

VILLAGE OF WESLEY CHAPEL
COUNCIL Work Session MEETING MINUTES
October 13, 2008 – 7:00 P. M.

The Council of the Village of Wesley Chapel, North Carolina, met in the Fellowship Hall of the Wesley Chapel United Methodist Church at 120 Potter Road South, Wesley Chapel, North Carolina, with Mayor Tracey Clinton presiding.

Present: Mayor Pro-tem Croffut, Council Members Bradford, Horvath, Pierce
Absent: Mayor Clinton

Others Present:

Village Clerk/Finance Officer: Cheryl Bennett

Planning/Zoning Administrator: Joshua Langen

Attorney: George Sistrunk

Concerned citizens: Carol Mullis, Chip Leiner, Elton Smith, Marc Ehrlich, Eddie Moore, Tom Reitz, Bill Twele, Darren Sutton, Kim Twele, Andrea & Jeff Harnson, one other name illegible

Meeting was called to order at 7:00 PM and a quorum was present.

1. PLEDGE OF ALLEGIANCE / INVOCATION

Mayor Pro-tem Croffut led the Pledge of Allegiance and gave the invocation.

2. INFORMAL PUBLIC COMMENTS –none

3. ADDITIONS, DELETIONS, AND / OR ADOPTION OF AGENDA

Item # 12, “FORMAL STATEMENT OF COUNCIL COMMENTS REGARDING THE COUNTY LAND USE PLANNING STUDY” was deferred to the October 21, 2008 meeting. Item 9, “DISCUSSION AND POSSIBLE VOTE ON AMENDMENTS TO THE ZONING ORDINANCE AND A FLOOD DAMAGE PREVENTION, DRAINAGE, STORMWATER MANAGEMENT, AND WETLAND PROTECTION ORDINANCE” became Item 9A, and Item 9B was added, “AMENDMENT TO ARTICLE 14 OF THE ZONING ORDINANCE”. Bradford made a motion to approve the agenda with the above changes; Pierce seconded the motion.

The motion passed unanimously.

4. APPROVE MINUTES FOR:

Council Meeting September 8, 2008

Council Meeting September 16, 2008

Closed Minutes for Item 15, August 19, 2008

One change was made to the minutes from the September 8, 2008 meeting; on page 236, Bradford was changed to Horvath in this sentence: “Horvath suggested increasing the distance from the dwelling; if 1,000 feet is good for the school, then it is good for dwellings or any other buildings.” Bradford made a motion to approve the minutes from September 8, 2008 with the above change, the minutes from the September 16, 2008 council meeting, and the closed minutes for Item 15, August 19, 2008. Horvath seconded the motion.

The motion passed unanimously.

5. STAFF REPORTS

- a. Review and approve the Village Financial Reports dated September 30, 2008, submitted by Cheryl Bennett, Finance Officer.

Bennett presented the September budget report and balance sheet, incorporated herein.

	<u>Sep 08</u>	<u>Jul - Sep 08</u>	<u>Budget</u>	<u>% of Budget</u>
Revenues				
Fees and Licenses				
Cable Franchise (from Time Warn	0.00	0.00	12,000.00	0.0%
Engineering Fees Reimbursement	1,928.69	4,134.38	8,000.00	51.68%
Zoning Permit	1,065.00	2,085.00	8,000.00	26.06%
Privilege Licenses	563.00	17,519.54	21,000.00	83.43%
Annexation Exp Reimbursed	0.00	30.00	300.00	10.0%
Misc. Fees	0.00	1,601.00	200.00	800.5%
Total Fees and Licenses	3,556.69	25,369.92	49,500.00	51.25%
Interest Earned	1,101.35	3,225.32	24,000.00	13.44%
Property Tax Income				
Current Year Property Tax	445.01	445.01	113,193.00	0.39%
Delinquent Taxes	225.62	319.93	600.00	53.32%
Interest/Ad Fee on Taxes	80.03	131.32	200.00	65.66%
Utility Ad Valorem	0.00	0.00	600.00	0.0%
Vehicle Registration	839.89	1,705.97	7,983.00	21.37%
Total Property Tax Income	1,590.55	2,602.23	122,576.00	2.12%
Revenue Sharing				
Alcoholic Beverage Tax	0.00	0.00	19,000.00	0.0%
Cable (from State)	0.00	0.00	40,000.00	0.0%
Excise Tax (Piped Natural Gas)	404.00	404.00	10,500.00	3.85%
Franchise Tax (Electric Power)	3,416.00	3,416.00	120,000.00	2.85%
Sales & Use Taxes	0.00	0.00	40,000.00	0.0%
Telecommunications Tax	1,469.61	1,469.61	12,000.00	12.25%
Total Revenue Sharing	5,289.61	5,289.61	241,500.00	2.19%
Total Revenues	11,538.20	36,487.08	437,576.00	8.34%
Expense				
Operating Expenditures				
Tax Collection Fee	6.16	6.16	1,725.00	0.36%
Contingency	0.00	0.00	20,800.00	0.0%

Minutes 2008.10.13, approved 11.10.08

Advertising - Clerk	0.00	0.00	800.00	0.0%
Annexation Expense	0.00	0.00	4,000.00	0.0%
Annual Retreat	0.00	0.00	2,000.00	0.0%
Books & Literature	0.00	0.00	600.00	0.0%
Dues and Subscriptions	0.00	5,321.00	12,400.00	42.91%
Election Expense	0.00	0.00	10,500.00	0.0%
Insurance - Liability	0.00	7,851.78	9,600.00	81.79%
Insurance - Workmen's Comp	0.00	470.00	800.00	58.75%
Land Maintenance	0.00	0.00	3,000.00	0.0%
Master Plan (incl. survey)	0.00	0.00	5,000.00	0.0%
Town office Maint.	0.00	119.85	1,800.00	6.66%
Misc town office	0.00	188.76	2,400.00	7.87%
Newsletter	890.00	2,573.00	6,500.00	39.59%
Office Expense				
Office Equipment Repairs	0.00	0.00	1,000.00	0.0%
Office Equipment	0.00	112.37	2,000.00	5.62%
Awards	0.00	0.00	500.00	0.0%
Electronic Commun (Tele/RR)	660.36	1,083.28	4,800.00	22.57%
Office Supplies	71.76	231.37	3,000.00	7.71%
Total Office Expense	<u>732.12</u>	<u>1,427.02</u>	<u>11,300.00</u>	<u>12.63%</u>
Postage and Delivery	0.00	42.00	700.00	6.0%
Rent	1,300.00	3,900.00	20,000.00	19.5%
Seminars	150.00	150.00	2,000.00	7.5%
Travel & Entertainment	217.68	392.88	3,000.00	13.1%
Utilities- Temp. Town Hall	0.00	304.69	4,000.00	7.62%
Welcome Committee	0.00	0.00	1,000.00	0.0%
Total Operating Expenditures	<u>3,295.96</u>	<u>22,747.14</u>	<u>123,925.00</u>	<u>18.36%</u>
Gen. Govt. Salaries				
Admin. Assistant	240.00	937.50	3,120.00	30.05%
Allowance for Salary Adjustment	0.00	0.00	46,355.00	0.0%
Mayor	1,200.00	1,200.00	4,800.00	25.0%
Mayor Protem	750.00	750.00	3,000.00	25.0%
Council Salary	1,800.00	1,800.00	7,200.00	25.0%
Clerk Salary	1,911.00	5,307.25	31,200.00	17.01%
Finance Officer Salary	710.76	1,954.59	7,920.00	24.68%
Payroll Taxes	800.03	1,649.69	9,900.00	16.66%
Payroll exp - Unemployment	0.00	0.00	120.00	0.0%
Fringe Benefits - Insurance	0.00	541.52	12,000.00	4.51%
Fringe Benefits - Retirement	314.35	505.90	4,580.00	11.05%
Total Gen. Govt. Salaries	<u>7,726.14</u>	<u>14,646.45</u>	<u>130,195.00</u>	<u>11.25%</u>
Planning & Zoning				
ETJ costs	0.00	0.00	1,000.00	0.0%
Administration (COG)	0.00	0.00	8,000.00	0.0%
P/Z Admin. Salary	3,846.16	9,615.40	50,000.00	19.23%
Planning & Zoning Board Salary	0.00	0.00	4,540.00	0.0%
Advertising	0.00	0.00	1,800.00	0.0%
P/Z Office Expense	32.99	56.81	1,200.00	4.73%
Planning/Zoning Expense	<u>22.23</u>	<u>57.92</u>	<u>800.00</u>	<u>7.24%</u>

Total Planning & Zoning	3,901.38	9,730.13	67,340.00	14.45%
Professional Fees				
Accounting	0.00	0.00	3,400.00	0.0%
Engr. Consulting	2,071.25	3,123.80	9,000.00	34.71%
Legal Fees	1,100.00	1,663.80	48,000.00	3.47%
Security	0.00	0.00	1,116.00	0.0%
Total Professional Fees	<u>3,171.25</u>	<u>4,787.60</u>	<u>61,516.00</u>	<u>7.78%</u>
Parks & Recreation	3,501.15	3,986.15	5,000.00	79.72%
Public Safety	0.00	0.00	4,000.00	0.0%
Transportation Study	186.00	186.00	38,000.00	0.49%
Capital Outlay				
Computer Equip.	0.00	0.00	3,600.00	0.0%
Furniture & Equipment	0.00	0.00	2,000.00	0.0%
Software	0.00	0.00	2,000.00	0.0%
Total Capital Outlay	<u>0.00</u>	<u>0.00</u>	<u>7,600.00</u>	<u>0.0%</u>
Total Expense	<u>21,781.88</u>	<u>56,083.47</u>	<u>437,576.00</u>	<u>12.82%</u>
Excess of Exp. Over Rev.	<u>10,243.68</u>	<u>-19,596.39</u>	<u>0.00</u>	<u>100.0%</u>

Balance Sheet

Current Assets

Checking/Savings

Fifth Third Bank Checking	85,140.40
Fifth Third Bank Money Market	657,649.75
CD - BB&T 01.23.10-3.84%	300,000.00
CD 9-28-08 FC 3.05%. 891	180,539.40
CD 4.45% 08.06.2010	110,021.47
CD Ded Land 3.05% 10.09.08..923	154,692.77
Bldg fund CD 9-28-08 3.05% .904	230,921.15
Petty Cash Fund	50.00

Total Checking/Savings 1,719,014.94

Total Accounts Receivable 3,536.30

Other Current Assets

Prepaid Exp.	850.00
Property Tax Rec.	3,828.00
Allowance for Doubtful Accounts	-960.00
Total Sales Taxes to be Received	<u>623.69</u>

Total Other Current Assets 4,341.69

Total Current Assets 1,726,892.93

Fixed Assets		
		55,757.91
	Office Equipment	13,569.26
	Accumulated Deprec.	-10,952.36
	Total Fixed Assets	<u>58,374.81</u>
TOTAL ASSETS		<u><u>1,785,267.74</u></u>
LIABILITIES & FUND BALANCE		
Liabilities		
	Current Liabilities	
	Pay. for Employee Insurance	5.00
	Escrow from Developers	45,076.00
	Deferred Revenue	2,868.20
	Payroll Liabilities	3,146.13
	Total Other Current Liabilities	<u>51,095.33</u>
	Total Current Liabilities	<u>51,095.33</u>
	Fund Balance	
	Fund Bal. inv. in Fixed Assets	58,374.81
	Fund Balance	1,309,780.07
	Reserved for Parks & Recreation	154,692.77
	Unres., Designated for Town Hall	230,921.15
	Net excess of exp. Over rev.	-19,596.39
	Total Fund Balance	<u>1,734,172.41</u>
TOTAL LIABILITIES & FUND BALANCE		<u><u>1,785,267.74</u></u>

Bradford made a motion to approve the financial statements from September 2008; Horvath seconded the motion.

The motion passed unanimously.

Bennett reported that there was a statewide conference call from the State Treasurers Office regarding cash security. Fifth Third Bank, as well as BB&T and Citizens South are all pooling banks, in that the State Treasurer quarterly reviews all public funds at those banks and makes sure they are collateralized at 110%. As finance officer, Bennett reports to the State Treasurer twice a year as to what funds we have in each bank, and reports to the Banks once annually. Bennett sent a letter to our banks reminding them that all our accounts should be considered public funds, and sent an updated report on what we had in the banks as of September 30, 2008, with a copy to the State Treasurer. The State Treasurer's office indicated that as long as we are reporting to them, our funds should be secure even if in excess of the FDIC insurance (the FDIC insurance limit has been raised to \$250,000 per bank through December 31, 2009).

In early October Bennett moved the funds that were in the Building Fund Certificate of Deposit (about \$233,000) to Citizens South Bank into a C.D. of 13 months earning 3.5%.

Bennett also reported that a new State law allows municipalities to impose a gross receipt tax at the rate of 0.8% on the gross receipts from the short-term lease or rental of heavy equipment since the heavy duty equipment will become exempt from property tax on January 1, 2009. At present we do not have any such equipment in our village, but it was suggested we pass a resolution so that if we do get such equipment in our town, the tax will be in place. Union County sent a suggested Resolution. Council asked Bennett to bring the Resolution and copies of the information to the next meeting.

b. Presentation of Planning and Zoning Report by Joshua Langen

Langen issued 14 permits last month. There will be a LARTP workshop here on October 28 at 7 pm for public input, as well as three other meetings. We will put a link on the website, and sent it to the Planning Board and Council. Regarding the flooding problem on Underwood Road, the Langen and the engineer are getting sample language for lots already platted.

6. PUBLIC HEARING ON REZONING 08-01 AND CUP 08-01 FOR QUINTESSA COMMUNITY CENTER

Pierce made a motion to open the public hearing on rezoning 08-01; Horvath seconded the motion.

The motion passed unanimously.

Pierce made a motion to open the public hearing on CUP 08-01; Horvath seconded the motion.

The motion passed unanimously.

Croffut swore in Joshua Langen as a witness. Langen said this is rezoning 3.5 acres of a larger tract, upon rezoning and approval of the CUP it will be legally subdivided. Presently it is zoned R-40, and indoor recreation centers are not allowed in R-40. If it is re-zoned to R-80, they can do an indoor recreation center by a CUP. Langen said the parking is fine, and it doesn't need any variance on setbacks. He suggested approval with the condition that the lot is legally subdivided. Langen read his report on the findings. Pierce asked regarding the road; Langen said it would be built to DOT standards, but at this stage just be a private drive. Horvath asked regarding the adjacent lots; they are platted but not built on.

Pierce made a motion to close the public hearing on the re-zoning; Horvath seconded the motion.

The motion passed unanimously.

Pierce made a motion to close the public hearing on the CUP; Horvath seconded the motion.

The motion passed unanimously.

7. DISCUSSION AND POSSIBLE VOTE ON REZONING 08-01

Langen suggested we could use the Planning Board minutes as their statement. Council went through the findings of fact.

6.4.1 Findings to be Made by Village Council

The Village Council shall issue a CUP only after having conclusively confirmed each of the following findings:

a) The use will not materially endanger the public health or safety if located where proposed and developed according to the submitted plan.

Bradford, Horvath and Pierce voted yes.

b) The use meets all required conditions and specifications.

Bradford, Horvath and Pierce voted yes.

c) The Use will not substantially injure the value of adjoining or abutting property, or the use is a public necessity.

Bradford, Horvath and Pierce voted yes.

d) The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with this Ordinance and the Village of Wesley Chapel Land Development Plan.

Bradford, Horvath and Pierce voted yes.

e) Additional review criteria, as stated in the Ordinance, shall also be considered and addressed where required.

Bradford, Horvath and Pierce voted yes.

Bradford noted recreational facilities are governed by Section 6.10.8 of the ordinance, but this is for an accessory use. Langen suggested Council add that no additional review criteria are necessary, as the plan and any accessory uses meet all the standards. Council added this.

f) Any deviation from the terms of this Ordinance will result in a project that is at least equal to or better than what would be accomplished under the strict application of this ordinance.

Bradford, Horvath and Pierce voted yes.

g) Any deviation from the terms of this Ordinance will not adversely affect the right of other abutting or nearby property owners in any material manner.

Bradford, Horvath and Pierce voted yes.

Bradford made a motion to approve Rezoning Application 08-01; rezoning the 3.5 acres from R40 to R80 on the condition that they legally subdivide the parcel. Horvath seconded the motion.

The motion passed unanimously.

Langen's report will serve as the written statement for Council.

8. DISCUSSION AND POSSIBLE VOTE ON CUP 08-01

Pierce made a motion to approve CUP 08-01 on the condition that they legally subdivide the 3.5 acre parcel. Horvath seconded the motion.

The motion passed unanimously.

9A. DISCUSSION AND POSSIBLE VOTE ON AMENDMENTS TO THE ZONING ORDINANCE AND A FLOOD DAMAGE PREVENTION, DRAINAGE, STORMWATER MANAGEMENT, AND WETLAND PROTECTION ORDINANCE.

Langen noted minor changes had been made; on page 6 the date the initial maps were adopted was corrected to July 18, 1983, and on pages 15 and 17 Sections C and B of Article 5 were reversed. On page 16, section 7a, the State recommended we add non-residential in addition to residential. Pierce asked if there might be some situation where items such as a gazebo in a greenway might be allowed. Langen said this applies to building lots recorded within the floodplain. At this point we need to pass the State review, and we need to have this adopted by October 16. Langen said on page 16, Section 7(a) (b) (i) added "or non-residential". Langen also said a change was made throughout to change all references to floodway became or non-encroachment area. On the last page, Article 7, Section A, The date of the initial flood damage prevention ordinance for Union County became May 24, 1983.

Pierce made a motion to adopt Ordinance 2008-13, FLOOD DAMAGE PREVENTION, DRAINAGE, STORMWATER MANAGEMENT, AND WETLAND PROTECTION ORDINANCE, with stated amendments to add greenway or common open space on page 16, section 7 a, subject to State approval. Bradford seconded the motion.

The motion passed unanimously.

Ordinance 2008-13 is an Attachment to these minutes.

9B. AMENDMENT TO ARTICLE 14 OF THE ZONING ORDINANCE

Since other parts of the Ordinance refer to Article 14, it will remain and the text replaced in its entirety with the following:

"This article has been replaced by the Flood Damage Prevention, Drainage, Stormwater Management, and Wetland Protection Ordinance and associated Flood Hazard Areas, as delineated on the Flood Insurance Rate Insurance maps,

1/2 to 1/4 mile	1
1/4 mile	6
none	2
4. Again if you support it, what types would you support?	
Work/life residences (above stores)?	28
Town Homes	34
Retirement Homes	43

There were 33 responses on the website: 22 said yes to cluster/conservation subdivisions, and 11 said no. Surrounding the commercial area, 9 voted no, 4 voted yes for different types of housing; 5 voted no, 2 voted yes for retirement homes; 2 voted yes, and 2 voted no for work/life residences; 8 voted no and 3 voted yes for town homes. When asked what distance from the intersection would you support the varied mix of housing types, 11 voted .5 mile; 8 voted 1 mile, 5 voted .25 mile.

Bradford said she would prepare the results of the Park and Rec survey for the next meeting; she had 112 responses and priorities were ranked with parks, greenways, and bike lanes being the top three.. Amenities within a park were in this order: walking trails, restrooms, playgrounds, shelters, bike trails, lake/fish and passive grounds. Least popular was horse trails.

Pierce asked if the respondents were in the village; Bradford said generally yes, one said they lived nearby. A citizen asked about sidewalks from the town center to neighborhoods; Pierce said this is a complex and expensive issue, we would love to have them. This type of issue will be discussed at the LARTP workshop October 28, at 7 pm.

12. DELETED

13. OTHER BUSINESS

Bradford asked regarding the need for additional legal staff for the BOA hearing. Sistrunk will come up with some names and bring back to the next meeting.

14. COUNCIL COMMENTS

Horvath said he is disturbed by County discussions on the water allocations. He had concerns that existing residents and businesses are affected by the lack of water; we are now in the lowest stage of a drought, yet they are looking at how to allocate the excess the excess capacity to new development. He will attend the next County meeting.

Bradford said Union Power has a meeting this Thursday from 4-7:30 regarding location of a transmission line.

Carol Mullis asked regarding the celebration signs – two metal rods were still up at New Town Road and Waxhaw-Indian Trail Road and are a safety danger.

15. ADJOURNMENT

Bradford made a motion to adjourn; Pierce seconded the motion.

The motion was approved unanimously.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Tracey Clinton