

**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, Johnie 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