

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
June 14, 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, Chuck & Gayla Adams, Tom Slusher, Julie Brown, Chris Freeman, Shirley Hafey, Joan Beaulieu, Todd Bennington, Regina Hilbert, Stephen Keeney, Scott Updike, John Fritz, Shirley Wilson, Naomi Herndon, Jayne Ruzsala, Butch & Becky Plyler, Cheryl & Ken Adelglass, Mark and Diane Odiorne, Stan Schwartz, Mildred Gwinn, Marnie Holland

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

Todd Bennington read a letter from Sandi Bush in which she said it was fiscally irresponsible to buy Dogwood Acres when we have donated land for our new Town Hall in the right location that can be built to our specifications.

Chuck Adams spoke of a petition being circulated by a blend of old and new citizens. The petition is against purchase of Dogwood Acres, and in favor of building a town Hall on the 6 acres of approximately 4,500 square feet, hiring a deputy, taking possession of Page Price Park if the report on the dam is positive and requires no major repairs and if the \$500,000 grant is received, and doing a scaled down version of the original park proposal, and no increase in taxes. He noted we have \$2.1 million in the bank, and need to keep about \$250,000 in fund balance. He compared the cash amount to the cost of the Dogwood Acres land and house with renovations at a cost of \$2.1 to \$2.7 million; and to the cost of a new town hall between 4,500 and 5,000 square feet on the 6.3 acres which would cost between \$1,012,500 and \$1,100,000. Page Price Park he estimated would cost \$700,000 with the grant, so doing both that and the town hall would leave \$343,000 in the bank. He said there were more signatures on the petitions (542)

than on both the prior surveys. Hess asked about the impact of spending \$75,000 annually on a deputy.

Shirley Wilson has lived here since 1972, and been on the Planning Board since its inception. She noted low density was an important concern when the zoning ordinance was written. She was not in favor of incurring debt for Dogwood Acres when we have property more centrally located. She noted the structure there requires \$1.6 million to renovate, and building more density around it will cause more problems for the citizens.

Frank Cappella, representing Winding Creek, inquired regarding possible annexation. He said two weeks ago the HOA was taken over by the residents and asked if our policy requiring 95% of homeowners to annex was flexible. He also noted there are a few vacant lots and the developer owns some lots that are not subdivided nor recorded, there were questions with FEMA.

Shirley Hafey spoke in favor of going with the survey where 80% said they wanted a town hall on the town's land.

3. ADDITIONS, DELETIONS, AND / OR ADOPTION OF AGENDA
Bradford made a motion to adopt the agenda; Ormiston seconded the motion.
The motion passed unanimously.

4. APPROVE MINUTES FOR:
Council Meeting April 20, 2010
Council Meeting May 3, 2010
Council Meeting May 10, 2010
Council Meeting May 18, 2010
Special Council Meeting May 25, 2010

Ormiston made a motion to approve the minutes for the Council Meeting April 20, 2010, Council Meeting May 3, 2010 and Council Meeting May 10, 2010.
Brotton seconded the motion.

The motion passed unanimously.
The minutes for May 18, 2010 and May 25, 2010 were not yet available.

5. STAFF REPORTS

a. Review and approve the Village Financial Reports dated May 31, 2010, submitted by Cheryl Bennett, Finance Officer

Bennett reported May revenues are \$13,409, expenses are \$20,630 and the year to date surplus is \$137,791. The Village has \$2,143,782 cash in the bank. Bradford made a motion to approve the May financial reports; Brotton seconded the motion.

The motion passed unanimously.

**May 2010
Budget
Report**

	<u>May 10</u>	<u>Jul '09 - May 10</u>	<u>Budget</u>	<u>% of Budget</u>
Revenues				
Contribution for parks and rec	0.00	500.00	0.00	100.0%
Fees and Licenses				
Cable Franchise (from Time Warn	0.00	10,030.00	12,500.00	80.24%
Engineering Fees Reimbursement	0.00	3,715.02	10,000.00	37.15%
Zoning Permit	460.00	4,885.00	7,000.00	69.79%
Privilege Licenses	60.50	22,110.17	21,000.00	105.29%
Annexation Exp Reimbursed	0.00	0.00	150.00	0.0%
Misc. Fees	0.25	154.85	100.00	154.85%
Total Fees and Licenses	520.75	40,895.04	50,750.00	80.58%
Interest Earned	74.89	40,309.44	14,000.00	287.93%
Property Tax Income				
Current Year Property Tax	492.10	137,990.48	130,316.00	105.89%
Delinquent Taxes	189.14	2,227.38	600.00	371.23%
Interest/Ad Fee on Taxes	79.12	437.67	200.00	218.84%
Utility Ad Valorem	0.00	1,981.63	600.00	330.27%
Vehicle Registration	660.67	7,189.91	8,064.00	89.16%
Total Property Tax Income	1,421.03	149,827.07	139,780.00	107.19%
Revenue Sharing				
Alcoholic Beverage Tax	8,965.78	8,965.78	19,000.00	47.19%
Cable (from State)	0.00	45,289.23	75,000.00	60.39%
Excise Tax (Piped Natural Gas)	0.00	5,308.00	10,000.00	53.08%
Franchise Tax (Electric Power)	0.00	88,420.00	140,000.00	63.16%
Sales & Use Taxes	2,426.73	22,521.37	24,000.00	93.84%
Telecommunications Tax	0.00	6,439.00	12,000.00	53.66%
Total Revenue Sharing	11,392.51	176,943.38	280,000.00	63.19%
Total Revenues	13,409.18	408,474.93	484,530.00	84.3%
Expense				
Operating Expenditures				
Tax Collection Fee	17.71	2,186.34	2,200.00	99.38%
Contingency	0.00	0.00	6,000.00	0.0%
Advertising - Clerk	0.00	700.86	1,000.00	70.09%
Annexation Expense	0.00	200.00	500.00	40.0%
Annual Retreat	0.00	1,519.13	2,000.00	75.96%

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Books & Literature	0.00	50.00	600.00	8.33%
Dues and Subscriptions	0.00	10,385.47	12,000.00	86.55%
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%
Town office Maint.	75.00	634.24	1,000.00	63.42%
Misc town office	0.00	1,395.10	2,000.00	69.76%
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	95.74	2,000.00	4.79%
Awards	0.00	119.11	500.00	23.82%
Electronic Commun (Tele/RR)	224.72	2,890.36	4,000.00	72.26%
Office Supplies	261.94	1,761.22	3,000.00	58.71%
Total Office Expense	486.66	4,966.43	10,500.00	47.3%
Postage and Delivery	72.68	338.56	700.00	48.37%
Rent	1,300.00	14,300.00	20,000.00	71.5%
Seminars	0.00	1,509.00	3,000.00	50.3%
Travel & Entertainment	88.61	1,550.92	3,000.00	51.7%
Utilities- Temp. Town Hall	278.97	2,110.35	4,000.00	52.76%
Welcome Committee	0.00	0.00	1,000.00	0.0%
Total Operating Expenditures	2,319.63	61,478.78	96,800.00	63.51%
Gen. Govt. Salaries				
Admin. Assistant	435.00	3,780.00	4,680.00	80.77%
Allowance for Salary Adjustment	0.00	0.00	29,551.00	0.0%
Mayor	0.00	3,600.00	4,800.00	75.0%
Mayor Protem	0.00	2,250.00	3,000.00	75.0%
Council Salary	0.00	5,199.99	7,200.00	72.22%
Clerk Salary	2,507.84	27,206.24	36,209.00	75.14%
Finance Officer Salary	752.18	8,454.98	9,778.00	86.47%
Payroll Taxes	576.91	7,467.59	11,500.00	64.94%
Payroll exp - Unemployment	0.00	159.04	1,000.00	15.9%
Fringe Benefits - Insurance	545.00	5,995.00	13,200.00	45.42%
Fringe Benefits - Retirement	872.16	3,736.16	6,000.00	62.27%
Total Gen. Govt. Salaries	5,689.09	67,849.00	126,918.00	53.46%
Planning & Zoning				
Transportation Study	0.00	0.00	0.00	0.0%
Downtown Committee	30.80	30.80	2,000.00	1.54%

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P/Z Seminars	0.00	375.00	900.00	41.67%
P/Z Travel	68.50	416.95	900.00	46.33%
P/Z Dues,Subscriptions	0.00	329.00	800.00	41.13%
Administration (COG)	0.00	0.00	0.00	0.0%
P/Z Admin. Salary	3,846.16	45,192.38	50,000.00	90.39%
Planning & Zoning Board Salary	0.00	1,932.00	4,032.00	47.92%
Advertising	0.00	1,768.00	1,800.00	98.22%
P/Z Office Expense	0.00	419.78	1,200.00	34.98%
Planning/Zoning Expense	<u>0.00</u>	<u>450.00</u>	<u>1,000.00</u>	<u>45.0%</u>
Total Planning & Zoning	3,945.46	50,913.91	62,632.00	81.29%
Professional Fees				
Accounting	0.00	3,100.00	3,500.00	88.57%
Engr. Consulting	0.00	3,368.08	14,000.00	24.06%
Legal Fees*	8,077.70	58,827.26	83,000.00	70.88%
Security	<u>0.00</u>	<u>0.00</u>	<u>1,000.00</u>	<u>0.0%</u>
Total Professional Fees	8,077.70	65,295.34	101,500.00	64.33%
Parks & Recreation				
Office Expense	157.71	161.01	180.00	89.45%
Professional Fees**	440.00	1,939.00	2,000.00	96.95%
Dues & Subscriptions	0.00	1,000.00	1,000.00	100.0%
Capital Outlay	0.00	22,047.23	83,000.00	26.56%
Operating Expenses	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.0%</u>
Total Parks & Recreation	597.71	25,147.24	86,180.00	29.18%
Public Safety	0.00	0.00	2,000.00	0.0%
Capital Outlay				
Computer Equip.	0.00	0.00	5,000.00	0.0%
Furniture & Equipment	0.00	0.00	1,000.00	0.0%
Software	<u>0.00</u>	<u>0.00</u>	<u>2,500.00</u>	<u>0.0%</u>
Total Capital Outlay	<u>0.00</u>	<u>0.00</u>	<u>8,500.00</u>	<u>0.0%</u>
Total Expense	<u>20,629.59</u>	<u>270,684.27</u>	<u>484,530.00</u>	<u>55.87%</u>
Net Ordinary Income	<u>-7,220.41</u>	<u>137,790.66</u>	<u>0.00</u>	<u>100.0%</u>
	<u>-7,220.41</u>	<u>137,790.66</u>	<u>0.00</u>	<u>100.0%</u>

*At May 31 owe \$4632 to attorney for April, May bill not received & owe \$10,000 to fire dept.

**We also have an encumbrance for Eagle Engineering for \$21,300 + \$6,700 = \$28,000.

*** We have an encumbrance to Luttmann Architecture for \$12,000.

Balance Sheet at May 31, 2010

ASSETS

Current Assets

Checking/Savings

Fifth Third Bank Checking	25,224.74
Fifth Third Bank Money Market	588,693.06
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 04.21.11. .568	502,235.40
Petty Cash Fund	<u>50.00</u>

Total Checking/Savings 2,143,782.50

Other Current Assets

Prepaid Exp.	1,200.00
Property Tax Rec.	5,554.00
Allow. for Doubtful Accounts Sales Taxes to be Received	-883.00
Total Sales Taxes to be Received	<u>325.11</u>

Total Other Current Assets 6,196.11

Total Current Assets 2,149,978.61

Fixed Assets

Land	55,757.91
Office Equipment	13,569.26
Accumulated Deprec.	<u>-12,918.36</u>
Total Fixed Assets	<u>56,408.81</u>

TOTAL ASSETS 2,206,387.42

LIABILITIES & FUND BALANCE

Other Current Liabilities

Escrow from Developers	45,076.00
UnearnedRev (Priv lic,cty MVtax	65.00
Deferred Revenue	<u>4,671.20</u>

Total Other Current Liabilities 49,812.20

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>137,790.66</u>
Total Fund Balance	<u>2,156,575.22</u>
TOTAL LIABILITIES & FUND BALANCE	<u>2,206,387.42</u>

Bennett noted our CD's at BB&T were not yielding very much since their maturity. She recently talked to American Community Bank/Yadkin Valley Bank which is now a pooling bank and where we could get a better yield. Council requested she wait until we have a better picture of our Capital Improvement Plan.

Bennett explained that alcoholic beverage tax comes in annually in May, this year the State took two thirds of the revenue; sales tax comes in monthly and the other shared revenues come in quarterly, at this point we have only received half our quarterly revenues since we receive a payment in June and accrue the September payment.

b. Consider approval of audit contract for 2009/2010

Bennett provided the audit contract on the required forms from Robert M. Burns, CPA for our 2009/2010 audit for \$3,700. Bradford made a motion to approve the audit contract; Ormiston seconded the motion.

The motion passed unanimously.

c. Consider approval of budget amendment #2 for 2009/2010

Bennett presented a budget amendment to provide funds for the half page ad for zoning of the annexed properties, and to budget architect fees, and to move the amount of \$28,000 for professional fees for the engineer from capital outlay to professional fees. Ormiston made a motion to approve the budget amendment, Bradford seconded the motion.

The motion passed unanimously.

**Budget Ordinance Amendment 2009/10 #2
Ord. 2010-02**

BE IT ORDAINED by the Governing Board of the Village of Wesley Chapel, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2010:

Section 1. To amend the General Fund, the appropriations are to be changed as follows:

	Decrease	Increase
<u>Expenditures:</u>		
<u>Planning & Zoning</u>		
Advertising		\$1,800

Downtown Committee	\$1,800	
<u>Professional Fees</u>		
Architect Fees		\$12,000
<u>Parks and Recreation</u>		
Professional Fees		\$28,000
Capital Outlay	\$40,000	

Section 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for their direction.

Adopted this 14th day of June, 2010.

Attest:

Cheryl Bennett, Clerk

Mayor Brad Horvath

d. Presentation of Planning and Zoning Report by Joshua Langen, including update on flooding issues
In March/April only seven permits were issued; including five accessory structures. Langen reported he is working on changes to the ordinance for recreation uses, electronic gaming, signs and off-street parking for places of public assembly, including parks. Langen also gave a summary of where his staff time was spent.
Langen reported that the Mayor spoke to Barry Moose at NC DOT regarding the flooding problems Mr. Kiker was experiencing, and they are scheduling the improvement.

6. PRESENTATION BY NAOMI HERNDON FROM TURNING POINT
Naomi Herndon said she wanted to address Council to raise awareness and ask for funding. Domestic violence impacts one in four people. Their goals are to house women and children in imminent danger, raise awareness (why do we as a society allow it to happen; 5% of victims are men) and break the generational cycle. Their website is www.unioncountyturningpoint.org and they just opened a re-sale store at 2447 Old Charlotte Highway.

7. RESUME RECESSED PUBLIC HEARING ON ZONING ORDINANCE AMENDMENTS FOR ESSENTIAL FACILITIES DEFINITIONS AND RELATED REGULATIONS
Langen reviewed the changes; Planning Board reviewed them and found them acceptable. In the Table of Uses, Class II requires a Conditional Use Permit; that was left unchanged; this will apply to the steel lattice towers, but not to monopoles. Bradford asked Langen about Article 4, Section 4.2 (5); he said it is not like a building where some sides do not need to be screened, we want all sides screened. Hess asked that we delete "as determined by the Zoning Administrator"

in that section. Bradford asked in Section 4.2.10 after you hit the minimum of thirty feet what happens: Langen said the intent was to increase the width, so a reference was added to Table 4.2(a) if greater than five acres. Bradford questioned the wording on the plants at Section 4.2.10 (b); the wording was changed to indicate medium maturing trees and small maturing trees or twenty shrubs per 100 feet in two staggered rows.

Bradford made a motion to close the public hearing; Ormiston seconded the motion.

The motion passed unanimously.

8. DISCUSSION AND POSSIBLE APPROVAL OF ZONING ORDINANCE AMENDMENTS FOR ESSENTIAL FACILITIES DEFINITIONS AND RELATED REGULATIONS

Bradford made a motion to approve the zoning ordinance amendments for essential facilities definitions and related regulations with the changes made in Item 7. Hess seconded the motion.

The motion passed unanimously.

The zoning ordinance amendments are as follows:

ARTICLE 2 DEFINITIONS OF TERMS USED IN THIS ORDINANCE

Essential Services.

Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam, or water; the collection and disposal of sewage or refuse; the transmission of communications; or similar functions necessary for the provision of public ~~services~~ utilities. Radio transmission facilities for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not essential services, provided no transmitter or antenna tower exceeds one hundred (100) feet in height. Essential Services are divided into the following classes:

a) Class ~~II~~.

Transmission and distribution lines (whether, subterranean or overhead) including electrical (to the extent located on monopole structures), ~~natural gas~~, water ~~distribution~~ lines (2" or less); sewer gravity lines and pressure mains (less than 6"); individual home/commercial tenant underground septic tanks and drain fields, cable television and telephone ~~transmission~~ lines, individual home/commercial tenant natural gas service lines; or similar utility lines.

b) Class ~~II~~.

Booster stations, pumping stations, switching facilities, substations, lift stations, or other similarly required facilities in connection with telephone, wireless communications, electricity, steam, water, water storage, sewer, or other similar utilities. This classification is not intended to govern apparatus and functions set out in Essential Services Class IV more particularly defined below. Transmission and distribution lines (whether, subterranean or overhead) including electrical (to

the extent located on non-monopole structures, such as steel lattice towers), multi-home/commercial tenant natural gas service lines, and water lines (greater than 2" and less than 6"); sewer gravity lines and pressure mains (greater or equal to 6" and less than 8"); or multi- home/commercial tenant underground septic tanks and drain fields.

c) Class III. Generation, production, or treatment facilities such as power plants, sewage treatment plants, or similar utilities. Transmission and distribution lines (whether, subterranean or overhead) including natural gas mains, and water lines (6" or greater); sewer gravity lines and pressure mains (8" or greater), but not including electrical transmission or distribution lines.

d) Class IV. Subterranean neighborhood or cabinet style switching facilities designed to handle telephone transmissions within the immediate vicinity of the Village of Wesley Chapel.

Setbacks that this Ordinance may impose on Essential Services shall not apply to electrical transmission or distribution lines.

ARTICLE 4 GENERAL PROVISIONS

Section 4.2 Screening and Landscaping

4. Required trees and shrubs within the buffer shall meet the following standards:

- (a) Forty percent (40%) of the required trees within the buffer shall be large ~~mature~~ maturing trees.
- (b) All trees shall have a minimum caliper of two and one-half (2 1/2) inches, measured six (6) inches above ground and the minimum height of all trees shall be eight (8) feet at the time of planting;
- (c) Shrubs shall be evergreen and at least three (3) feet tall when planted with the average height of six (6) feet in three (3) to four (4) years. However, twenty-five percent (25%) of the shrubs may vary from the above standard. The allowed variations are as follows:
 - (i) Shrubs may be deciduous; or
 - (ii) Shrubs may be two (2) feet tall when planted, provided an average height of three (3) to four (4) feet is expected as normal growth within four (4) years.

Shrubs planted on a berm may be of lesser height, provided the combined height of the berm and plantings is at least eight (8) feet after four (4) years.

- (d) Shrubs and trees shall be on the approved plant list in Appendix 1; (See Article 17)

(e) All specifications for the measurement, quality, and installation of trees and shrubs shall be in accordance with the “American Standards for Nursery Stock: published by the American Association of Nurserymen, and free of disease; and

(f) Twenty-five percent (25%) of all trees shall be evergreen, except when screening Essential Services. Essential Services are to be screened by one-hundred percent (100%) evergreen trees, from Appendix 2: List of Acceptable Screening Plant Species for Essential Services and shall consist of at least three (3) different species.

5. Landscaping buffers will have an arrangement of trees and shrubs in the buffer area, which shall be done in a manner that provides a visual separation between abutting land uses. Shrubs shall be massed in rows or groups to achieve the maximum screening effect, except when screening Essential Services. While they need not be made invisible, Essential Services are to be screened in a uniform manner to provide consistent screening from all adjacent properties.

~~4.2.10 Essential Services, Classes I, II, III, IV shall be naturally screened on all sides in compliance with the Screening and Landscaping provisions of Section 4.2 above. In addition, best efforts will be made by the developer to select plants native to the region for purposes of hardiness, drought tolerance, and cohesion with surrounding landscape.~~

Essential Services (excluding transmission and distribution lines) shall be naturally screened on all sides in compliance with the following requirements;

- a. Class I and Class IV — None
- b. Class II and Class III: Minimum Buffer Width thirty (30) feet, to be increased according to Table 4.2(a) for properties greater than five (5) acres, plus seven (7) medium maturing-trees per 100 feet, and seven (7) small maturing trees or twenty (20) shrubs per 100 feet., in two staggered rows, as measured from Essential Service Facilities and associated parking, or an acceptable landscaping plan as part of the conditional use process.

Screening shall also comply with additional requirements in Section 4.2.

6.10.7 Essential Services - Classes II and III

- a) ~~Where a building or structure is involved and it is proposed to be located in a residentially zoned district, it shall be screened or buffered from adjacent residential land.~~
- b) ~~All outside storage areas are fenced and screened using black vinyl chain link fencing with diagonal black slats that completely fill the voids. (Rev. 01.14.08)~~

- ~~e) The site is of adequate size for the sewage disposal system proposed and for the proposed use.~~
 - ~~d) Noise levels, as measured at the property boundary, are compatible with the existing area noise background levels, and the latest silencing technology will be utilized as needed. (Rev. 01.14.08)~~
 - ~~e) Access to public streets and the adequacy of those streets to carry anticipated traffic.~~
 - ~~f) Adequacy of existing community facilities such as water, sewer, and police and fire services.~~
 - ~~g) That the proposed use will not create or seriously heighten the congestion on area thoroughfares.~~
 - ~~h) Parts located above the fence line will be painted with rust colored heat resistant paint and maintained adequately to sustain color. (Added 01.14.08)~~
 - ~~i) A vehicle barrier will be required along 100% of the fence line facing the road. Additionally, a vehicle barrier will be required along 25% of the sides of the facility unless the site warrants a reduction of those amounts as decided by the Village Council. (Added 01.14.08)~~
- a) All structures, related facilities and storage shall be screened from all abutting properties in accordance with Section 4.2.
- b) No more than sixty percent (60%) of the lot area shall be used for essential services structures, related facilities and storage, excluding transmission and distribution lines.
- c) Structures, related facilities and storage shall be reasonably located on the property so as to reasonably mitigate any visual impact on abutting properties.
- d) Noise levels shall be compatible with the existing area noise background levels, Applicant/developer is to provide existing decibel noise levels for property and proposed decibel noise levels resulting from project. Project shall not generate an excess of ten (10) db (A) beyond daytime existing noise levels and shall not in any case generate more than 70 db (A), as measured from adjacent property lines.
- e) Dedicated access and service to facilities as well as emergency services, from a public street.
- f) Documented Safety and disaster mitigation plan and training for public safety services.

9. PUBLIC HEARING ON 2010/2011 BUDGET

Mayor Horvath opened the public hearing. No one made comments. The public hearing was closed.

10. DISCUSSION AND POSSIBLE APPROVAL OF 2010/2011 BUDGET ORDINANCE

Bennett reviewed the proposed budget, the tax rate stays the same, we increased the clerk's hours a little, the required retirement contribution rate has gone up, we added a line item for codification of ordinances, parks and rec has a new line item \$3,000 for a festival, and we included funds for a half-year deputy; there is a reserve for capital outlay of \$55,000 budgeted. Hess noted the amounts will change based on the capital improvement plan to be approved in August. Brotton made a motion to approve the 2010/2011 budget ordinance; Ormiston seconded the motion.

The motion passed unanimously.

**Village of Wesley Chapel
Budget Ordinance 2010-03
2010/2011**

BE IT ORDAINED by the Governing Board of the Village of Wesley Chapel, North Carolina:

Section 1: The following amounts are hereby appropriated in the General Fund for the operation of the village government and its activities for the fiscal year beginning July 1, 2010, and ending June 30, 2011, in accordance with the chart of accounts heretofore established for this Village:

General Government	
Operating Expenditures	\$ 106,826
Salaries	118,492
Planning & Zoning	62,832
Professional Fees	94,500
Parks and Recreation	37,000
Public Safety	37,600
Capital Outlay	63,000
Total	\$520,250

Section 2: It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2010, and ending June 30, 2011:

Property Tax Income	\$ 145,730
Revenue Sharing Income	306,000
Fees and Licenses	54,520

Interest	14,000
Total	\$520,250

Section 3: There is hereby levied a tax at the rate of one and 65/100 cents (\$.0165 per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2010.

This rate is based on a total valuation of real and personal property for the purposes of taxation of \$845,196,595 and an estimated rate of collection of 97%; and a valuation of motor vehicles of \$51,886,157 with an estimated collection of 93%.

Section 4: The Budget Officer is hereby authorized to transfer appropriations as contained herein under the following conditions:

- a. She may transfer amounts between line item expenditures, or from Contingency, up to a dollar amount of \$1,000.
- b. An official report on all transfers should be made to Council at the next scheduled meeting.
- c. Transfers should not be made to salary accounts.

Section 5: Copies of this Budget Ordinance shall be furnished to the Clerk of the Governing Board and to the Budget Officer and Finance Officer to be kept on file by them for their direction in the disbursement of funds.

Adopted this 14th day of June, 2010.

Village Clerk Cheryl Bennett

Mayor Brad Horvath

11. FIT STUDIES INTERIM REPORT FROM LUTTMAN ARCHITECTURE

Troy Luttman presented new drawings with the town hall size reduced to 6,061 for a new building and seventy-five parking spaces which is now moved closer to the road, and the amphitheater removed. The entry is smaller and the council chambers down to 1,480 square feet. The building could be brick with columns and a cupola, stone at the base and a porch. For the Dogwood Acres property he also removed the amphitheater, showed seventy-five parking spaces and showed a garage renovation option with an addition of 1,200 square feet for a council chambers; he would still have to add ADA compliant bathrooms. The exterior is brick with a cupola. Bradford asked about the steep drop off on the south side of the six acres. Luttman suggested we could use the fill there and develop the rest of the site later on; Bradford said it isn't structural fill. The cost estimate on the fill will be developed more accurately. Luttman said he found out we don't have to have a fire sprinkler system. Ormiston said we had deleted the meeting room to save square footage. Hess suggested we do a garage addition in lieu of the chambers on the left. Luttman noted the Dogwood Acres site garage addition would be new heated square feet; with the existing usable square footage of about

3,000 plus the 1,200 square feet added, it is about equal to the size of the town hall proposed for the six acres. Discussion of whether it was possible to compare apples to apples was held. Hess requested we look just at the garage renovation option instead of the addition on the left since it would be more economically feasible; Bradford agreed. Bradford asked if we could take some of the upstairs bathrooms out and turn them into storage space. Luttmann noted if you start renovating the upstairs then you have to comply with ADA codes. Uses of the space was discussed; Bradford noted Weddington and Mineral Springs limit use of their town hall to primarily town meetings, not for community use; it was also low on the amenities list from the Parks and Rec survey. Brotton thought we should keep with the community center/town hall idea. Luttmann will come to the June 29, 2010 meeting with itemized cost estimates and color renderings. A brief recess was held.

13. CONSIDER APPROVAL OF UNION COUNTY GREENWAY MASTER PLAN PROFESSIONAL SERVICES AGREEMENT

Bennett noted we had approved the payment for our share of the Carolina Thread Trail planning agreement, but it took awhile for the attorneys to draft the agreement with all the towns and the community. A series of community meetings will be held the week of July 19. This agreement is for the planning phase of the Thread Trail, to come up with the proposed layout of the trail. It does not obligate us to pay for any greenways.

Bradford made a motion to approve the agreement; Hess seconded the motion.

The motion passed 3-1 with Ormiston voting nay.

12. PLANNING BOARD POSITION DISCUSSION AND POSSIBLE ACTION ON TWO REGULAR AND ONE OPEN ALTERNATE SEATS

Candidates included present Planning Board members Chuck Adams and Stephen Keeney, and Diana Bowler and Stan Schwartz. Ormiston stated we should reinstate members when their term expires unless there is some wrongdoing. Ormiston made a motion to re-appoint Stephen Keeney and Chuck Adams to new terms on the Planning Board and look at the other applicants for the alternate position. Brotton seconded the motion. Hess said he would like to give consideration to all four candidates and ask them some questions.

The vote on the motion was 2 yea (Brotton and Ormiston) and 2 nay (Hess and Bradford). The Mayor said if people have fulfilled their duties on a board they should not be obligated to step down, and he voted yea.

The motion passed 3-2.

It was noted that the alternates attend Planning Board meetings which are on the fourth Monday of the month and fill in if a regular member is not present. Schwartz and Bowler were interviewed. Stan Schwartz said he has been here 8.5 years, was president of his HOA, on the HOA board four years, and led the committee to annex in. He is a systems engineer at Bank of American and works from home. Bowler said she is a realtor, and understands land and values; she is from Houston Texas and saw how it grew. She has been here since 2004, and

loved the rural feel of the community, with growth you lose some of that rural feel; she said she listens to what people want and what is best for the community. She is presently on the Board of Adjustment.

Hess said NC General Statutes define the duties of the Planning Board and read them aloud; in the April 26, 2010 Planning Board minutes Stephen Keeney made a motion to send to Council the Planning Board's concerns that pursuing federal assistance via bonds is not right when our Country doesn't have the funds and that we should take a stand that we can't afford it, and it is not the responsibility of the federal government to provide us a park; if the Village feels differently there should be full disclosure. Hess asked if that is within the purview of the Planning Board given the General Statutes definition. Stephen Keeney said the minutes are not verbatim; he also said it is his opinion on the economic condition and there comes a point when we each have to make a decision. Hess said he felt Keeney was using the Board to carry out his opinion. Ormiston said she felt this was inappropriate to be attacking a Planning Board member. Bowler said she does not have a personal agenda to be on the Board, but to serve the citizens and give them what they want. Schwartz said before annexation they felt they didn't have much say, he agreed with Diana that the obligation is to serve the village and what a majority of people want. Hess said Council is responsible for policy decisions and they welcome input; his concern was that Council was placed at odds with the Planning Board. Bradford asked what the role of the Master Plan was for the candidates. Bowler said the Master Plan is a roadmap; to take it and work with it. Schwartz said the Master Plan is a guide open to interpretation; we are not locked into it, it is a good guide for transitioning from retail to rural to suburban. He said there was a lot of opposition to starter homes which he agreed with, the charter said we would maintain a rural/suburban area.

Hess said both were good candidates; and he nominated Diana Bowler to the alternate position. Ormiston seconded the motion.

The motion passed 4-0.

Mayor Horvath noted it was now after ten pm, and asked if we wanted to recess. Bradford said we need to consider the Water Resources grant and the survey; Brotton noted we need to appoint a Planning Board Chair.

Item 18.- the survey - was discussed: Brotton made a motion to not go forward with the survey; Ormiston seconded the motion, saying it is not a good financial use of funds, and we have ample information. Hess said the cost would not be that high for postcards. Brotton asked if it was that close that the information would sway his mind. Hess said the more the respondents are, the more it would sway him. Bradford said in the Master Plan and Parks and Rec surveys everyone received information from us and had an opportunity to provide input; there is no harm in one more survey. Hess said the information now is at best conflicting. Mayor Horvath said his fear was not informing the public with the facts.

The vote was two yeas (Brotton and Ormiston) and two nays (Bradford and Hess). Mayor Horvath said he would vote nay because there is no clarity around the facts and we need to discuss that.

The motion failed, 2-3.

Bradford made a motion to recess the meeting to Wednesday, June 16, 2010 at 7 pm here at Wesley Chapel United Methodist Church at 120 Potter Road South, Wesley Chapel, NC. Hess seconded the motion.

The motion passed unanimously.

The meeting reopened at 7 pm on June 16, 2010. All Council members were still present.

Citizens present were: Carol Mullis, Joan & Rick Beaulieu, Becky Plyler, Julie Brown, Chuck & Gayla Adams

13. PARKS AND REC UPDATE

Diana Bowler, Chairman of the Fall Heritage Festival, had prepared letters to the local stores asking for contributions; a deadline, where to send the checks, and who to make them payable to was added. Ormiston made a motion to approve sending the letters; Brotton seconded the motion.

The motion passed unanimously.

A formal Festival Committee will be set up at the next meeting.

Bradford reported Carolina Thread Trail meetings are coming up; she said Marnie Holland wanted to send out e-vites by providing the Sunshine List to the Carolina Thread Trail people. The clerk noted she did not have first and last names for everyone on the list and was hesitant to give the list to them for their use. Mayor Horvath said he will ask former Mayor Tracey Clinton for her e-mail list. Council consensus was for any invites to be sent out by the Clerk; Bradford will have Marnie Holland call Bennett.

The Wildlife Resources MOA was signed in April, and Bradford noted we are on schedule to get a pier in a couple of years. The Wildlife Resources Commission wanted to update some wording in items on pages 2 and 3 of the agreement. Council agreed with the changes.

Bradford reported she spoke to John Ross at Eagle Engineering regarding the dam work and they got geo tech readings, and are on schedule.

Bradford reported on a new grant opportunity, a Water Resources Development Project Grant through DENR; the eligible amenities have to be water based. She assumed 80% of the visitors will be engaged in water based activities, and the grant percentage is 50%. Phases I, II and II are based on their six month cycles of grant awards, Bradford said she could submit by July 1 and should hear back by September. A Resolution to apply for the grant was presented. Ormiston asked to change the wording on item 6 to be done only if we need to dredge; she asked if heavy equipment can access to the back; Bradford said there is an access driveway and Haden Stanziale thinks so; she will double check with them. The

wording at the first WHEREAS was changed to add “the Village of Wesley Chapel upon taking ownership...” Ormiston stated the price for the 1.7 acres now is up to \$170,000; we need to discuss an agreement before the price goes up more. The cost of bathrooms and of making the house ADA compliant was also discussed; Bradford said the cost of bathrooms can vary, and we will know more when we get further into the project. She said public works was comfortable with us using the existing septic tank system because it would not be a highly intensive use. Bennett said Langen checked with Union County and there is no sewer available. The 3.3 acres and playground are not included in the grant application because they are not water related. Hess made a motion to proceed with the application and Resolution, incorporated herein, with the changes made; Ormiston seconded the motion.

The motion passed unanimously.

Resolution 2010-5
Resolution to Apply for North Carolina Department of Natural Resources
Water Resources Development Project Grant
Wesley Chapel, North Carolina

WHEREAS, the Village of Wesley Chapel upon taking ownership of Page Price Park plans to develop our first park, and

WHEREAS, 83% of Village respondents to the Council’s Master Plan survey of 2007 indicated a strong preference for parks and recreation facilities in the Village, and

WHEREAS, respondents to the Parks & Recreation Committee survey of 2009 indicated a strong preference for a fishing pond, walking trails, and other park amenities, and

WHEREAS, outdoor recreation promotes the health, wellness, and desirability of the entire community, and

WHEREAS, the North Carolina Department of Natural Resources offers matching grants for water based recreation opportunities,

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1) The Village Council of Wesley Chapel requests the State of North Carolina to provide financial assistance to the Village of Wesley Chapel for Page Price Park in the amount of \$354,866 or 50% percent of project construction cost, whichever is the lesser amount;
- 2) The Council assumes full obligation for payment of the balance of project costs;
- 3) The Council will obtain all necessary State and Federal permits;

- 4) The Council will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments;
- 5) The Council will supervise construction of the project to assure compliance with permit conditions and to assure safe and proper construction according to approved plans and specifications;
- 6) The Council will obtain suitable spoil disposal areas as needed and all other easements or rights-of-way that may be necessary for the construction and operation of the project without cost or obligation to the State;
- 7) The Council will assure that the project is open for use by the public on an equal basis with no restrictions;
- 8) The Council will hold the State harmless from any damages that may result from the construction, operation and maintenance of the project;
- 9) The Council accepts responsibility for the operation and maintenance of the completed project.

Adopted by the Village of Wesley Chapel this 14th day of June, 2010.

Clerk to the Council

Mayor

Bradford asked should the boardwalk and spillway bridge and walking trail around the lake be considered 100% eligible can she put it in that way; Council agreed she could make that change.

Bradford noted another property is for sale to the north of the pond, it is a larger house and some acreage. Hess asked that we have attorney Sistrunk do due diligence with regard to the easements in the back. A closed session can be held with George by phone for determining the negotiating terms on the 1.7 acres.

15. HAMPTON MEADOWS UPDATE; CONSIDER APPROVAL OF CONTRACTS WITH NC DOT AND WITH BOWIE MOTORS

Mayor Horvath said Sistrunk had reviewed the DOT contract; we would execute the first contract with Bowie Motors and the second with DOT. Ormiston asked regarding the wording of the start date, and that we are responsible for affected utilities. Mayor Horvath said in his discussions with them they are not going to get into any of that and there would not be any utility impact, the attorneys also said it is not legally enforceable; attorney Sistrunk was comfortable with the wording. Brotton made a motion to approve proceeding with the contracts; Bradford seconded the motion.

The motion passed unanimously.

16. DOWNTOWN COMMITTEE

Mayor Horvath announced the Downtown Committee won't be meeting at least for a few months until after Council discusses the Resolution they created. Hess noted that two Committee members suggested an open house at Dogwood Acres saying upon viewing it, they had changed their mind on acquiring it. Bradford agreed, and suggested we might also mark off the six acres too. Ormiston said that Dogwood Acres is not our property to show. Brotton said Dogwood Acres is for sale by owner; would we hold an open house for other like size properties? Hess said it would not be setting a precedent to help them sell the property; Brotton disagreed. Hess said after the CIP is in place, we won't be in the market for other properties. Ormiston noted we have not agreed on this property. Bradford said it's not a secret that it is for sale; an open house would be to educate citizens on it. Mayor Horvath was against an open house noting the owners have a vested interest to sell it and we don't own it. Hess said it makes sense to not present the Downtown Resolution until after the CIP is approved in August, but suggested it be read because it may affect the CIP. It will be left on the website for now.

17. MEETING PROTOCOL/ DECORUM AND ROLES

Mayor Horvath said we have had open meetings allowing citizen comments, but there has been a lack of respect. He stressed the need to be respectful of other opinions, that members of council are representing opinions of citizens, and agree to disagree. Hess said he has been on the receiving end of this regarding conflict of interest; the ethics policy has been signed, so we should summarily dismiss claims unless substantiated by the ethics policy. Mayor Horvath said we want people on committees or as a liaison because they have an interest in the area. He noted the Parks and Rec committee was originally designed to have a chair, they chose not to, and criticisms wouldn't have made a difference whether there was a chair or a liaison. Also he noted the job of staff is to bring info to us, so we should respect their job. Brotton said what was drawn in question is our policy and procedures, which says we should have a committee chair, why weren't we following them? Bradford said people on Parks and Rec didn't know each other initially, later they were asked and they like how the committee was running and didn't want to change it. Mayor Horvath also noted the Downtown Committee had four or five meetings left when Hess became a Council member, so they left him as Chair. Mayor Horvath said Bradford should look at the charter of Parks and Rec and also the length of the committee and report back. Brotton said we should play by the rules; otherwise you can discount any of the rules. Julie Brown said Parks and Rec needed high publicity, and having a council liaison as spokesperson is more effective; Brotton replied that is exactly why he was concerned. Carol Mullis asked about Council members talking after meetings, more than two members can not discuss town business because a quorum is three.

18. DISCUSSION AND POSSIBLE ACTION ON SURVEY

This item was tabled from the previous meeting. Bennett reported she got the labels made. Various possibilities were discussed. If we use a sheet of paper

folded in half with the mailing labels we would be up to 44 cent postage. Brotton asked if we are going ahead with Page Price Park; the cost of the dam is key here. Bradford noted we are obligated if we accept the PARTF grant to provide the amenities listed. Discussion of whether to do a survey or not was held. Council should be prepared to decide on June 29, 2010 whether or not to go ahead with the survey. Bennett will send the fact sheet to Council, and they can reply back to her, but not to all to avoid discussion that should be in open session. Comments should be back to her by next Thursday.

19. OTHER BUSINESS

Brotton said he had a question regarding the definition of family in the ordinance; he will talk to Langen about it. Mayor Horvath noted the Waxhaw parade is coming up if any Council members want to participate. He also noted we received formal dismissal of the Wesley Chapel Volunteer Fire Department lawsuit. Bradford said we did not receive the larger trail grant, but did get the approximately \$4,000 Adopt a Trail Grant, pending funding through the legislature.

20. COUNCIL COMMENTS

Ormiston noted DOT contacted Mr. Kiker and has set a date for the improvements; she was appreciative of Langen's efforts.

21. ADJOURNMENT

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

The motion was approved unanimously.

The meeting was adjourned.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath