

**TOWN OF WEDDINGTON  
SPECIAL TOWN COUNCIL MEETING  
WEDNESDAY, AUGUST 17, 2011 - 3:00 P.M.  
MINUTES**

The Town Council of the Town of Weddington, North Carolina, met in a Special Session at the Weddington Town Hall, 1924 Weddington Road, Weddington, NC 28104 on August 17, 2011, with Mayor Nancy D. Anderson presiding.

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

Absent: None

Visitors: Wesley Chapel Mayor Brad Horvath, Judy Johnston, Kay McDuffer, Bill Price, Heather Perryman, Butch Plyler, Terry Byrum, Andrew Moore, Michael Khous, Walker Davidson, County Commissioner Tracy Kuehler, Pam Hadley, Barbara Harrison, Jack Parks, Ken Evans and Representative Craig Horn.

**Item No. 1. Open the Meeting.** Mayor Nancy D. Anderson called the August 17, 2011 Special Town Council Meeting to order at 3:07 p.m. There was a quorum.

**Item No. 2. Discuss Options for Future Fire Service in the Town of Weddington.** Mayor Anderson advised that the purpose of the meeting was for information gathering from the subject matter experts because there were a lot of questions and not a lot of answers at this time. She stated, "I would like to discuss the pros and cons of a Municipal Fire District. We want to maintain excellent fire service for a reasonable price. We want the fire service to be financially independent. We have waited patiently for years on the fire study. Both fire departments have excellent reputations. We had asked for a Steering Committee from both departments to study the issue and discussion regarding a merger has been suspended. The Town has requested that Union County move the fire district lines to give more tax base to Providence VFD. Union County is now researching how they convert Providence VFD from a fire fee to a fire tax."

Attorney Anthony Fox spoke regarding the legalities of what needed to be done to establish a Municipal Fire District. He stated, "There is authority for a city or town to establish its own fire department. The ability for a municipality to establish a fire service district is non-existent. Fire is not one of those municipal service districts that is specifically allowed by the legislation. The county on the other hand has the ability to establish municipal service districts and one of their categories is fire. In my opinion the opportunity to establish this district (tax or fee) lies within the County's authority. When the County set up the Providence VFD it opted to do that by a local act. The General Assembly adopted local legislation by which the County established Providence VFD and the district and territory that is included in that. There may be an opportunity for the Town to explore a local act for it to explore a municipal fire district. One of the difficulties here is you have existing relationships. The Town currently has contracts with Stallings VFD, Wesley Chapel VFD and Providence VFD."

Mr. Terry Byrum questioned if the Town set up their own fire department or municipal fire district would they have to reimburse the other departments for taking their territory.

Attorney Fox - The School of Government has advised that there is no obligation to reimburse a VFD for the loss of territory even if there was debt that had to be serviced by the VFD.

Councilmember Werner Thomisser advised that he had a meeting with the Fire Marshal and he indicated that the Department of Insurance frowns upon a municipal fire district being serviced by more than one fire department and questioned whether the Town was going down a path that was not achievable.

Mayor Anderson - They want to make certain everyone in the municipality enjoys the same insurance rating.

Mayor Pro Tem Daniel Barry - I appreciate the work that volunteers have done. We are not answering the question that we need to get to. We have to decide what the expectation of the services to be delivered is and how much we are going to subject the tax payers to through a levy. It is not free – someone is going to pay for it. We need to figure out the service that we want.

Attorney Fox – The General Assembly could enact special legislation so the Town could design the fire service the way you want to do it. You could get with the County to abolish the fire districts as they currently impact Weddington and reestablish them with different territories. The County would abolish its current act and Wesley Chapel and Providence could then reenact the new territory. Weddington would then be free to adopt regulation to establish its own territory.

Mayor Anderson - I was looking at a fire service district approved by Union County. The territory for Providence would have to get bigger in order to make them more sustainable. The County would have control. Providence VFD would go to the County for funding and for them to set the tax rate.

Ms. Judy Johnston – Providence serves 3,200 individuals of the Town. I would like to suggest waiting to make conclusions about a municipal fire district until the facts are all presented. In my understanding and the research that I have done - that is something that could happen down the road. We understand that the Town has 10,000 residents and has grown to a point that it should manage some of these decisions themselves. As a Town Council you have the ability to reduce the negative impact with conflict between the Wesley Chapel VFD and the Providence VFD. They have to work together. It is a good thing for you to take that responsibility and to manage that. What would happen if you created a municipal fire district is there would be one primary fire department that would be considered first responders for the whole town. Providence is the most centrally located department. You would then have contracts with Wesley Chapel and Stallings to assist that would keep the insurance ratings at their present level. We would then have 24-hour staffed coverage to the whole Town. That would increase the level of service to the Town and would help to increase response times.

Councilmember Thomisser noted that Providence VFD is not in the center of the entire Town of Weddington and it would be based on mileage and response time.

Representative Craig Horn – A local bill affects a small area. We do tons of local bills. That is an authorization from the State to do certain things. Presently there are 368 municipal fire districts in the State of North Carolina. If it is the desire of the citizens of Weddington to create a municipal fire district – I will facilitate it getting done. I know that it is still unclear on how to move forward. I think the County plays a major role.

Mr. Jack Parks presented the Providence VFD Action Plan dated August 17, 2011 and also the PVFD Financials without Funding Changes. He stated, “I want to be served by the closest fire department where I live. I have heard from citizens saying that they want 24/7 coverage out of that department. That is the way we operate our fire department currently. Union County should look at the entire fire district map. There are some changes that need to be made. Citizens have said they would gladly pay 5 cents per \$100

valuation to have a modern fully staffed fire station. We are supposed to lose the Mecklenburg subsidy next year – if that is the case and nothing changes we will be totally out of money in 2013.”

Mr. Parks and Mr. Ken Evans reviewed a map that showed moving the fire lines for Providence and discussed the tax values for the property. They reviewed what they estimated their tax rate would be just to meet the budget and then what the rate would have to be to meet future equipment and construction needs. They advised that to move the fire district lines as proposed on the map that they estimated that Wesley Chapel VFD’s tax rate would go from 2.2 cents to 2.7 cents. They advised that the map took into account response times.

There was discussion that Wesley Chapel VFD not only covers a large portion of Weddington but also provides fire service to Wesley Chapel, Marvin, portions of Indian Trail and unincorporated Union County and members from Wesley Chapel VFD questioned why those individuals should have to pay more for fire service so that Providence could exist. Members of the Town Council advised that some residents in Weddington are paying for fire coverage three times.

Members of Providence VFD requested that the Town draft a letter requesting that the Fire Commission review the proposed map.

Mayor Anderson – The immediate answer is to have the County to look at the lines, consider changing Providence VFD to a fire tax and then we could consider a municipal fire district at a later date.

Councilmember Gilmartin - We are annually spending \$250,000. We have to make a decision. We can show the other municipalities the numbers. We have spent over one million dollars to keep Providence afloat. It is our issue – we have to take leadership and ownership.

Members from Wesley Chapel VFD advised that they would support what the fire study recommended which was a merger.

Mr. Walker Davidson - We have talked about money a lot. Response times need to get more attention. You want response times to be minimized. This is one way to do it.

Councilmember McKee discussed that the Council got behind a merger and all of a sudden that the merger got pulled off the table and questioned why the merger talks stopped.

Mayor Anderson advised that the Town cannot force a merger and she is hearing that citizens do not want the departments to merge.

Councilmember Thomisser asked if there was still a chance for the departments to merge.

Mr. Butch Plyler - We were open to the process. There was no reason for us to go ahead by ourselves. We are willing to talk with Providence. That is what the fire study recommended. It is up to the Town whether it is in the best interest of the Town.

Mr. Parks - We entered into the merger talks with an open mind hoping that may be the best solution. In our steering committees we wanted to gather information to see how this would benefit our citizens. It became evident the only reason that the merger was recommended was to move the line. There were no other operational benefits to merge these two departments. In my opinion there are no cost savings. Everybody is going to pay more tax. There are philosophical differences in how these departments operate. Both of them work and they are very successful. You expect there to be a fair representation on the new board. We had trouble coming to terms on that. At the time we are working through all of this

the Town is taking other actions as well. The citizens have said they do not want a merger and want to see Providence preserved in this area. Based on everything that we heard and the actions from the Town, it became evident that we are not making any headway. We said this was going to take a long time. The community and the County did not give us the time to do it. It changed the merger discussions when you passed the motion to look at changing the district lines. In response to your action we developed this map that better serves our citizens.

Mr. Plyler – They wanted four members on the board, we said two and we compromised on three members. We were headed in the right direction but there was too much interference.

Mr. Andrew Moore provided the following comments for the record: When the citizens of the Town of Weddington elected their town council and mayor, they did so with the understanding that the council and mayor would do what is best for those citizens. Nothing should have a higher priority for a town's leaders than the health and safety of its citizens. We, the citizens of Weddington expect that these issues be at the top of the list of the council's responsibilities and that swift and effective action be taken when the health or safety of residents is threatened. As a resident of Weddington, I was alerted by my association that a safety issue was threatening us regarding our fire department. I made it a priority to attend an informational meeting at the fire hall and then the working council meeting and town meeting in July. It became apparent to me that the council members were not fulfilling their responsibility to those who had elected them. I felt it necessary to further educate myself regarding the PVFD issue and, in doing so, found that the major issue at the root of the problem with the fire hall is money. PVFD needs money to continue to serve the citizens of Weddington. As we know, it currently is in violation of fire codes and Union County could assess a fine of up to \$10,000 a day until provision is made to bring it up to code. If this is not done, the fire hall will then be forced to shut its doors due to its inability to comply with the fire code and all the property: the building, land, equipment, etc. must be DONATED - not liquidated! (Donated to other NC fire halls in need.) Liquidated would mean we would at least receive 25 or 50 cents on the dollar for the sale of the assets, but donated means ZERO cents on the dollar! If that were to happen we could be forced to start building a new fire hall from scratch. A new building, property, and equipment would cost a minimum of 5 million dollars. To me, this is unacceptable. The town council must do something and must do it now! A solution has been proposed that the town council write a check to bring the fire hall up to code. This must be done to prevent the closure of PVFD and the subsequent loss of our land, building, and equipment. Though the check will solve the immediate code violations, it will not address future costs that may arise. Through my research another solution was proposed that would provide for the future. If the PVFD were to become a municipality, a fire tax would be able to be collected by the fire department and it would become a stand-alone entity making it capable of borrowing its own capital. PVFD currently has no debt on its building, land, equipment, etc. This would enable PVFD to make the necessary improvements to the existing fire hall. If we could solve our current problem by making PVFD a community fire department that is designed to keep pace with the demand for public safety in our neighborhoods and with population growth through the adjustment of district lines and/or by making the fire department a municipality - why wouldn't we? The town would continue to receive its 24/7 service, would continue to enhance its relationship with PVFD, and could rest easy knowing they have the public safety they demand for their homes and families as well as their future families. The current town council can then take pride in knowing that through their adoption of this resolution that provides for the public safety of the citizens of Weddington today and for those who choose to reside here in the future, they have left a legacy that truly exhibits their desire to serve and protect the citizens who elected them.

Councilmember Gilmartin moved that the Town Council endorse the map presented by Providence VFD and requested that a letter be drafted to the Fire Commission and County Commissioners requesting that they move the fire lines as shown on the proposed map in an interest to help improve response times in

the area. The Town Council recognized that the proposed map may be modified after review by the Fire Commission and County Commissioners.

All were in favor, with votes recorded as follows:

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

The Council discussed that a long term approach would be to work with Representative Horn on a local act. Mr. Horn advised that he has asked his staff to prepare a report on the municipal fire district concept.

Commissioner Kuehler asked that the financial information presented by Providence VFD also be submitted to Union County for review.

**Item No. 3. Adjournment.** Mayor Pro Tem Barry moved to adjourn the August 17, 2011 Special Town Council Meeting. All were in favor, with votes recorded as follows:

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

The meeting adjourned.

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Nancy D. Anderson, Mayor

Attest:

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Amy S. McCollum, Town Clerk