of all improvements prior to final plat approval, the town may enter into an agreement with the subdivider whereby the subdivider shall guarantee completion of all required improvements as specified on the approved preliminary plat for that portion of the subdivision to be shown on the final plat within two (2) years from the date of final plat approval, unless otherwise specified in the written agreement. Once said agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the town council, provided however, that all other requirements of this article are met. To secure this agreement, the subdivider shall provide either one or a combination of the following guarantees in an amount equal to 1.5 times the costs, as estimated by the subdivider and approved by the town planner or engineer, of installing all required improvements on the approved preliminary plat for that portion of the subdivision to be shown on the final plat.. The amount shall be subject to the approval of the town council or the planning board, provided however that the planning board shall have no authority to approve bonds in excess of \$1,000,000.00.

a. *Surety performance bond.* The subdivider shall obtain a performance bond from a surety bonding company, satisfactory to the town council or planning board, as applicable. A surety bonding company must at minimum be (1) registered to do business with the North Carolina Secretary of State; (2) licensed to issue surety bonds in the State of North Carolina by the North Carolina Department of Insurance; (3) rated at least “B+” by a reputable bond rating agency; and (4) possess a minimum of \$50,000,000.00 in assets. The town council or planning board may, within its sole discretion, insist upon alternative standards based upon the particular project, the estimated cost of completion of the improvements, and/or other factors indicating higher standards are warranted. The bond(s) must contain the following provisions: (1) the bond(s) shall remain in effect until such time as all improvements are installed and approved by the town council or planning board; (2) the surety bonding company, within fifteen (15) days of the town providing notice of default, shall take over and complete all improvements or pay the town in cash the estimated costs of installing the improvements as determined by the town’s planner or engineer; and (3) the town shall be able to draw upon the bond(s) in the event that the subdivider defaults upon its agreement with the town in accordance with subsection (2) of this section. Any charges associated with cost calculation or verification shall be borne entirely by



the subdivider.

- b. *Letter(s) of Credit.* The subdivider shall obtain an irrevocable letter(s) of credit issued by a commercial bank satisfactory to the town council or planning board. The commercial bank issuing the letter of credit must be (1) organized under the laws of the United States of America or any state of the United States, or the District of Columbia; (2) authorized to do business in the State of North Carolina; (3) subject to regulation by the State of North Carolina or federal banking regulatory authorities; and (4) possess combined capital stock, surplus and undivided profits aggregating at least \$100,000,000.00. The town council or planning board may, within its sole discretion, insist upon alternative standards based upon the particular project, the estimated cost of completion of the improvements, and/or other factors indicating higher standards are warranted. The letter(s) of credit must contain the following provisions: (1) the letter(s) of credit shall be evergreen and shall not be subject to expiration until such time as all improvements are installed and approved by the town council or planning board, and shall require the issuing commercial bank to give at least sixty (60) days notice of its intent to terminate the letter(s) of credit, upon which the town can draw upon the letter(s) of credit; (2) the town shall be able to draw upon the letter(s) of credit at any time on or before its expiration; (3) the commercial bank shall, upon written notification by the town council or planning board stating that the subdivider is in default, immediately pay to the town the full amount, or any lesser amount if requested by the town council or planning board, of the letter(s) of credit; (4) the town shall be able to draw upon the letter(s) of credit in the event that the subdivider defaults upon its agreement with the town in accordance with subsection (2) of this section; and (5) the letter(s) of credit shall allow for presentment and collection at a location within a thirty (30) mile radius of the town.
- c. *Cash or equivalent surety.* The subdivider shall deposit cash, or other instrument readily convertible into cash at face value, such as a certificate of deposit or Treasury-issued security, either with the town or in escrow with a financial institution designated as an official depository of the town. The use of any instrument other than cash shall be subject to the approval of the town council or planning board.

If cash or other instrument is deposited in escrow with a financial institution as provided above, then the subdivider shall file with the town council or planning board an agreement between the financial institution and the subdivider guaranteeing the following:

(1) that said escrow account shall be held in trust for the town until released by the town council or planning board and may not be used or pledged by the subdivider in any other matter during the term of the escrow;

(2) that the financial institution shall, upon written notification by the town council or planning board stating that the subdivider is in default, immediately pay to the town all funds in said account, excluding any interest earned; and

(3) that the duration of said escrow account(s) shall be until such time as

all improvements are installed and approved by the town council or planning board, or until the subdivider provides the town with an acceptable, alternative guarantee for the completion of installing all remaining required improvements on the approved preliminary plat for that portion of the subdivision to be shown on the final plat. Any charges associated with cost calculation or verification shall be borne entirely by the subdivider.

(2) *Default.* Upon default by the subdivider, the town council or planning board, as applicable, may require the surety, the letter of credit issuer or the financial institution holding the escrow account to pay all or a portion of the bond, letter of credit or escrow account to the town. Upon payment, the town shall expend said funds to complete all or any portion of the required improvements as it deems necessary. For purposes of this section, default shall constitute any of the following: (1) failure on the part of the subdivider to complete, within the time period specified in the agreement in part (1) of this subsection, the required improvements as specified on the approved preliminary plat for that portion of the subdivision to be shown on the final plat; (2) failure on the part of the subdivider to install any improvement in accordance with the specifications or the regulations in the town's ordinances; or (3) transfer of ownership of any portion of the property or lots located within the subdivision to another person or entity under no legal obligation to install the required improvements (*e.g.*, foreclosure). If one of the above events occurs, nothing herein shall prevent the town from declaring default prior to the expiration of the time period specified in subsection (1) of this section.

(3) *Release of guarantee surety.* In its sole discretion, the town council or planning board may release a portion of any security posted as the improvements are completed and recommended for approval by the town planner, so long as the town maintains the posted security in an amount equal to at least 1.5 times the estimated costs of installation of the remaining improvements. However, notwithstanding the above, nothing shall require the town council or planning board to release any portion of security posted until such time as all improvements are installed and approved by the town council or planning board. Within thirty (30) days after receiving the town planner's recommendation, the town council or planning board shall approve or not approve said improvements. Once all required improvements on the preliminary plat for that portion of the subdivision to be shown on the final plat have been installed and approved, then all security posted for said improvements shall be released by the town council or planning board.

Adopted this 12<sup>th</sup> day of July, 2010.

All were in favor, with votes recorded as follows:

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

**Item No. 11. Old Business.**

**A. Discussion and Consideration of Developing Residential Open Burning Ordinance.** Mayor Pro Tem Barry - There was a presentation to the Town Council two to three months ago regarding concern over open burning and hazards associated with it and that motion was deferred at that time for further review and discussion. I move tonight that we send the issue of a residential open burning ordinance for study and draft to the Planning Board for them to assess the appropriateness of developing an ordinance for the Town of Weddington. Included in my motion is a recommendation that it should not prohibit

open burning but define best practices and penalties for violating best practices if they deem appropriate. Once they have drafted that ordinance they would send it back to Town Council for final approval.

Mayor Anderson - This is what has happened in the past. We send them off on a project and ask them to write an ordinance for us. They work on it for six months and it comes back and we say 'oh we changed our mind.' What I would like to see is for them to come back to us with their findings on the appropriateness and we make a decision before we send them off to craft language. Let them flush out the concept and then let's vote on the concept yes or no.

Councilmember Thomisser - Weddington is not just a whole lot of farms anymore. It has changed. There are quite a few subdivisions. We need something.

Councilmember McKee - I am not a big fan of ordinances. I would like to see some type of safety program that the Town can develop and send out to residents on various precautions they should take. If there was an ordinance, all I would be in favor of is regulations on how close you can burn to your house. I am not a big fan of burning leaves. You can use them for mulch. I am skeptical on how it would be enforced. I think educating the public on awareness of the dangers of open burning would be a more appropriate way to go after this.

Mayor Anderson - I would like to thank the folks in Wellington Woods who brought this to our attention but I want the Council to clarify are we talking about air quality issues here or are we talking about safety in the neighborhood? There is not five acres between houses anymore. If the woods are on fire, then it is not just your fire it is everybody's fire. Is it the Council's feeling that it is a safety issue?

Mayor Pro Tem Barry - The first time this issue was brought before us, I was adamant against issuing a burn ordinance. I have spent a lot of time thinking about this. I do not want big government. I have the right to do whatever I want to do on my property. But my neighbor has the right to make sure that I am not doing something on my property that is going to burn their house down. The question that I am asking the Planning Board to address is the appropriateness. Given the change of the demographics of the Town of Weddington because we are not primarily farms anymore, is it appropriate for us to begin delving into this type of ordinance? The next question deals from a safety issue. My lot is 1.5 acres. I think the farming businesses have a different standard that they need to meet rather than 1.5 acres. Those are two completely separate issues. I think we need to create some protocol around what is good behavior with regards to burning. We are not going to legislate good behavior but I think we need to define it. That may be what the Planning Board comes back to do but I think it is beyond our scope to delve into that level of detail and given our current committee structure they seem like the right place to send this to. I think it warrants more study or more research than it was given from us.

Mayor Anderson - I totally agree that it clearly needs more detail. The majority of the people will obey rules if they know what the rule is. We will have to incorporate how we are going to enforce the ordinance. I suspect that this ordinance will be enforced like every other ordinance we have. The citizens will be the people who turn in the violators.

Mayor Pro Tem Barry - I said explicitly not to prohibit open burning but to define best practices and establish penalties for violating whatever that practice is. Maybe the best way to permit open burning is for someone to call the Volunteer Fire Department whose district you are in and talk to whoever is on call that day to tell that you will be burning. The Planning Board needs to vet this and not the Town Council.

Councilmember Thomisser - I did talk with the Chief and we had a discussion about going to the fire house to get a permit and at the same time they will get one or two pieces of paper outlining from an education standpoint how to burn correctly. It is a safety problem and an education problem.

Mayor Pro Tem Barry – Councilmember Thomisser and I will go to the Planning Board meeting. They need to be allowed to study the issue.

Mayor Anderson - My only concern is I do not want them to be sent on a wild goose chase.

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

All were in favor, with votes recorded as follows:

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

**Item No. 12. New Business.**

**A. Consideration of Adoption of Resolution of Intent.** Ms. Nadine Bennett stated, “This is a Resolution of Intent to annex an area outside of Weddington. It has been six years since you have done an involuntary annexation. The Resolution of Intent starts the process of annexation. It does not mean that you are definitely going to annex. It starts the investigation process. Everything about annexation is laid out in the General Statutes. We were sent a map by the Town and we went out and recorded the land use of the property. By statute there are certain qualifications that have to be met so we then put together an area that will qualify for annexation.”

Mayor Anderson – We discussed this at our retreat. The Town does have annexation agreements with Marvin, Charlotte and Stallings.

Councilmember McKee - These neighborhoods are protected with the agreement that we have with Marvin so nobody can annex them but us.

Ms. Bennett - Wesley Chapel or Waxhaw could possibly.

Councilmember McKee - It would be a reach for Wesley Chapel.

Ms. Bennett - You can always drop lots out of the annexation, but you cannot add any lots in at this point.

Councilmember McKee moved to not adopt the Resolution of Intent and to cease all discussions regarding annexation and to pay COG what is owed. He stated, “The Town of Weddington does not offer anything to people other than a 3-cents tax rate and a list of ordinances. We should not be forcing people in the Town of Weddington. I did not realize that we were taking all of these subdivisions in. If we cannot offer them water and sewer and police protection, then we should not be collecting taxes.”

Attorney Fox - For purposes of the record, we do provide enhanced police services through a contract with the Sheriff’s Department.

Mayor Anderson - I thought this was a unanimous decision at the retreat that everyone was in favor at that time.

Councilmember McKee - I was in favor of proceeding to this point and now I am not. I am against forced annexation.

Mayor Pro Tem Barry - This was something that I brought up at the retreat. I started a conversation that we needed to start a strategy to protect our borders and what is going to happen around our borders and to

determine the best use through our Land Use Plan. We knew we would not be able to annex all of it because of the larger parcels. At the retreat we discussed it and then several months ago we signed a contract with COG to assess the viability of annexation of this area.

Councilmember Thomisser – It goes back to what the people of Weddington want and 71% of the people of Weddington said that they do not want any more commercial but in looking at this, we are getting more commercial.

Mayor Anderson - The commercial already exists. Can we switch out some of these lots down here? The County has been very lax in enforcing their residential ordinance there and even though we have called them and reported violations there, a business is still being run there.

Ms. Bennett - It may be possible to switch out those parcels. We could not do it tonight. We would start again, not all over but with a new Resolution of Intent if it did qualify.

Mayor Anderson – We discussed at the retreat ETJ versus involuntary annexation. I am completely against ETJ because it imposes regulations but gives them no voice in our government. Involuntary annexation allows municipalities to protect their borders.

Councilmember Thomisser made a substitute motion to direct COG to revisit the map reviewing the two parcels mentioned by Mayor Anderson and to report back to the Town Council.

Mayor Anderson - Sometimes it is helpful to have two councilmembers to work with COG on this issue to help give clear direction so that the next time this map comes before us it is ready to be passed.

Councilmember McKee - What about all the people in the subdivision, they do not have a say? They have not come asking for involuntary annexation. As far as I know they want to be left alone.

Councilmember Thomisser withdrew his substitute motion.

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

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

**B. Consideration of Calling for Special Meeting to be Held July 26, 2010 at 6:00 p.m. at the Weddington Town Hall.** The Council took no action on this item.

**C. Call for Public Hearing to Consider Proposed Text Changes to Section 58-13 (3) of the Weddington Code of Ordinances – Temporary Structures and Uses (Public Hearing to be Held August 9, 2010 at 7:00 p.m. at the Weddington Town Hall).** The Town Council received a copy of the proposed text change. Councilmember McKee moved to call for a public hearing to consider proposed text changes to Section 58-13 (3) – Temporary Structures and Uses. The public hearing is to be held on August 9, 2010 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

**D. Discussion and Consideration of Speed Limit Modifications.** This item was deleted from the agenda.

**Item No. 13. Update from Town Planner.** The Town Council received the following update from Town Planner Cook:

- The Polivka MX Rezoning Application and Land Use Amendment will be on the August 9, 2010 Town Council agenda for Public Hearing and Consideration. The Town Council has stated that August 9, 2010 is the last possible date for the Public Hearing and Consideration of this project.
- The Trust for Public Land will hold four Listening Sessions this month throughout Union County for the Carolina Thread Trail. The Town of Weddington will host one of these Sessions at the Weddington Swim and Racquet Club on Monday, July 19<sup>th</sup> from 6-8pm.
- Union County Public Schools (UCPS) has completed the burn on the two houses located on the school property on Cox Road. The brick house was burned on April 3<sup>rd</sup> and the gray house was burned on April 28<sup>th</sup>. UCPS will now hire a contractor to remove the remaining debris from the property; this should be completed in the next two weeks.
- I have received an application for the Final Plat for the Annecy Subdivision. The project is currently scheduled to be on the July or August Planning Board agenda.
- The first Weddstock event will take place on Friday, July 23<sup>rd</sup> from 6-11pm. The other three events will take place on July 30<sup>th</sup>, August 6<sup>th</sup> and August 13<sup>th</sup> at Hunter Farms.
- The B-1(CD) and B-2(CD) Rezonings will take place after I have met with all property owners involved in the rezonings.
- The Planning Board is currently in the process of reviewing the Goals and Policies section of the Town's Land Use Plan. Discussion of this section will be on the July 26<sup>th</sup> Planning Board agenda.

**Item No. 14. Update from Town Administrator/Clerk.** The Town Council received the following update from Town Administrator/Clerk Amy McCollum:

The Providence VFD has advised that they will be able to offer the CPR class to the Town on July 22, July 29 or August 5. The time of the class will mostly likely be 9:00 a.m. to 1:00 p.m. Please let me know as soon as possible if you are interested and which date works best for you. The cost for the class is \$10.00.

I was contacted by Carolinas Healthcare System about offering an Employee Assistance Program for the employees, Council and Committees of the Town at a cost of \$1,560 per year. The program specializes in workplace programs that provide professional, comprehensive and confidential services to assist employees and employers in identifying personal and/or work related problems that may impair productivity. Is this something that the Council wants to pursue? If so, I can place it on the next agenda for consideration.

A supplement with amendments to the Weddington Code of Ordinances will be sent out within the next two weeks so that you can make the necessary changes in your book. This supplement will include text changes dating back to March.

The Town was reimbursed approximately \$2,650 from our insurance carrier for losses that we received due to a lightning/power surge that occurred on June 6 at the Town Hall.

I have received examples of Ethics Ordinances from other Towns. I am working with the Town Attorney on drafting a document that can be considered by the Town Council. It will need to be adopted by January 2011.

The island/median has been replaced at Tilley Morris Road by NCDOT.

I have requested that Union County replace the sign at Hemby Road and Providence Road at the request of Councilmember Thomisser.

The encroachment agreement has been sent to NCDOT regarding the placement of conduit in the right of way. We are currently getting a price from Buzz Bizzell on a turn key job for this entire project. I have been in contact with NCDOT regarding the next steps for getting this project done along with the completion of the Highway 16 and 84 Widening project.

Plan to come to Weddington Night (July 31, 2010) at the Charlotte Knights. More information can be found on the website. Tickets can be purchased on the lower level at \$9.00. Mayor Anderson will be throwing out the first pitch at the game. Kim Woods has contacted WCWAA to ask that the teams get involved with this event.

There are two vacant seats on the Downtown Committee. If you know of someone interested in these positions, please have them call me or go to the website to fill out a Volunteer Application Form. This item will be on the August Town Council Meeting. One of the vacancies is from Debra Korb moving out of Town and then I received an email from Carol Wyant asking her name to be removed from the Committee.

**Pending Issues:**

- NCDOT – Waiting on paperwork regarding the reduction of the speed limit on Weddington-Matthews Road.
- NCDOT – Waiting on paperwork regarding reduction of speed limits in neighborhoods as recommended by the Weddington Deputies.
- WCVFD – Waiting on them to do their environmental inspection of house located at the corner of Highway 84 and Twelve Mile Creek Road

**Upcoming Dates**

- July 23 – Weddstock from 6:00 p.m. to 11:00 p.m.
- July 26 – Regular Planning Board Meeting beginning at 7:00 p.m.
- July 26 – Regular Historic Preservation Commission Meeting beginning after the Planning Board Meeting
- July 30 – Weddstock from 6:00 p.m. to 11:00 p.m.
- August 6 – Weddstock from 6:00 p.m. to 11:00 p.m.
- August 13 – Weddstock from 6:00 p.m. to 11:00 p.m.

**Item No. 15. Public Safety Report.**

**Weddington Deputies: 343 Calls**

**Providence VFD:**

**Monthly Call Responses**

Union County	Fire: 23	EMS: 21	Total: 44
Mecklenburg County	Fire: 7	EMS: 2	Total: 9
Monthly Total:	53		

**Monthly Training Hours**

Fire	(Total Hrs): 130.5	In-House: 129.5	On-Line: 1
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EMS 44 Hrs.

**Run Times:**

6A-12N: 23 % 12n-6P: 26 % 6P-12M: 40 % 12M-6A: 11 %

**Run Data:**

Avg. Turnout: 1 min. 36 sec.  
Avg. Response Time: 4 mins.  
Avg. On Scene Time: 23 minutes 12 seconds  
Avg. Members On Scene: 5.2 members

Providence VFD responded to the following significant events:

6/2/2010 - 2600 Forest Lawn Drive, 10-50 entrapment, 2 vehicles, 1 vehicle into a tree with driver pinned from waist down. Patient free in 25 minutes after both driver side doors, relief cut to "A" post and a dash push was performed.

6/5/2010 - 433 Weddington Church Road, 10-50 PI car versus telephone pole, then ground transformer.

6/12/2010 - 2524 Honey Creek Lane, Assist Matthews FD with possible structure fire. Overheated appliance, E321 helped with investigation and ventilation.

6/17/2010 - 6048 Oxfordshire Drive, Assist Wesley Chapel FD with a structure fire from a lightning strike.

6/26/2010 - 400 S. Providence Road, Assist Wesley Chapel FD with a 10-50 rollover with Rescue 32.

**Wesley Chapel VFD – 123 Calls.**

**Item No. 16. Update from Finance Officer and Tax Collector.**

**A. Finance Officer's Report.** The Town Council received the Revenue and Expenditure Statement and the Balance Sheet for June 1, 2010 to June 30, 2010. Finance Officer Gaylord advised that the auditors will be at the Town in August for their yearly review.

**B. Tax Collector's Report.** Monthly Report – June 2010

Adjust Under \$5.00	\$(4.93)
Interest Charges	\$107.48
Pay Interest and Penalties	\$(364.04)
Refunds	\$18.12
Taxes Collected:	
2009	\$(2,414.71)
2008	\$(1,060.48)
2007	\$(13.78)
2006	\$(13.78)
2003	\$(3.72)
2002	\$(7.46)
2001	\$(7.18)
As of June 30, 2010; the following taxes remain Outstanding:	
2002	\$82.07
2003	\$196.11
2004	\$159.59



2005	\$320.66
2006	\$218.06
2007	\$586.74
2008	\$5,748.73
2009	\$12,651.68
Total Outstanding:	\$19,963.64

Collection Percentage FY 2009-2010 = 98.3%

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

**Item No. 17. Transportation Report.** A transportation update was given earlier in the meeting.

**Item No. 18. Council Comments.** There were no Council Comments.

**Item No. 19. Adjournment.** Mayor Pro Tem Barry moved to adjourn the July 12, 2010 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 9:48 p.m.

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Nancy D. Anderson, Mayor

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Amy S. McCollum, Town Clerk