

2011.11.14 minutes

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
WESLEY CHAPEL UNITED METHODIST CHURCH
120 Potter Road, Wesley Chapel, NC 28110
November 14, 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 (left early)

Concerned citizens: Carol Mullis, Becky Plyler, Gayla & Chuck Adams, Julie Brown, Jeannine Kenary, Stephen Keeney, Maura MacKinnon, Timmy Winslow, Elaine Rosoff, Josh Whitener

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. Mayor Horvath welcomed Becky Plyler and Elaine Rosoff to the meeting, both won Council seats in the recent election.

2. INFORMAL PUBLIC COMMENTS

Jeannine Kenary spoke regarding the Downtown Resolution, she recognized the hard work put into it, but said it may not be what people want. She noted people want open green space, low density and a rural atmosphere. She asked why it did not reference the future land use plan which was adopted, yet did reference documents like the Master Plan which was not adopted. She said the Resolution would impact schools and traffic. She commented it is the responsibility of Council to do what the majority of the residents want, even if it is voting down a committee's recommendations.

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

Item 5c. "Contract Deputy Announcement", Item 9A. "Closed Session per NC GS 143-318.11(a) (3) Attorney Client Privilege", and two topics under Item 12 "Committee Appointments" and "Deed Restrictions and Timing" were added to the agenda. A topic under Item 12 was changed from "Status of Contract Extension ..." to "Review of Contract Extension..." Items 13 and 14 were switched in order. Bradford made a motion to adopt the agenda with the above changes. Ormiston seconded the motion.

The motion passed unanimously.

4. APPROVE MINUTES FOR:
 Council Meeting October 10, 2011
 Council Meeting October 18, 2011

Hess made a motion to approve the minutes for the Council Meetings on October 10, 2011 and October 18, 2011. Ormiston seconded the motion.

The motion passed unanimously.

5. STAFF REPORTS

- a. Review and approve the Village Financial Reports dated October 31, 2011, submitted by Cheryl Bennett, Finance Officer

Bennett presented the October 31, 2011 financial reports, incorporated herein. She noted the Certificate of Deposit was closed and the money moved to a money market account. Property tax revenues are starting to come in. This month \$1,775 was charged to the park for attorney fees, and \$7,985 charged to town hall for architect fees.

Balance Sheet October 31, 2011

ASSETS

Current Assets

Checking/Savings

Fifth Third Bank Checking	26,550.51
Fifth Third Bank Money Market	689,404.45
Citizens South CD Bldg 02.03.12	248,560.73
BB&T Money Market	823,157.86
Petty Cash Fund	50.00
Total Checking/Savings	1,787,723.55

Misc. Fees Receivable	1,016.25
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Other Current Assets

Prepaid Exp.	850.00
Property Tax Rec.	3,476.00
Allow. for Doubtful Accounts	-1,034.00
Sales Taxes to be Received	
Total Sales Taxes to be Received	1,461.07
Total Other Current Assets	4,753.07

Total Current Assets	1,793,492.87
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Fixed Assets

Dogwood Park CIP	17,309.40
Town Hall- CIP	4,144.27
Land	821,098.51
Office Equipment	7,620.98
Accumulated Deprec.	-5,333.98

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Total Fixed Assets	<u>844,839.18</u>
TOTAL ASSETS	<u><u>2,638,332.05</u></u>
LIABILITIES & FUND BALANCE	
Current Liabilities	
Taxes payable on Dogwood Park	1,104.93
Escrow from Developers	45,076.00
Deferred Revenue	<u>2,442.20</u>
Total Current Liabilities	<u>48,623.13</u>
Total Liabilities	48,623.13
Fund Balance	
Fund Balance Assigned for NNO	174.20
Fund Bal. non-spendable	45,926.00
Fund Bal. Committed for CIP	1,401,027.00
Fund Bal. inv. in Fixed Assets	844,839.18
Fund Balance	-875,961.02
Excess of Rev. over Exp.	<u>1,173,703.56</u>
Total Fund Balance	<u>2,589,708.92</u>
TOTAL LIABILITIES & FUND BALANCE	<u><u>2,638,332.05</u></u>

Budget Report October 31, 2011

General Fund	<u>Oct 11</u>	<u>Jul - Oct 11</u>	<u>Budget</u>	<u>% of Budget</u>
Revenues				
Appropriated Fund Balance	0.00	437,686.00	437,686.00	100.0%
Fees and Licenses				
Newsletter/Deputy Sponsor	0.00	0.00	12,000.00	0.0%
National Night Out-raffle,cont	0.00	366.00	500.00	73.2%
Contribution for parks and rec	0.00	0.00	0.00	0.0%
Fall Festival	10.00	7,730.00	11,000.00	70.27%
Cable Franchise (from Time Warn	0.00	2,984.00	12,000.00	24.87%
Engineering Fees				
Reimbursement	1,016.25	4,541.25	8,000.00	56.77%
Zoning Permit	870.00	3,350.00	6,000.00	55.83%
Privilege Licenses	208.15	24,377.71	25,000.00	97.51%
Annexation Exp Reimbursed	0.00	60.00	300.00	20.0%
Misc. Fees	<u>0.00</u>	<u>6,923.56</u>	<u>200.00</u>	<u>3,461.78%</u>
Total Fees and Licenses	2,104.40	50,332.52	75,000.00	67.11%

Interest Earned	1,428.03	3,048.00	5,000.00	60.96%
Property Tax Income				
Current Year Property Tax	4,917.25	8,830.77	137,413.00	6.43%
Delinquent Taxes	2.26	248.15	1,800.00	13.79%
Interest/Ad Fee on Taxes	5.87	35.98	400.00	9.0%
Utility Ad Valorem	0.00	0.00	1,000.00	0.0%
Vehicle Registration	806.60	2,623.73	8,375.00	31.33%
Total Property Tax Income	5,731.98	11,738.63	148,988.00	7.88%
Revenue Sharing				
Alcoholic Beverage Tax	0.00	0.00	25,000.00	0.0%
Cable (from State)	0.00	4,757.34	82,000.00	5.8%
Excise Tax (Piped Natural Gas)	0.00	480.00	14,000.00	3.43%
Franchise Tax (Electric Power)	0.00	4,807.00	152,000.00	3.16%
Sales & Use Taxes	2,994.27	3,943.94	32,000.00	12.33%
Telecommunications Tax	0.00	643.00	11,000.00	5.85%
Total Revenue Sharing	2,994.27	14,631.28	316,000.00	4.63%
Total Revenues	12,258.68	517,436.43	982,674.00	52.66%
Expense				
Transfer to CIP	0.00	625,000.00	625,000.00	100.0%
Operating Expenditures				
Contingency	0.00	0.00	3,920.00	0.0%
Advertising - Clerk	0.00	0.00	500.00	0.0%
Annexation Expense	0.00	0.00	400.00	0.0%
Annual Retreat	0.00	0.00	1,800.00	0.0%
Bank Charges	31.36	136.04	600.00	22.67%
Books & Literature	0.00	0.00	300.00	0.0%
Dues and Subscriptions	496.00	7,890.00	11,800.00	66.86%
Election Expense	0.00	1,307.75	9,900.00	13.21%
Electronic Commun (Tele/RR)	234.60	1,411.33	3,600.00	39.2%
Insurance - Liability	0.00	9,567.77	9,570.00	99.98%
Insurance - Workmen's Comp	0.00	500.00	525.00	95.24%
Land Maintenance	0.00	0.00	1,000.00	0.0%
Town office Maint.	147.23	353.28	1,000.00	35.33%
Misc town office	0.00	13.48	500.00	2.7%
Newsletter	936.77	1,581.77	3,000.00	52.73%
Office Equipment	0.00	0.00	1,200.00	0.0%
Office Expense	0.00	276.96	2,200.00	12.59%
Postage and Delivery	0.00	68.36	2,100.00	3.26%
Rent	1,400.00	5,600.00	17,000.00	32.94%

Seminars	0.00	65.00	1,500.00	4.33%
Tax Collection Fee	86.03	167.71	2,400.00	6.99%
Travel & Entertainment	126.55	462.96	2,500.00	18.52%
Utilities- Temp. Town Hall	183.65	756.72	2,200.00	34.4%
Total Operating Expenditures	3,642.19	30,159.13	79,515.00	37.93%
Gen. Govt. Salaries				
Admin. Assistant	202.50	1,308.75	4,705.00	27.82%
Allowance for Salary Adjustment	0.00	0.00	211.00	0.0%
Mayor	0.00	1,200.00	4,800.00	25.0%
Mayor Protem	0.00	750.00	3,000.00	25.0%
Council Salary	0.00	1,800.00	7,200.00	25.0%
Clerk Salary	3,720.94	14,053.76	49,219.00	28.55%
Finance Officer Salary	848.08	3,362.04	11,025.00	30.5%
Payroll Taxes	691.12	3,074.18	10,920.00	28.15%
Payroll exp - Unemployment	0.00	0.00	1,000.00	0.0%
Fringe Benefits - Insurance	1,292.24	5,168.96	15,514.00	33.32%
Fringe Benefits - Retirement	594.69	2,617.37	7,796.00	33.57%
Total Gen. Govt. Salaries	7,349.57	33,335.06	115,390.00	28.89%
Planning & Zoning				
P/Z Admin. Salary	4,000.00	17,000.00	52,075.00	32.65%
Planning & Zoning Board Salary	714.00	714.00	4,032.00	17.71%
Advertising	0.00	0.00	500.00	0.0%
P/Z Office Expense	0.00	0.00	500.00	0.0%
P/Z Seminars	0.00	199.00	400.00	49.75%
P/Z Travel	75.40	216.35	1,200.00	18.03%
P/Z Dues,Subscriptions	0.00	360.00	360.00	100.0%
Total Planning & Zoning	4,789.40	18,489.35	59,067.00	31.3%
Professional Fees				
Audit Fees	0.00	0.00	4,000.00	0.0%
Engr. Consulting	180.00	2,370.00	12,000.00	19.75%
Legal Fees	1,447.12	5,687.62	16,000.00	35.55%
Total Professional Fees	1,627.12	8,057.62	32,000.00	25.18%
Parks & Recreation				
Telephone	0.00	0.00	600.00	0.0%
Security	0.00	0.00	1,000.00	0.0%
Utilities	61.24	76.24	1,800.00	4.24%
Maintenance/Grounds	828.00	1,134.00	11,235.00	10.09%
Events	1,023.86	7,054.00	11,000.00	64.13%
Insurance	0.00	1,864.00	1,865.00	99.95%

Office Expense	0.00	0.00	1,000.00	0.0%
Dues & Subscriptions	0.00	0.00	500.00	0.0%
Total Parks & Recreation	1,913.10	10,128.24	29,000.00	34.93%
Public Safety	191.80	191.80	42,702.00	0.45%
Total Expense	19,513.18	725,361.20	982,674.00	73.82%
Excess of Rev. over Exp.	-7,254.50	-207,924.77	0.00	100.0%
Capital Projects Fund				
Capital Projects Revenues				
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	1,000,000.00	1,000,000.00	100.0%
Appropriated for Town Hall	0.00	1,100,000.00	1,100,000.00	100.0%
Total Transfer from General Fund	0.00	2,100,000.00	2,100,000.00	100.0%
Total Capital Projects Revenues	0.00	2,190,361.00	2,200,000.00	99.56%
Capital Projects Expense				
Capital Projects				
Dogwood Park Capital Outlay				
Other Water Resources Grant Exp	0.00	0.00	9,639.00	0.0%
Land Acquisition	1,775.00	2,225.00	90,361.00	2.46%
Dogwood Park Capital Outlay - Other	0.00	783,923.79	1,000,000.00	78.39%
Total Dogwood Park Capital Outlay	1,775.00	786,148.79	1,100,000.00	71.47%
Town Hall Capital Outlay	7,985.11	22,583.88	1,100,000.00	2.05%
Total Capital Projects Expense	9,760.11	808,732.67	2,200,000.00	36.76%

b. Presentation of Planning and Zoning Report by Joshua Langen
 Langen reported thirteen permits were issued in October, including four signs. Langen reported on the status of various text amendments and current zoning violations. He noted Planning Board gave a 90 day extension to 427 Cottonwood Circle. Langen asked Council for guidance on Southern Whimsy; Planning Board will be looking at the B-1 sign regulations. Council agreed he should send a letter to Southern Whimsy and be consistent in applying the ordinances.

c. Contract Deputy Announcement
 Ormiston announced that AJ Mainero has been selected as the Wesley Chapel contract deputy and will start December 1, 2011. Citizens should call 911 instead of directly calling the deputy. Ormiston will plan a meet and greet for citizens to meet him.

6. HAZARD MITIGATION GRANT MOA AND POSSIBLE VOTE (UNION COUNTY)

Mayor Horvath reported the County approved and had asked us to approve this MOA for the next hazard mitigation plan which will be done regionally with Cabarrus and Stanly Counties. There is no cost to Wesley Chapel. Bradford made a motion to approve the MOA for the Development of a Regional Hazard Mitigation Plan for Cabarrus, Stanly and Union Counties. Ormiston seconded the motion.

The motion passed unanimously.

7. ARSENIC WELL WATER TESTING (FREE PROGRAM: UNION COUNTY BOARD OF HEALTH / DUKE UNIVERSITY)

Mayor Horvath was contacted about a program to test well water for arsenic at no cost. Ormiston noted they also ask participants for toenail clippings and urine. Mayor Horvath said you can opt out of any of it, if he had a well he would want to know if it had arsenic. They are willing to do a mailing if we have a list of well owners, but we don't have such a list. Becky Plyler said she thought it is a good idea, since you have to pay currently to have your well tested. The contact at the County is Philip Tarte 704-296-4800. Bradford noted arsenic is present in Union County. Mayor Horvath said they are asking us to publicize it; we can put it on the website, and send a memo to churches. Hess said this is to see a correlation between arsenic in wells and in the body and need disclosure.

8. DISCUSSION OF STAFF INPUT AS SUBJECT MATTER EXPERTS

Mayor Horvath noted some items have come up and afterwards staff has found additional information, do you want to receive that information. Hess said the information needs to be useful, i.e. relevant, timely (before the decision), representative (not a single point) and unbiased (with multiple data points). Ormiston said she found input from staff to be useful and relevant; she calls staff for information and both have resources to collect information from. Brotton said it is better to have the information beforehand, Bradford agreed. Mayor Horvath said it could also be valuable for future decisions, and we could strike a balance on which issues we want more information on. Hess said it needs to represent similar size communities and be timely. Mayor Horvath said if staff knows a specific point will come up they can get information, but we can also ask Council to touch base with staff. Bennett noted staff does not always know which part of a recommendation will be questioned beforehand. Brotton said if a decision was made, we need to move on and let it be. Ormiston noted we need to respect staff and be respectful in our emails and other communication.

9A. CLOSED SESSION PER NC GS 143-318.11(a) (3) ATTORNEY CLIENT PRIVILEGE

Bradford made a motion to go into closed session per NC GS 143-318.11(a) (3) attorney client privilege. Brotton seconded the motion.

The motion passed unanimously.

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Ormiston made a motion to leave closed session; Bradford seconded the motion.
The motion passed unanimously.

9B. DISCUSSION OF POLICY ON PRAYER AT VILLAGE MEETINGS

Mayor Horvath noted Forsyth County was challenged on non-sectarian prayer and lost in the Court of Appeals. The Village is looking at whether we need a policy on prayer. Ormiston said she would like to look at what we can do to keep prayer in meetings, she was not sure we had enough facts to come up with a policy tonight. Bradford said she didn't have a problem with investigating it, she thought it should be up to the individual but the courts disagree. Hess said his personal beliefs agree with Bradford, but his professional beliefs do not and the cost potential is huge; anyone can challenge it. Sistrunk said the court decision said prayer should be non-sectarian and non-denominational. Mayor Horvath said he did some research and it goes back to Thomas Jefferson, however the first part of his writing is always cited," Congress shall make no law respecting an establishment of religion" but not the second part "or prohibiting the free exercise thereof". Brotton said if we establish a policy it will restrict what is currently done, he could only see it working if the policy is a moment of silence or no prayer. Steven Keeney said we are succumbing to a minority opinion, to go down this route is abandonment of the prayers we say; our forefathers and presidents prayed in crucial moments. Sistrunk explained in Forsyth County two women came to a meeting and heard references to the trinity and filed for breach of the establishment clause. Hess said some people feel as strongly against this, as you do for it. Keeney said if we are going to have a lawsuit, that is the one to have. Mayor Horvath asked Council if they wanted to pursue a policy on prayer. Ormiston asked it be tabled until we can research it more. Julie Brown asked if it also leads us down the road to not being able to have a tree lighting. Carol Mullis asked if a minister comes to a meeting, do we tell him how to pray.

10. DISCUSSION AND POSSIBLE VOTE ON SPEED LIMITS ON WESLEY CHAPEL ROAD AND POSSIBLE JOINT RESOLUTION WITH INDIAN TRAIL (STATISTICS)

Mayor Horvath said accident statistics were sent out from a woman who lives across from Taylor Glenn, and he asked if Council is okay with him pursuing with Indian Trail to see if they have interest in lowering the speed limit. Part of the area is in Indian Trail, and part in Wesley Chapel. Council agreed.

11. TOWN HALL BUILDING COMMITTEE UPDATE / POSSIBLE VOTE

- LOCATION RECOMMENDATION
- ELEVATION RECOMMENDATION
- ROAD ENTRANCE PROPOSAL UPDATE

Brotton reported on the current recommendations from the Committee. The town hall is sited closer to Highway 84, we will bid out both elevation options at no extra cost, and there may be some modifications to the floor plan. We do not yet have an agreed upon proposal from Aston, but should get an update this week.

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Brotton made a motion to approve the town hall location; Bradford seconded the motion.

The motion passed unanimously.

Brotton made a motion to bid out both elevations; Ormiston seconded the motion.

The motion passed unanimously.

Discussion was held on access to the kitchen from council chambers. Bradford asked about the two entrances; Brotton said the historical area is in the main lobby, it is up to us to decide whether it should be locked with access by appointment, or whether we want to pay to have staff there. We will have signage to direct citizens to the business office and there will be parking there. Hess noted there is seating for 80 in the chambers and parking for 38 spaces. Brotton noted additional parking will be added if more buildings are built. Bradford asked if the price for fill was for architectural grade fill, Brotton said yes.

Brotton made a motion to approve the committee recommended floor plan; Ormiston seconded the motion.

The motion passed unanimously.

Brotton reported three bids were obtained on the geo-tech work for four borings from Shield Engineering, S&ME, and ECS Carolinas; all bid \$2,750. Fuller Architecture recommended ECS since they have already done work on the site. S&ME recommended doing two more borings for an additional \$250.

Brotton made a motion to contract with ECS to do six borings at a cost not to exceed \$3,000. Hess seconded the motion.

The motion passed unanimously.

Bradford stated she wanted the town hall building to be used to the fullest extent possible and to be open to the community. Brotton will put the topic on the next Committee meeting agenda.

12. PARKS AND REC COMMITTEE UPDATE

- REVIEW OF CONTRACT EXTENSION AGREEMENT WITH JOHNSTON'S ON REMAINING SIX ACRES (INCLUDING ACCESS)
- WIRTH CONTRACT UPDATE
- DAM UPDATE (VOLUNTEER DAY / OVERFLOW STATUS)
- COMMITTEE APPOINTMENTS
- DEED RESTRICTION AND TIMING

Mayor Horvath appointed Janet Brower as a regular member of the Parks and Rec committee, she was formerly an alternate. Maura MacKinnon was present and the Mayor first appointed her to the Committee, but she said she wanted to help but has other time demands, and will wait and see after the next meeting if she still wants to be on the committee. The Mayor thus rescinded his appointment of Ms. MacKinnon.

The contract extension was discussed; Hess said the Mayor and Finance Officer need to sign it; the terms are extending the closing to December 29, 2011, the buyer has the right to clear brush and debris up to a trunk size of three inches; remove any potential hazards; post notices and signs; conduct activities associated with the design and preliminary construction of park amenities on tract one and two, and enter tract two without notice and provide indemnification to the sellers. Ormiston asked if there was a contract amendment to early December; Hess replied no.

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Ormiston asked what happens if the seller does not sign this; she had concerns about the tax bill and PARTF reimbursement. Hess said you can sue for specific performance. Ormiston asked if we could move the date up. Hess said we didn't have a document to sign until this point. Discussion was held on cash flow. Bradford said to get reimbursement from PARTF we need to add the deed restrictions. She asked Sistrunk and he thought it would be less than \$500 to add the deed restrictions on the 16 acres so we can move forward with reimbursements. Hess said to subdivide the house we would need to do a survey and incur other costs. If the restriction stays, it would restrict use of the house to parks and rec. Bradford said PARTF says the house is out of the equation and we can use it how we want. Hess said the deed restriction would trump that. Langen noted subdividing the house would require at least one acre of land. Bradford will check with Sistrunk. Bennett noted we also need just compensation forms signed by the seller to get PARTF reimbursement.

Bradford reported the contract with Wirth & Associates is completed. She noted on the volunteer day eight people attended and they cleared the brush on the dam. One tree requires a permit to be removed. The brush was cleared from the spillway and didn't alter the water level. We haven't heard back yet if they can clear the spillway for less than \$1,000. The next workday is December 3, 2011 and they will demolish the chicken coop. Ormiston asked if we can receive an updated reimbursement schedule.

13. DISCUSSION OF COMPONENTS OF DOWNTOWN RESOLUTION USING APPROACH APPROVED SEPTEMBER 12, 2011

- TYPES OF HOUSING
 - Retirement community
 - Work / Life Residences
 - Town Houses
 - Assisted Living
 - Other
- DENSITY
 - Dependent on types of Housing?
 - Only Allowed in Certain Downtown Sectors?
 - Tied to Developer Exactions?

Mayor Horvath noted it is already ten pm, and do we want to do this item next week and have it much earlier in the agenda. Hess agreed to wait.

Ormiston made a motion to defer items 14-18 to the next meeting. Bradford seconded the motion.

The motion passed unanimously.

14. POSSIBLE VOTE ON AMENDMENTS TO SUBDIVISION AND ZONING ORDINANCES

- SECTION 405 ROAD STANDARDS AND BUFFERING ALONG THOROUGHFARES - SUBDIVISION ORDINANCE
- ARTICLE 4.16 APPLICABILITY OF PLANNED RIGHT OF WAY - ZONING ORDINANCE

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- ARTICLE 6.13 TRANSPORTATION IMPACT ANALYSIS - ZONING ORDINANCE

15. DISCUSSION AND POSSIBLE APPROVAL OF A STANDARD FOR MINUTES

16. DISCUSSION OF POSSIBLE VILLAGE WEBSITE ENHANCEMENTS

17. TOWN SEAL DISCUSSION

18. APPLICATION FOR COMMITTEE PARTICIPANTS

19. OTHER BUSINESS

Ormiston said we have four applications for the Youth Council Committee and announcements are being made at the schools. Mayor Horvath noted there is a MUMPO meeting Wednesday on roads. The judge threw out the lawsuit on the Monroe Bypass and the bonds are going to sale. Our sidewalk request should make the top five list.

20. COUNCIL COMMENTS

Hess said Council worked well in the decisions for the CIP and he hoped and prayed the upcoming Council can do the same regarding a prayer policy and the downtown plan.

21. ADJOURNMENT

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

The motion passed unanimously.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath