

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
March 8, 2010 – 7:00 P. M.

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

Present: Mayor Horvath, Mayor Pro-tem Bradford; Council Members Brotton, Hess and Ormiston

Others Present:

Village Clerk/Finance Officer: Cheryl Bennett

Planning/Zoning Administrator: Joshua Langen

Village Attorney: George Sistrunk

Concerned citizens: Carol Mullis, Becky Plyler, Benjamin Sullivan, Tom Slusher, David Gross, David Phillips, Ray Davis, Julie Brown

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

1. PLEDGE OF ALLEGIANCE / INVOCATION

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

2. INFORMAL PUBLIC COMMENTS – none

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

Bradford made a motion to adopt the agenda with these changes; Item 15 became Item 15-A, and Item 15-B “Appointment to Safety Committee” was added. Ormiston seconded the motion.

The motion passed unanimously.

4. APPROVE MINUTES FOR:

Council Meeting February 8, 2010

Council Meeting February 16, 2010

Closed Minutes Item 18A, January 11, 2010

Closed Minutes Item 18B February 11, 2010

Closed Minutes Item 6B February 8, 2010

Nancy Schneeberger and Chauncey Bowers were added to the citizens present in the February 16, 2010 meeting minutes. Bradford made a motion to approve the minutes for February 16, 2010 with this addition, and the minutes for February 8, 2010 and the closed minutes for Item 18A, January 11, 2010, Item 18B February 11, 2010 and Item 6B for February 8, 2010. Hess seconded the motion.

The motion passed unanimously.

5. STAFF REPORTS

- a. Review and approve the Village Financial Reports dated February 28, 2010, submitted by Cheryl Bennett, Finance Officer

Bennett reported February revenues are \$26,624, expenses are \$32,631 and the year to date surplus is \$129,239. The Village has \$2,133,671 cash in the bank. Hess requested that any significant encumbrances be footnoted. None existed at February 28, 2010. Bradford made a motion to approve the February financial reports; Ormiston seconded the motion.

The motion passed unanimously.

February 2010 Budget Report

	<u>Feb 10</u>	<u>Jul '09 - Feb 10</u>	<u>Budget</u>	<u>% of Budget</u>
Revenues				
Fees and Licenses				
Cable Franchise (from Time Warn	3,369.00	10,030.00	12,500.00	80.24%
Engineering Fees Reimbursement	1,102.50	3,715.02	10,000.00	37.15%
Zoning Permit	135.00	3,635.00	7,000.00	51.93%
Privilege Licenses	268.75	21,993.17	21,000.00	104.73%
Annexation Exp Reimbursed	0.00	0.00	150.00	0.0%
Misc. Fees	60.00	94.20	100.00	94.2%
Total Fees and Licenses	4,935.25	39,467.39	50,750.00	77.77%
Interest Earned	17,831.86	39,438.53	14,000.00	281.7%
Property Tax Income				
Current Year Property Tax	-1,668.11	134,298.18	130,316.00	103.06%
Delinquent Taxes	0.58	1,772.34	600.00	295.39%
Interest/Ad Fee on Taxes	44.99	205.36	200.00	102.68%
Utility Ad Valorem	1,981.63	1,981.63	600.00	330.27%
Vehicle Registration	706.99	5,175.46	8,064.00	64.18%
Total Property Tax Income	1,066.08	143,432.97	139,780.00	102.61%
Revenue Sharing				
Alcoholic Beverage Tax	0.00	0.00	19,000.00	0.0%
Cable (from State)	0.00	24,385.13	75,000.00	32.51%
Excise Tax (Piped Natural Gas)	0.00	1,058.00	10,000.00	10.58%
Franchise Tax (Electric Power)	0.00	55,273.00	140,000.00	39.48%
Sales & Use Taxes	2,791.08	14,564.06	24,000.00	60.68%
Telecommunications Tax	0.00	3,116.00	12,000.00	25.97%
Total Revenue Sharing	2,791.08	98,396.19	280,000.00	35.14%
Total Revenues	26,624.27	320,735.08	484,530.00	66.2%

Expense

Operating Expenditures

Tax Collection Fee	293.39	2,095.90	2,200.00	95.27%
Contingency	0.00	0.00	23,000.00	0.0%
Advertising - Clerk	152.67	393.35	500.00	78.67%
Annexation Expense	0.00	200.00	1,000.00	20.0%
Annual Retreat	1,408.00	1,408.00	2,000.00	70.4%
Books & Literature	0.00	50.00	600.00	8.33%
Dues and Subscriptions	0.00	6,724.00	12,000.00	56.03%
Election Expense	0.00	8,362.59	9,200.00	90.9%
Insurance - Liability	0.00	9,110.51	9,500.00	95.9%
Insurance - Workmen's Comp	0.00	470.00	600.00	78.33%
Land Maintenance	0.00	0.00	3,000.00	0.0%
Miscellaneous	0.00	0.00		
Town office Maint.	75.00	439.39	1,000.00	43.94%
Misc town office	54.96	435.45	2,000.00	21.77%
Newsletter	0.00	1,689.28	5,000.00	33.79%
Office Expense				
Office Equipment Repairs	0.00	100.00	1,000.00	10.0%
Office Equipment	0.00	0.00	2,000.00	0.0%
Awards	0.00	119.11	500.00	23.82%
Electronic Commun (Tele/RR)	224.16	2,218.83	4,000.00	55.47%
Office Supplies	197.04	959.48	3,000.00	31.98%
Total Office Expense	421.20	3,397.42	10,500.00	32.36%
Postage and Delivery	15.55	134.56	700.00	19.22%
Rent	1,300.00	10,400.00	20,000.00	52.0%
Seminars	325.00	1,399.00	3,000.00	46.63%
Travel & Entertainment	93.50	930.52	3,000.00	31.02%
Utilities- Temp. Town Hall	161.80	1,531.01	4,000.00	38.28%
Welcome Committee	0.00	0.00	1,000.00	0.0%
Total Operating Expenditures	4,301.07	49,170.98	113,800.00	43.21%
Gen. Govt. Salaries				
Admin. Assistant	277.50	2,535.00	4,680.00	54.17%
Allowance for Salary Adjustment	0.00	0.00	31,354.00	0.0%
Mayor	0.00	2,400.00	4,800.00	50.0%
Mayor Protem	0.00	1,375.00	3,000.00	45.83%
Council Salary	0.00	3,399.99	7,200.00	47.22%
Clerk Salary	2,289.00	17,711.75	34,944.00	50.69%
Finance Officer Salary	710.76	5,863.77	9,240.00	63.46%

Payroll Taxes	544.93	5,070.13	11,500.00	44.09%
Payroll exp - Unemployment	0.00	159.04	1,000.00	15.9%
Fringe Benefits - Insurance	492.00	4,354.50	13,200.00	32.99%
Fringe Benefits - Retirement	475.88	2,494.54	6,000.00	41.58%
Total Gen. Govt. Salaries	4,790.07	45,363.72	126,918.00	35.74%
Planning & Zoning				
Transportation Study	0.00	0.00	10,000.00	0.0%
Downtown Committee	0.00	0.00	2,000.00	0.0%
P/Z Seminars	0.00	0.00	900.00	0.0%
P/Z Travel	0.00	194.45	900.00	21.61%
P/Z Dues,Subscriptions	0.00	329.00	800.00	41.13%
Administration (COG)	0.00	0.00	8,000.00	0.0%
P/Z Admin. Salary	3,846.16	31,730.82	50,000.00	63.46%
Planning & Zoning Board Salary	0.00	1,260.00	4,032.00	31.25%
Advertising	0.00	1,768.00	1,800.00	98.22%
P/Z Office Expense	140.32	419.78	1,200.00	34.98%
Planning/Zoning Expense	0.00	450.00	1,000.00	45.0%
Total Planning & Zoning	3,986.48	36,152.05	80,632.00	44.84%
Professional Fees				
Accounting	0.00	3,100.00	3,500.00	88.57%
Engr. Consulting	896.25	1,653.08	14,000.00	11.81%
Legal Fees	4,391.69	34,662.04	48,000.00	72.21%
Security	0.00	0.00	1,000.00	0.0%
Total Professional Fees	5,287.94	39,415.12	66,500.00	59.27%
Parks & Recreation				
Capital Outlay	14,265.72	20,015.72	84,000.00	23.83%
Operating Expenses	0.00	1,378.30	2,180.00	63.23%
Total Parks & Recreation	14,265.72	21,394.02	86,180.00	24.83%
Public Safety				
Capital Outlay	0.00	0.00	2,000.00	0.0%
Computer Equip.	0.00	0.00	5,000.00	0.0%
Furniture & Equipment	0.00	0.00	1,000.00	0.0%
Software	0.00	0.00	2,500.00	0.0%
Total Capital Outlay	0.00	0.00	8,500.00	0.0%
Total Expense	32,631.28	191,495.89	484,530.00	39.52%
Excess of Rev. over Exp.	-6,007.01	129,239.19	0.00	100.0%

Balance Sheet, Feb. 28, 2010

ASSETS

Current Assets

Checking/Savings

Fifth Third Bank Checking	16,946.86
Fifth Third Bank Money Market	587,360.06
CD Ded land 5th3rd 08.30.10	81,870.37
CD Ded land 5th3rd 11.3.10	81,881.54
CD 4.45% ,08.6.10	57,405.23
CD 5th3rd .8%, 8.30.10	95,321.50
CD 5th 3rd 09.06.2010	55,555.46
CD 5th3rd,.8%, 8.30.10	95,321.50
Citizens South CD Bldg 12.3.10	242,743.49
BB&T CD 11.0210-.3%	317,480.21
BB&T CD 04.21.10. .568	501,735.04
Petty Cash Fund	50.00

Total Checking/Savings 2,133,671.26

Accounts Receivable

Misc. Fees Receivable 1,964.33

Other Current Assets

Prepaid Exp.	850.00
Property Tax Rec.	5,554.00
Allow. for Doubtful Accounts	-883.00
Sales Taxes to be Received	

Total Sales Taxes to be Received 247.55

Total Other Current Assets 5,768.55

Total Current Assets 2,141,404.14

Fixed Assets

Land	55,757.91
Office Equipment	13,569.26
Accumulated Deprec.	-12,918.36

Total Fixed Assets 56,408.81

TOTAL ASSETS 2,197,812.95

LIABILITIES & FUND BALANCE

Other Current Liabilities

Pay. for Employee Insurance	42.00
Escrow from Developers	45,076.00
Deferred Revenue	4,671.20

Total Other Current Liabilities 49,789.20

Total Current Liabilities 49,789.20

Fund Balance	
Fund Bal. inv. in Fixed Assets	56,408.81
Fund Balance	1,555,880.35
Reserved for Parks & Recreation	163,751.91
Unres., Designated for Town Hall	242,743.49
Excess of Rev. over Exp.	<u>129,239.19</u>
Total Fund Balance	<u>2,148,023.75</u>
TOTAL LIABILITIES & FUND BALANCE	<u><u>2,197,812.95</u></u>

b. Presentation of Planning and Zoning Report by Joshua Langen. In February/March six permits were issued; five signs and one accessory structure. Langen reported the Planning Board Rules of Procedure ordinance amendment draft will go back to Planning Board in March; and changes to the Table of Uses to allow for "Recreation Facilities, Outdoor, (Parks, Playground) as conditional use in B-1, B-2 and L-I districts will be reviewed by the Ordinance Review Committee. Amendments to the Zoning Ordinance Section 8 Signs are on-going in the Ordinance Review Committee. Langen also gave a summary of where his staff time was spent: 20% on ordinance amendments; 10% each for resident technical assistance, Census and Village Council, 15% each for Downtown Committee and GIS database, and 5% each for permit processing, RUC rezoning, Planning Board and violation complaints. Hickory Tavern will have their VIP opening Friday and Saturday evenings. Langen reported he had left messages with DOT regarding the flooding problem. Ormiston requested he get this moving promptly; Langen will give the Mayor the phone number of an official at DOT. Bradford inquired about the status of the six acres. Langen said he hadn't asked Aston yet; Council directed him to find out if the hole was needed for drainage, and they would like the land as flat as possible; Bradford would like a timetable for when the land will be usable. Ormiston added the goal would be to have the land graded by the end of April.

6. PUBLIC HEARING ON ZONING ORDINANCE AMENDMENTS FOR:
 - ESSENTIAL FACILITIES DEFINITIONS AND RELATED REGULATIONS

Mayor Horvath opened the public hearing. Benjamin Sullivan, David Gross and Tom Slusher were present. Mr. Sullivan, attorney for Union Power, expressed concerns that the proposed amendments may limit the ability to provide electricity and conflict with other provisions. They would like to work with the Village on the wording. The amendments require a CUP for lines less than 100KV, and it is unclear how power lines would be in harmony with the surrounding land. Also the land use plan has no references to electric lines at all. The amendment would prevent lines of 230KV or more in the Village except on a couple parcels in the downtown area where we probably wouldn't want them to be. Mr. Sullivan expressed concern that the amendments would classify power lines as essential services and require

setbacks, and this makes no sense for lines. The screening requirements might conflict with electric codes that sometimes dictate where things must be. A letter was submitted from Tony Herrin, Union Power Cooperative Executive Vice President and General Manger, detailing their concerns.

David Phillips, Duke Energy District Manager and a Concord council member, supported Union Power's comments, and they would like to work with the Village as well.

The public comments portion of the public hearing was closed.

Langen said he had talked to the Union Power representative by phone regarding their concerns. He asked Mr. Sullivan about easements; generally the easement gives reasonable access over the rest of the land, with new lines they often have a plat showing the easement, but there may be situations where you don't. Langen agreed it is hard to apply setbacks to power lines. Regarding Article 5, we will have to do some amendments to our Table of Uses. Bradford asked if the 230 KV lines are the large "X" towers; Tom Slusher said they are the ones over near Antioch Elementary School. Langen said the screening isn't intended to make the use invisible; he suggested two rows of staggered trees. Bradford said Section 4.2.10 should include staggered rows, and exclude distribution lines. Section 4.2.4(f) should exclude distribution and transmission lines. Ormiston and Bradford agreed that subsection (f) in 6.10.7 should not be deleted. Bradford noted there is a difference between the huge lines and the others; Tom Slusher noted transmission lines move large blocks of energy from where it is generated to where it is used; there is an extensive siting process which looks at factors including environment, historic structures, visibility etc. Distribution lines are a little different, per Mr. Phillips, the majority are on leased easements, originally some were by fee, but that ties up your funds, so it has evolved to leasing properties. Hess asked about their future plans; Mr. Slusher said it is difficult to say, the existing facilities serve areas outside the village as well as within, when growth resumes they will be taxed. It is hard to say where development will occur. Ormiston asked, if fully developed, how many sub-stations would there be. Mr. Slusher said growth was so rapid, they built the station at Highway 16 in 2000, it increased capacity five times, and it provided for the needs five years instead of the expected 20 years. Both the Council and the electric representatives agreed they don't want the re-working of the changes to drag on; Langen will work with them, and report back to Council in April.

Hess made a motion to keep the public hearing open; Ormiston seconded the motion.

The motion passed unanimously.

Carol Mullis asked if the revisions will go back to the Planning Board; Mayor Horvath replied that they will if they are major revisions. Attorney Sistrunk noted the Planning Board is advisory, and Council can change the text.

7. DISCUSSION AND POSSIBLE APPROVAL OF ZONING ORDINANCE AMENDMENTS FOR: ESSENTIAL FACILITIES DEFINITIONS AND RELATED REGULATIONS – see above.

8. WESLEY CHAPEL VOLUNTEER FIRE DEPARTMENT
CUP/VARIANCE STATUS

A. Change in Council Consideration and hearing on CUP to March
16, 2010

Ormiston made a motion to call for a public hearing on March 16, 2010 at 7 pm at Wesley Chapel United Methodist Church, 120 Potter Road, Wesley Chapel to review the fire station CUP. Brotton seconded the motion.

The motion passed unanimously.

B. Distribution of new documents

Langen distributed the application and new documents; he noted they are working on the lighting document.

C. Payment to Wesley Chapel Volunteer Fire Department

The counter agreement was accepted by the Fire Department, it will be signed and then we will get the architect's invoice. The finance officer will review a previous architect invoice with the current one to compare rates.

9. CONSIDER WAXHAW FARMER'S MARKET REQUEST

Mayor Horvath reported he had received a letter from the Farmers Market group, they hold a farmers market on Saturdays and Tuesdays in Waxhaw, and were interested in perhaps a Wednesday market in Wesley Chapel. Council consensus was they were not against the farmers market but they would like the group to find a location.

10. DISCUSSION ON COMMITTEE PRIORITIES

Ormiston stated a priority is to get budget requests in from the Committees and review any ordinances that may be pertinent to their Committee. Downtown Committee is having an information session May 3, and it will be an opportunity for Neighborhood Watch to present. Hess will do a form letter that the Clerk can send to property owners in the village center area. Ormiston said she would like a list of grant opportunities with deadlines. The Ordinance Review Committee would like input on priorities. Their list of items they are working on and previously set priorities will be brought to the April 12 meeting. Bradford suggested removal of ETJ language, and minimum housing standards are priorities.

11. PARKS AND REC UPDATE/DISCUSSION

a. MEMORANDUM OF UNDERSTANDING WITH WILDLIFE
COMMISSION

Bradford reported the Wildlife Commission will provide 75% of the cost of piers and stocking fish; they are updating the language in their Memorandum of Understanding; she will bring it to the next meeting. There will be a time lag of one plus years before they provide us with their services.

b. DEFINITIVE PLAN ON DAM AT PAGE PRICE PARK

Bradford has talked with DENR as well as other towns that have high hazard dams. Basically to move the dam off the high hazard list, the road would have to be higher. Hess noted his key concern is taking on the dam and whether it is stable. DENR comes out on March 18; John Ross from Eagle Engineering as well as Jon Wood and his personnel will attend. Hess asked how long the engineering study would take; hopefully by the June council meeting we could review the costs and work. Ormiston questioned whether we should spend the funds on the investigation not knowing if we get the PARTF grant. Mayor Horvath noted without the PARTF grant we could still take the land donation.

c. APPRAISAL OF DOGWOOD ACRES

Ormiston will provide a name of an additional appraiser, and suggested we get three bids. Bradford will contact the appraiser we used before also.

d. ANY OTHER ITEMS

Aston Properties has donated \$500 to the Parks and Rec effort.

12. HOUSTON HOUSE DISCUSSION

Mayor Horvath noted the CIP discussion didn't touch on Houston House; estimates to move it to Page Price Park are \$20,000 to \$30,000; costs to refurbish it are not known. Bradford noted the timeline requested by the church are to have a plan by the end of March, and move it by the end of May; we can ask for flexibility on the timing. Discussion of whether it was a priority, and where the funding would come from was held. It was noted that there would have to be a commitment to restore it and you would want the land graded before the house was put on it. Julie Brown reported on her contacts with the church, the owner of the Howie gold mine and Duke Power. Council asked Parks and Rec to decide at their next meeting Monday whether the Houston House is a priority that would come out of their existing budget.

13. DISCUSSION ON ADVANCE: PRIORITIES INCLUDING CAPITAL IMPROVEMENT BUDGET ITEMS

A spreadsheet was worked on at the Advance for capital funding. Mayor Horvath noted we have reserves of \$163,752 for parks and \$242,743 for a town hall, which can't be spent elsewhere. Decisions need to be made on where to put a town hall, whether we want Dogwood Acres, and do we want to issue bonds or take on debt. Ormiston noted the location for a town hall was narrowed down to the 6 acres or Dogwood Acres. Mayor Horvath noted we want a town hall to establish visibility, and Dogwood Acres is not very visible. We will work on square footage needs and a possible meeting will be held April 17 to work on CIP.

14. DISCUSSION ON SPRING 2010 NEWSLETTER PREPARATION, ARTICLES, AND ASSIGNMENTS

Ormiston went over the upcoming newsletter items: a page for bids could be put on the website or in the newsletter, and she will send out a letter to the high schools asking for designs for a village seal. Other articles and person responsible are: park progress (Bradford), Who's Who article on Carol Mullis (Ormiston), announce the forum on May 3, announce 5K charitable run, rank of capital priorities, survey in forum or in newsletter (Hess), council biographies, list of new stores at shopping center, Mayor's letter (Horvath). The goal is to have the newsletter out by April 22, and the community forum will be May 3.

15A. DISCUSSION ON POSSIBLE WESTERN UNION COUNTY ANNEXATION AGREEMENT EXPLORATORY COMMITTEE

Mayor Horvath reported this will be a Coalition of five local towns to discuss annexation rules and procedures; Wesley Chapel is not a proponent of involuntary annexation. The Mayor will report back to Council on the Committee. Bradford volunteered to be the alternate representative.

15B. APPOINTMENT TO SAFETY COMMITTEE

Mayor Horvath appointed Donna Pasciuta to the Safety Committee.

16. OTHER BUSINESS

Ormiston asked for a listing of openings on Committees from the Clerk. The Safety Committee meeting will be March 18th at the town office.

17. COUNCIL COMMENTS - none

18. ADJOURNMENT

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

The motion was approved unanimously.

The meeting was adjourned at about 10:50 pm.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath