

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
WESLEY CHAPEL UNITED METHODIST CHURCH
120 Potter Road, Wesley Chapel, NC 28110
July 11, 2011 – 7:00 P. M.

The Village Council 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:

Clerk/Finance Officer Cheryl Bennett; Planning/Zoning Admin. Joshua Langen; Attorney George Sistrunk

Concerned citizens: Carol Mullis, Chuck and Gayla Adams, Ray Davis, Julie Brown, Travis Morehead from Carolina Thread Trail

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

Brotton made a motion to adopt the agenda with this change: delay “Fall Heritage Festival Committee Update” to the next meeting. Bradford seconded the motion.

The motion passed unanimously.

4. APPROVE MINUTES FOR:

Emergency Council Meeting June 30, 2011

Council Meeting June 13, 2011

Council Meeting June 21, 2011

A typographical correction was made on page 185 and on page 186 of the June 13, 2011 minutes. The header and location of the June 30, 2011 minutes were corrected. The June 21, 2011 minutes were not yet ready. Bradford made a motion to approve the minutes for the Emergency Council Meeting June 30, 2011 and the council Meeting June 13, 2011 with the above changes. Hess seconded the motion.

The motion passed unanimously.

5. STAFF REPORTS

- a. Review and approve the Village Financial Reports dated June 30, 2011, submitted by Cheryl Bennett, Finance Officer

Bennett presented the June 31, 2011 financial reports, incorporated herein. Bennett noted she did most of the accruals but a few bills are yet to come in. Bradford made a motion to approve the June 2011 financial reports; Brotton seconded the motion.

The motion passed unanimously.

June 2011 Balance Sheet

ASSETS

Current Assets

Checking/Savings

Fifth Third Bank Checking	41,197.09
Fifth Third Bank Money Market	677,037.09
Citizens South CD Bldg 07.03.11	247,479.31
BB&T CD 10.23.2011-.4%	318,192.58
BB&T Money Market	503,229.80
Petty Cash Fund	<u>50.00</u>
Total Checking/Savings	1,787,185.87

Other Current Assets

Prepaid Exp.	1,210.00
Property Tax Rec.	5,173.00
Allow. for Doubtful Accounts	-1,451.00
Excise, Franchise & Telec. Tax Rec	59,900.00
Total Sales Taxes to be Received	964.21
State Sales Tax A/R	<u>8,000.00</u>
Total Other Current Assets	<u>73,796.21</u>

Total Current Assets 1,860,982.08

Fixed Assets

Land	816,913.51
Office Equipment	13,569.26
Accumulated Deprec.	<u>-13,569.26</u>
Total Fixed Assets	<u>816,913.51</u>

TOTAL ASSETS **2,677,895.59**

LIABILITIES

& FUND BALANCE

Liabilities

Accounts Payable	<u>46.41</u>
Taxes payable on Dogwood Park	1,104.93

Accrued Payroll at June 30	3,591.84
Prepaid Property Tax	287.29
Escrow from Developers	45,076.00
UnearnedRev(Priv lic,cty MVtax	17,858.75
Deferred Revenue	3,722.20
Total Other Current Liabilities	<u>71,641.01</u>
Total Liabilities	71,687.42
Fund Balance	
Fund Bal. inv. in Fixed Assets	816,913.51
Fund Balance	902,437.31
Excess of Rev. over Exp.	<u>886,857.35</u>
Total Fund Balance	<u>2,606,208.17</u>
TOTAL LIABILITIES & FUND BALANCE	<u><u>2,677,895.59</u></u>

June 2011 Budget Report

	<u>Jun 11</u>	<u>Jul '10 - Jun 11</u>	<u>Budget</u>	<u>% of Budget</u>
General Fund				
Revenues				
Appropriated Fund Balance				
Fund Bal. Res. for Parks & Rec.	0.00	0.00	0.00	0.0%
Appropriated Fund Balance - Other	<u>0.00</u>	<u>1,293,000.00</u>	<u>1,293,000.00</u>	<u>100.0%</u>
Total Appropriated Fund Balance	0.00	1,293,000.00	1,293,000.00	100.0%
Fees and Licenses				
Newsletter/Deputy Sponsor	0.00	2,155.00	2,000.00	107.75%
Payment for Streets	0.00	50,000.00	50,000.00	100.0%
National Night Out-raffle,cont	0.00	369.00	0.00	100.0%
Contribution for parks and rec	0.00	0.00	0.00	0.0%
Fall Festival donations	0.00	7,635.00	6,000.00	127.25%
Cable Franchise (from Time Warn	0.00	12,068.00	13,200.00	91.42%
Engineering Fees Reimbursement	0.00	427.50	10,000.00	4.28%
Zoning Permit	780.00	6,186.50	7,000.00	88.38%
Privilege Licenses	15.00	25,234.86	24,000.00	105.15%
Annexation Exp Reimbursed	0.00	1,230.00	180.00	683.33%
Misc. Fees	<u>2,500.00</u>	<u>2,696.20</u>	<u>140.00</u>	<u>1,925.86%</u>
Total Fees and Licenses	3,295.00	108,002.06	112,520.00	95.99%
Interest Earned	178.59	15,986.15	14,000.00	114.19%
Property Tax Income				
Current Year Property Tax	548.16	140,283.31	135,274.00	103.7%

Delinquent Taxes	47.41	2,535.86	1,200.00	211.32%
Interest/Ad Fee on Taxes	29.85	622.22	294.00	211.64%
Utility Ad Valorem	0.00	0.00	1,000.00	0.0%
Vehicle Registration	587.97	8,448.55	7,962.00	106.11%
Total Property Tax Income	1,213.39	151,889.94	145,730.00	104.23%
Revenue Sharing				
Alcoholic Beverage Tax	0.00	28,524.63	25,000.00	114.1%
Cable (from State)	41,455.04	83,945.07	80,000.00	104.93%
Excise Tax (Piped Natural Gas)	12,860.00	17,926.00	16,000.00	112.04%
Franchise Tax (Electric Power)	70,883.00	167,862.00	150,000.00	111.91%
Sales & Use Taxes	10,709.21	32,876.76	32,000.00	102.74%
Telecommunications Tax	5,800.00	11,664.00	13,000.00	89.72%
Total Revenue Sharing	141,707.25	342,798.46	316,000.00	108.48%
Total Revenues	146,394.23	1,911,676.61	1,881,250.00	101.62%
Gross Profit	146,394.23	1,911,676.61	1,881,250.00	101.62%
Expense				
Transfer to CIP	0.00	1,475,000.00	1,475,000.00	100.0%
Operating Expenditures				
Contingency	0.00	0.00	0.00	0.0%
Advertising - Clerk	69.65	146.77	1,000.00	14.68%
Annexation Expense	100.00	121.00	800.00	15.13%
Annual Retreat	0.00	1,355.31	2,000.00	67.77%
Bank Charges	31.32	444.67	600.00	74.11%
Books & Literature	0.00	29.00	400.00	7.25%
Dues and Subscriptions	0.00	10,615.51	12,000.00	88.46%
Election Expense	0.00	1,268.75	1,300.00	97.6%
Electronic Commun (Tele/RR)	223.18	3,155.23	4,000.00	78.88%
Insurance - Liability	0.00	9,323.50	9,421.00	98.97%
Insurance - Workmen's Comp	0.00	500.00	500.00	100.0%
Land Maintenance	0.00	0.00	3,000.00	0.0%
Town office Maint.	17.55	829.70	985.00	84.23%
Misc town office	12.19	118.25	1,700.00	6.96%
Newsletter	0.00	1,468.81	2,000.00	73.44%
Office Expense	181.04	1,896.38	2,000.00	94.82%
Postage and Delivery	190.39	2,203.96	2,500.00	88.16%
Rent	1,400.00	16,700.00	17,000.00	98.24%
Seminars	0.00	395.00	1,500.00	26.33%
Tax Collection Fee	32.80	2,285.88	2,620.00	87.25%
Travel & Entertainment	146.20	2,047.92	2,500.00	81.92%

Utilities- Temp. Town Hall	173.23	2,383.16	3,000.00	79.44%
Welcome Committee	0.00	0.00	0.00	0.0%
Total Operating Expenditures	2,577.55	57,288.80	70,826.00	80.89%
Gen. Govt. Salaries				
Admin. Assistant	393.75	4,697.50	4,705.00	99.84%
Allowance for Salary Adjustment	0.00	0.00	334.00	0.0%
Mayor	1,200.00	4,800.00	4,800.00	100.0%
Mayor Protem	750.00	3,000.00	3,000.00	100.0%
Council Salary	1,800.00	7,200.00	7,200.00	100.0%
Clerk Salary	5,262.50	44,500.00	46,875.00	94.93%
Finance Officer Salary	1,211.55	10,500.10	10,500.00	100.0%
Payroll Taxes	1,246.12	9,876.78	10,938.00	90.3%
Payroll exp - Unemployment	0.00	0.00	1,000.00	0.0%
Fringe Benefits - Insurance	1,292.24	13,564.88	13,648.00	99.39%
Fringe Benefits - Retirement	524.11	6,798.56	7,017.00	96.89%
Total Gen. Govt. Salaries	13,680.27	104,937.82	110,017.00	95.38%
Planning & Zoning				
P/Z Admin. Salary	5,000.00	51,541.44	52,075.00	98.98%
Planning & Zoning Board Salary	756.00	2,940.00	3,032.00	96.97%
Advertising	0.00	248.75	1,000.00	24.88%
P/Z Office Expense	85.87	481.31	1,200.00	40.11%
P/Z Seminars	0.00	199.00	600.00	33.17%
P/Z Travel	92.31	1,096.29	1,200.00	91.36%
P/Z Dues,Subscriptions Administration (COG)	0.00 0.00	350.00 0.00	800.00 0.00	43.75% 0.0%
Total Planning & Zoning	5,934.18	56,856.79	59,907.00	94.91%
Professional Fees				
Department of Transportation	0.00	50,000.00	50,000.00	100.0%
Codification	0.00	0.00	30,000.00	0.0%
Audit Fees	0.00	3,700.00	3,700.00	100.0%
Engr. Consulting	1,815.00	3,498.57	11,800.00	29.65%
Legal Fees	2,671.44	16,821.48	24,000.00	70.09%
Security	0.00	0.00	0.00	0.0%
Total Professional Fees	4,486.44	74,020.05	119,500.00	61.94%
Parks & Recreation				
Utilities	5.00	40.00	100.00	40.0%
Materials & Supplies	0.00	0.00	3,500.00	0.0%
Maintenance/Grounds	453.00	453.00	3,575.00	12.67%
Events	0.00	7,341.35	7,400.00	99.21%

Insurance	0.00	481.48	1,900.00	25.34%
Office Expense	0.00	28.00	250.00	11.2%
Professional Fees	0.00	23,075.00	23,075.00	100.0%
Dues & Subscriptions	0.00	500.00	600.00	83.33%
Total Parks & Recreation	458.00	31,918.83	40,400.00	79.01%
Public Safety	0.00	369.76	600.00	61.63%
Capital Outlay				
Reserve for Capital Outlay	0.00	0.00	0.00	0.0%
Computer Equip.	2,743.95	2,993.94	5,000.00	59.88%
Furniture & Equipment	0.00	0.00	0.00	0.0%
Software	0.00	0.00	0.00	0.0%
Total Capital Outlay	2,743.95	2,993.94	5,000.00	59.88%
Total Expense	29,880.39	1,803,385.99	1,881,250.00	95.86%
Net General Fund	116,513.84	108,290.62	0.00	100.0%
Capital Projects Fund				
CIP Income				
Water Based Resource Grant-Park	0.00	90,361.00	100,000.00	90.36%
Transfer from General Fund				
Appropriated for Dogwood Park	0.00	825,000.00	825,000.00	100.0%
Appropriated for Town Hall	0.00	650,000.00	650,000.00	100.0%
Total Transfer from General Fund	0.00	1,475,000.00	1,475,000.00	100.0%
Total CIP Income	0.00	1,565,361.00	1,575,000.00	99.39%
CIP Expense				
Capital Projects				
Dogwood Park Capital Outlay				
Other Water Resources Grant Exp	0.00	0.00	9,639.00	0.0%
Land Acquisition	0.00	0.00	90,361.00	0.0%
Dogwood Park Capital Outlay - Other	0.00	782,650.00	825,000.00	94.87%
Total Dogwood Park Capital Outlay	0.00	782,650.00	925,000.00	84.61%
Town Hall Capital Outlay	60.00	4,144.27	650,000.00	0.64%
Total CIP Expense	60.00	786,794.27	1,575,000.00	49.96%
Net CIP	-60.00	778,566.73	0.00	100.0%
Net Excess of Rev. over Exp.	116,453.84	886,857.35	0.00	100.0%

- b. Consider approval of audit contract with Robert M. Burns, CPA for fiscal year 2010/2011

Bennett reported the audit contract with Robert M. Burns, CPA was in standard format and in the amount of \$3,900. Mayor Horvath asked if we could get prices from other firms next year to verify we are getting a good price. Ormiston made a motion to approve the 2010-2011 audit contract with Robert M. Burns, CPA for \$3,900. Bradford seconded the motion.

The motion passed unanimously.

- c. Presentation of Planning and Zoning Report by Joshua Langen

Langen reported twenty-one permits were issued in June, including PetSmart and six new houses. Langen reported on the status of various text amendments and noted he will add a governmental use for temporary use permits for fireworks, and clarify the definitions of indoor recreations and gyms. Langen reported on the status of six outstanding zoning violations. He has been checking with other towns on their violation enforcement procedures. Regarding the flooding issues at a property on Underwood Road, he has asked DOT and Timberstone Homes to meet on site.

Mayor Horvath said he spoke to Mr. Plyler regarding the proposed sidewalk along Highway 84, and his land is in the farm deferment program so he did not think he could let us use the land for a sidewalk. Another possibility might be swapping some land with him. Ormiston asked Langen to reach out to the YMCA regarding their proposed location at the old Blockbuster store, so there wouldn't be any surprises. Langen spoke to the owner of the old Sunset gas station, who said they can't justify the expense of removing the graffiti. He had approved Jill Ammons' permit, and not heard anything further from her. Ormiston asked that the topic of graffiti be on the Planning Board agenda; she said Ms. Ammons felt Wesley Chapel was holding her up, and asked Langen to call her and let her know it was in Union County's hands now. Brotton asked regarding the noisy HVAC unit at the elementary school; the Clerk said she had heard it in the evening in late June.

6. SELECTION OF PLANNING BOARD CHAIRMAN

Chuck Adams said he does not have the proper time to give the position, and recommended Sandi Bush. Bradford made a motion to appoint Sandi Bush the Planning Board Chairman; Brotton seconded the motion.

The motion passed unanimously.

7. CONSIDER APPROVAL OF CAROLINA THREAD TRAIL PROPOSED PATH THROUGH WESLEY CHAPEL

Planning Board approved the Carolina Thread Trail (CTT) path through Wesley Chapel on the condition that we don't jump in to it right away. The County will review it August 1, and make a decision August 15. Bradford made a motion to approve the CTT path through Wesley Chapel; Hess seconded the motion.

The motion passed unanimously.

Ormiston asked that we make it clear in the minutes that adoption of the plan is not for a path set in stone and doesn't commit funds at this time.

8. CONSIDER APPROVAL OF TEXT AMENDMENT TO ZONING ORDINANCE FOR ARTICLE 9 OFF-STREET PARKING

Attorney Sistrunk pointed out that in accordance with Zoning Ordinance section 12.1.10 the Village Council shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the Village Council considers the action taken to be reasonable and in the public interest.

Langen said he spoke to Jon Wood from Haden Stanziale, and said the amphitheater would be about 10,000 square feet and have a capacity of 250; he assumed the Town Hall would have a larger amphitheater. He assumed 4.5 people per parking space. The square footage per person is thus about 40. Langen said the census was about 3.48 people per household. Hess noted we shouldn't design the ordinance based on Dogwood Park. Ormiston printed Durham's ordinance which shows a table of uses for parking, including one space per four seats. Langen noted the numbers vary widely between towns, and parking can be based on a parking study. Ormiston agreed the numbers vary widely from her research. Langen noted we don't have a road grid for extra parking, nor sidewalks like other towns have. Chuck Adams said the Planning Board felt parking should be more stringent and felt four per car would not happen. The Dogwood topography doesn't lend itself to eighty plus spaces, so you should figure out what you can put on the land. Hess agreed that the parking can constrain what you can do on the property. Bradford said the standards need to make sense, even if you do have land for parking you should accommodate for normal daily use; this will also apply to a park at the town hall. Mayor Horvath and Ormiston agreed they were not looking for a change from one space per one hundred square feet to one per one hundred forty square feet. Hess noted we are dealing with something we have no experience with. Brotton suggested avoiding an algebraic formula, and perhaps we should do a matrix and send it to Planning Board. Bradford suggested keeping one space per four seats and leaving the rest to a parking study. Ormiston made a motion to adopt the text with one hundred square feet and one per thousand square feet for active recreation and one per two thousand square feet for passive recreation and the option of a parking study. Ormiston withdrew her motion.

Bradford asked if half of amphitheater parking could be unpaved. Langen said he would hesitate on this, but a case could be made in a CUP.

Ormiston made a motion to adopt the parking text amendment with keeping the one hundred square feet. Brotton seconded the motion. Sistrunk asked about the statement per Section 12.1.10. Ormiston amended her motion to adopt the statement that this is based on comprehensive research and accepted practices of local and state government examples and to adopt the parking text amendment with keeping the one hundred square feet. Brotton seconded the motion. Hess reiterated there is no excuse for adopting an ordinance with the expectation that we should tell someone to come and tell us we are wrong when I think that we are wrong already and he was not in favor of this text amendment.

The motion passed 3-1 with Hess voting nay.

ARTICLE 9

OFF-STREET PARKING AND LOADING

Section 9.1 Off-Street Parking

9.1.4 Off-street parking shall be located as follows:

- a. Parking as required herein shall be located on the same lot as the principal use except when specifically permitted to be located elsewhere. Driveways shall be considered as providing off-street parking spaces for all single-family dwellings.
- b. Cooperative provisions for off-street parking may be made by contract between owners of adjacent property with dissimilar hours of operation, and any such contract shall be filed with the Zoning Administrator. The parking area provided on any one lot may be reduced to not less than ~~one-half (1/2)~~ fifty percent (50%) of the parking spaces required for the use occupying such lot. The total number of spaces provided under such a cooperative parking scheme shall not be less than the total number of spaces required for each use.
- c. Remote parking may be used to meet up to fifty percent (50%) of off-street parking requirements for permanent uses, provided the property is owned by the same owner of the property hosting the principal use, is under long-term lease equal to or greater than five (5) years, or is allowed by a recorded access easement specifying the parking arrangement.

Remote parking may also be used to meet all of the off-street parking requirements for temporary uses, approved in accordance with Section 4.7 of the Village of Wesley Chapel Zoning Code, provided written permission of the remote parking property owner, if other than the temporary use applicant, is provided.

Remote parking shall be located on property within four hundred (400) feet of the property hosting permanent or temporary uses. Remote parking for permanent uses shall be connected by adequate pedestrian facilities, as determined by the Zoning Administrator. Remote parking for temporary uses shall be connected by adequate pedestrian facilities or by managed pedestrian assistance provisions, as determined by the Zoning Administrator.

Any change in legal availability of the remote parking property or facilities shall require the owner of the permanent use or applicant for a temporary use permit to provide replacement parking through other allowable means or be considered in violation of this Section and/or Section 4.7, if applicable. Remote parking shall be assessed after any cooperative parking allowances have been assigned. Remote parking may not constitute more than fifty percent (50%) of the remainder of parking spaces required after assignment of cooperative parking.

- ed. No parking area shall be located over an active septic tank field.
- de. In residential areas, the temporary parking or storage of manufactured homes shall be prohibited. Boats, motor homes and camping trailers may, however, be stored or temporarily parked in residential districts; consistent with any more restrictive subdivision covenants. No more than two (2) inoperative motor vehicles per dwelling unit may be stored outdoors, and shall be parked behind the residence, and screened from the public right-of-way and shall also satisfy any more restrictive subdivision covenants that may exist.
- ef. Parking areas shall not be extended into the required rear yard and side yard set backs.

9.1.9 The following chart indicates the minimum off-street parking requirements:

Use Classification	Parking Space Requirement
Places of Public Assembly, including Private Clubs and Lodges Auditoriums, Stadiums, Gymnasiums, Community Centers, Public Parks Recreation Facilities and all similar places of public assembly. Public or Private Assembly and/or Recreation.	One Space (1) for each four <u>(4)</u> <u>fixed/designated</u> seats provided for patron use, <u>including portable seats, benches and amphitheatre seating;</u> plus one (1) space for each one-hundred (100) square feet of floor or ground area used for amusement or <u>designated for assembly but not containing</u>

fixed/designated seats, or one (1) space for every one thousand (1000) square feet designated for active recreation, or one (1) space for every two thousand (2000) square feet designated for passive recreation, whichever is greater. Fifty percent (50%) of parking required for passive recreation shall be allowed to be unpaved. Parking shall be provided for all areas/uses intended to be in permanent use and not required, through a Conditional Use Permit, to apply for a temporary use permit, in accordance with Section 4.7.

Parking for permanent public or private assembly and/or recreation uses, particularly those with a number of differing uses, such as playground and walking trails, may also be determined by a parking study in order to establish a different set of off-street parking and loading standards. Upon receiving a Conditional Use permit for a qualifying use, the applicant may submit a site-specific parking and loading study which shall include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates, as approved by the Zoning Administrator, and should include other reliable data collected from similar uses.

9. CONTRACT DEPUTY UPDATE

Ormiston reported the Sheriff will begin the process of finding a deputy for us. She contacted JDH and Aston Properties twice, Aston is committing \$5,000 per year for 2012 and 2013; she hadn't heard back from JDH.

10. TOWN HALL BUILDING COMMITTEE UPDATE

Brotton reported there was a meeting with John Fuller our architect and lots of feedback was given on the floor plan. This Thursday they will see elevations, and it will be presented to the public at a meeting in August. Aston is moving forward with PetSmart so they need a decision on stormwater soon. The Committee feels Aston's proposal is not as beneficial to the town as going it alone. Brotton spoke to Blackstone; he corrected a misconception that our road would go along their property. We hope to have the engineer report by Thursday's meeting.

11. PARKS AND REC COMMITTEE UPDATE

- TENANT UPDATE
- INITIAL SECURITY PROPOSAL

Mayor Horvath spoke to the tenant; he paid the July rent and plans to be out by the end of July. Bradford asked if Parks and Rec would get the revenue to spend; Bennett replied it goes into general fund revenues. The security proposal was not ready yet. Mayor Horvath wanted to touch base with the police and fire regarding the gate, Bradford said they will call around and get quotes; Bennett noted we use CPI at the town office and we might get a discount from them. Bradford noted we walked the Dogwood Park property with the parties interested in bidding on the RFP today. We got some feedback on clarifying the Alternate B estimates; they suggested a lump sum for a bathroom instead of prices for a sink, tub, etc. Bill Meyer, John Lepke and the insurance adjuster inspected the roof on Friday, the adjuster said it was not a clear cut matter and he will let us know on our claim for hail damage. Bradford said security lights are in place, but we need new bulbs. We did get an executed contract from PARTF, and she will check with them on the cash flow for the purchase of the six acres. Ormiston disclosed that she does work with general contractors, and she got a letter from State Utilities out of Monroe whom she works with on wastewater treatment plants; she referred them to the Clerk. They are a contractor and the parent company has a design group.

12. WESTERN UNION COUNTY MAYOR'S COALITION UPDATE

- POSSIBLE ANNEXATION AGREEMENTS/INTERLOCAL SPHERE OF INFLUENCE
- TRANSPORTATION PLANNER PROPOSAL
- NEW TOWN ROAD SAFETY DISCUSSION

Mayor Horvath asked if we would reconsider pursuing annexation agreements, since some towns may still pursue involuntary annexation. Bradford asked what the repercussions of violating the agreements would be as we once had an agreement that was violated; it was unclear. Brotton said he is still against this because there is nothing in it for us. Ormiston said she did not want annexation agreements, but liked a sphere of influence. Bradford asked what if a neighborhood wanted to join a town they were not designated for in the agreement. Mayor Horvath said it might help in discussions with the County on land use. Brotton said other towns have the agenda to annex so it doesn't help us. Hess said Blackstone might be more inclined to come into Wesley Chapel if we don't have an agreement. Ormiston said we don't support involuntary annexation so there would be nothing to gain. Bradford said with the new annexation rules residents can object to involuntary annexation by high tax towns but might not be motivated to join Wesley Chapel either.

Mayor Horvath brought up the issue of a transportation planner; this originally came up at MUMPO; Mint Hill and Matthews hired a transportation planner and got \$600,000 for intersection work on Pineville Matthews Road. The Mayors suggested a transportation planner and Horvath suggested it to Jerry Simpson who sits on the Union County Transportation Advisory Board; if all the towns shared

in it the cost would be lower. Mayor Horvath thought this was a good idea because too many times MUMPO comes up with money out of the blue. Brotton said with Mecklenburg County being so strong they have consistency, and this would provide continuity and he was willing to consider it. Mayor Horvath said the planner would be employed by the County. Discussion was held of how projects would be ranked, and how the position would be funded (by population). Council asked how the planner would get more information than our planner can get; Mayor Horvath said he would go to Raleigh, at the MUMPO website is a spreadsheet of funding opportunities. Opportunities come up at random times Mayor Horvath said there was a discussion of safety since three recent accidents, and some students reached out to Weddington Mayor Anderson, they were to have a meeting with Barry Moose and DOT. Mayor Horvath said we don't want to lose our rural flair, for example in the LARTP New Town Road was not expanded to four lanes but just to three.

13. MAILING LISTS DISCUSSION FOR ANNOUNCEMENTS, ETC.

Mayor Horvath said there are two lists, the Sunshine List, which is defined by Statute for announcements of meetings, and the newsletter mailing list. Ormiston said as a safety captain she has an e-mail list. We would like to collect more addresses, and could collect them at the National Night Out, and fall festival. Bennett said she tries to avoid sending too many e-mails to the lists. An e-mail template was discussed. Brotton suggested we could piggyback other information on the e-mails listing new meetings. We could have a sign off form where they check off whether they want to receive meeting notices or notices of special events and the newsletter.

14. RECAP OF NCLM TOWN HALL DAY IN RALEIGH

Mayor Horvath said he met with Senator Tucker and Representative Horn back in May at Town Hall Day. They had a discussion on "paper towns" and that we are just looking out for what the people want.

15. DISCUSSION AND CONSIDERATION OF ORDINANCE PROHIBITING SEX OFFENDERS FROM ENTERING PARKS AND RECREATIONAL FACILITIES

Brotton said he found this ordinance in another town, the idea is registered sex offenders would not be allowed in the park and enforcement would be by the Sheriff. It is the difference between feeling helpless and having teeth to avoid predatory behavior. Brotton made a motion to adopt Ordinance 2011-11, incorporated herein. Ormiston seconded the motion. Hess said he supported it but thinks it open us to a lawsuit.

The motion passed unanimously.

Ordinance No. 2011-11
Village of Wesley Chapel
Ordinance Prohibiting Registered Sex Offenders
From Entering Parks and Recreational Facilities

WHEREAS, the Village of Wesley Chapel parks and recreation facilities are meant for the peaceful enjoyment of our citizens and are in desirable and well utilized locations for such enjoyment;

WHEREAS, the Village of Wesley Chapel parks and recreation facilities are public spaces wherein sexual offenders may sometimes attempt to find victims; and

WHEREAS, the State of North Carolina, the Mayor, Village Council members and Staff recognize that protection of the public is of paramount governmental interest; and

WHEREAS, it is in the interest of promoting the general welfare and safety of the people of the Village of Wesley Chapel to reduce opportunities for sexual offenders to make use of public spaces for criminal intent; and

WHEREAS, the Mayor, Town Council members and Staff find it in the best interest of the citizens and residents of the Village of Wesley Chapel to prohibit and ban Registered Sex Offenders from the Village of Wesley Chapel park and other recreation facilities; and

WHEREAS, North Carolina General Statute 160A-174 states that a town may by ordinance define, prohibit, regulate, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Village, and may define and abate nuisances.

NOW, THEREFORE, BE IT RESOLVED that the Village Council of Wesley Chapel hereby enacts Ordinance Number 2011-11 Prohibiting Registered Sex Offenders from Entering Parks and Recreation Facilities.

Adopted this 11th day of July, 2011

Attest:

Cheryl Bennett, Clerk

Mayor Brad Horvath

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Ordinance Prohibiting Registered Sex Offenders From Entering Parks & Recreation Facilities

- A. Definitions:** For purposes of this Ordinance, the following definitions shall apply:

Official Meeting – A meeting that is required to be open to the public by the Open Meetings Law, Article 33C of Chapter 143 of the North Carolina General Statutes.

Public Park – Any property owned, leased, operated, or maintained by the Village that is designated as a park by the Village, including any adjacent public parking areas as well as the driveways, entrance ways, or pedestrian walkways used by the public to access the public park.

Recreation Facility – Any property owned, leased, operated, or maintained by the Village that is designated as a recreation facility by the Village, including any adjacent public parking areas as well as the driveways, entrance ways, or pedestrian walkways used by the public to access the public recreation facility.

Registered Sex Offender – An individual who is or is required to be registered by any state or federal agency as a sex offender or sexual predator and/or whose name is published or required to be published on any state or federal sex offender or sexual predator registry, including, but not limited to, the North Carolina Sex Offender and Public Protection Registration Programs established pursuant to Article 27A of Chapter 14 of the North Carolina General Statutes.

Village – The Village of Wesley Chapel, North Carolina.

- B. Prohibition:** No Registered Sex Offender shall enter into or upon any Public Park or Recreation Facility.
- C. Penalties:** Violation of this Ordinance shall be a misdemeanor punishable by a fine of five hundred dollars (\$500.00) and/or incarceration for up to thirty (30) days. Each entry into a Public Park or Recreation Facility in violation of this Ordinance, regardless of the time period between such entries, shall constitute a separate offence under this Ordinance.
- D. Signage Required:** The Village Administrator or his/her designee shall be charged with posting notice of this Ordinance at the entrances to each Public Park and Recreation Facility within thirty (30) days of the later of the passage of this Ordinance or the official public opening of the applicable Public Park or Recreation Facility.
- E. Limited Exceptions:**

- 1) Official Meetings: A Registered Sex Offender who has the right as a member of the public to be present at an Official Meeting being held at a Public Park or Recreation Facility shall have the limited privilege of entering on and into such Public Park or Recreation Facility for such time as is necessary to attend such Official Meeting, but any form of loitering or lingering shall be a violation of this Ordinance.

The privilege shall only extend to those parts of the Public Park or Recreation Facility that are being used for such Official Meeting.

- 2) Polling Place: When a Public Park or Recreation Facility is used as a polling place for a public election or referendum, the Registered Sex Offender may enter the facility for the limited purpose of voting if he/she qualifies to do so at that polling place.

The privilege shall only extend to those parts of the Public Park or Recreation Facility that are being used as a polling place.

- F. Severability:** If any section, subsection, paragraph, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

16. DISCUSSION OF EMERGENCY MEETING PROCEDURE IN COUNCIL PROCEDURES

Mayor Horvath said this came up due to Stonegate's fireworks display; did we want to make a narrower definition of emergency. Consensus was the accepted definition of emergency meetings was sufficient. The only possible change might be to the Council Rules of Procedure which requires having a signed notice delivered to everyone's house when the statutes just call for delivering the notice electronically. Bennett will check with the attorney on it.

17. FALL ELECTION REGISTRATION OPEN THROUGH NOON ON JULY 15, 2011; EXPIRING TERMS ARE MAYOR: BRAD HORVATH AND COUNCIL: SONDR A BRADFORD; TODD HESS

Mayor Horvath noted the registration for elections runs through noon on July 15, we will put the notice on our website.

18. OTHER BUSINESS

Mayor Horvath said he needs any input on employee reviews, and he would like to have meetings with the employees after the next meeting. Keys to the church were discussed; Bennett, Langen and the Mayor have keys. Bennett will see if the church would allow us to have a key that can be signed out by Council members. Ormiston asked for Council to be thinking of newsletter article topics. Bradford said she noticed some inconsistencies on the website, and we might want to look

at how other websites work. Ormiston agreed the website needed improvement. Bennett noted some things can be done, but other items cost extra.

19. COUNCIL COMMENTS – none

20. ADJOURNMENT

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

The motion passed unanimously.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath