

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
WESLEY CHAPEL UNITED METHODIST CHURCH
120 Potter Road, Wesley Chapel, NC 28110
October 8, 2012 – 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, Council Members Brotton, Plyler and Rosoff

Absent: Mayor Pro Tem Ormiston

Others Present:

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

Citizens: Carol Mullis, Bill Meyer, John Lepke

The 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 Council Member Plyler said the invocation.

2. PUBLIC COMMENTS - none

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

Item 14B. "Accept Resignation from Board of Adjustment" was added. Council Member Brotton made a motion to approve the revised agenda; Council Member Plyler seconded the motion.

The motion passed unanimously.

4. APPROVE MINUTES FOR COUNCIL MEETINGS SEPTEMBER 10, 2012 AND SEPTEMBER 18, 2012

Council Member Plyler made a motion to approve the September 10, 2012 and September 18, 2012 minutes; Council Member Rosoff seconded the motion.

The motion passed unanimously.

5. STAFF REPORTS

a. Review and approve September 30, 2012 financial reports

Finance Officer Bennett presented the September financial reports; the engineering consulting services line item is running high, and will need a budget amendment. Council Member Rosoff asked for a breakdown of the town hall budget. John Lepke asked about the PARTF reimbursements: there is no reimbursement for the third quarter because no reimbursable expenses were paid. He asked if we get PARTF reimbursement for the pier; Bennett said no, since no funds were expended. Council Member Plyler made a motion to approve the September financial reports; Council Member Rosoff seconded the motion.

The motion passed unanimously.

September 30, 2012 Balance Sheet

ASSETS

Current Assets

Checking/Savings

Fifth Third Bank Checking	52,160.13
Fifth Third Bank Money Market	847,972.76
Citizens South CD Bldg 01.03.13	249,310.26
BB&T Money Market	824,164.93
Petty Cash Fund	<u>50.00</u>
Total Checking/Savings	1,973,658.08

Misc. Fees Receivable	<u>125.00</u>
Total Accounts Receivable	125.00

Other Current Assets

Office Depot gift card	92.58
Prepaid Exp.	850.00
Property Tax Rec.	2,981.00
Allow. for Doubtful Accounts	-1,077.00
Sales Taxes to be Received	<u>1,254.03</u>
Total Sales Taxes to be Received	1,254.03
Total Other Current Assets	<u>4,100.61</u>

Total Current Assets	1,977,883.69
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Fixed Assets

Land	729,029.00
House at Dogwood Park	411,169.00
Dogwood Park CIP	66,580.00
Town Hall- CIP	64,744.00
Office Equipment	8,749.00
Accumulated Deprec.	<u>-26,994.98</u>
Total Fixed Assets	<u>1,253,276.02</u>

TOTAL ASSETS	<u><u>3,231,159.71</u></u>
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LIABILITIES & FUND BALANCE

Other Current Liabilities

Escrow from Developers	45,076.00
Deferred Revenue	<u>1,904.20</u>
Total Other Current Liabilities	<u>46,980.20</u>
Total Current Liabilities	<u>46,980.20</u>

Fund Balance

Fund Bal. inv. in Fixed Assets	1,253,276.02
Fund Balance Assigned for NNO	313.40

Fund Bal. non-spendable	66,632.75
Fund Bal. Committed for CIP	1,518,928.44
Fund Balance	-1,111,138.88
Excess of Rev. Over Exp.	<u>1,456,167.78</u>
Total Fund Balance	<u>3,184,179.51</u>
TOTAL LIABILITIES & FUND BALANCE	<u><u>3,231,159.71</u></u>

September 2012 Budget Report

	<u>Sep 12</u>	<u>Jul - Sep 12</u>	<u>YTD Budget</u>	<u>% of Budget</u>
General Fund				
Revenues				
Appropriated Fund Balance	0.00	197,199.00	197,199.00	100.0%
Fees and Licenses				
Newsletter/Deputy Sponsor	0.00	0.00	10,000.00	0.0%
National Night Out-raffle,cont	0.00	60.00	100.00	60.0%
Cable Franchise (from Time Warn	0.00	4,112.00	12,000.00	34.27%
Engineering Fees Reimbursement	0.00	0.00	5,000.00	0.0%
Zoning Permit	685.00	2,410.00	6,000.00	40.17%
Privilege Licenses	382.82	24,849.08	26,000.00	95.57%
Privilege licenses late fees	25.00	60.21	0.00	100.0%
Annexation Exp Reimbursed	0.00	0.00	200.00	0.0%
Misc. Fees	<u>0.00</u>	<u>79.00</u>	<u>200.00</u>	<u>39.5%</u>
Total Fees and Licenses	1,092.82	31,570.29	59,500.00	53.06%
Interest Earned	189.36	825.88	2,500.00	33.04%
Property Tax Income				
Current Year Property Tax	6,506.13	6,572.09	139,244.00	4.72%
Delinquent Taxes	183.98	262.03	600.00	43.67%
Interest/Ad Fee on Taxes	17.29	28.79	350.00	8.23%
Utility Ad Valorem	0.00	0.00	1,404.00	0.0%
Vehicle Registration	1,148.09	1,852.73	8,971.00	20.65%
Prior Year Motor Vehicle Tax	57.85	246.72	0.00	100.0%
Late List fees on taxes	<u>13.98</u>	<u>13.98</u>	<u>0.00</u>	<u>100.0%</u>
Total Property Tax Income	7,927.32	8,976.34	150,569.00	5.96%
Revenue Sharing				
Alcoholic Beverage Tax	0.00	0.00	28,000.00	0.0%
Video Programming(State Cable)	4,632.67	4,632.67	95,000.00	4.88%
Excise Tax (Piped Natural Gas)	-219.00	-219.00	16,000.00	-1.37%

Franchise Tax (Electric Power)	3,045.00	3,045.00	170,000.00	1.79%
Sales & Use Taxes	977.63	977.63	34,000.00	2.88%
Telecommunications Tax	39.00	39.00	12,000.00	0.33%
Total Revenue Sharing	8,475.30	8,475.30	355,000.00	2.39%
Total Revenues	17,684.80	247,046.81	764,768.00	32.3%
Expense				
Transfer to CIP	0.00	186,200.00	186,200.00	100.0%
Operating Expenditures				
Contingency	0.00	0.00	32,850.00	0.0%
Advertising - Clerk	0.00	141.78	500.00	28.36%
Annexation Expense	0.00	0.00	300.00	0.0%
Annual Retreat	0.00	0.00	1,800.00	0.0%
Bank Charges	51.20	147.59	500.00	29.52%
Books & Literature	0.00	0.00	300.00	0.0%
Dues and Subscriptions	0.00	8,528.00	12,500.00	68.22%
Election Expense	0.00	1,360.50	2,000.00	68.03%
Electronic Commun (Tele/RR)	243.50	1,229.50	3,600.00	34.15%
Insurance - Liability	0.00	9,993.19	10,000.00	99.93%
Insurance - Workmen's Comp	0.00	535.68	600.00	89.28%
Land Maintenance	0.00	0.00	1,000.00	0.0%
Town office Maint.	0.00	194.85	900.00	21.65%
Misc town office	10.32	58.67	600.00	9.78%
Newsletter	0.00	0.00	3,000.00	0.0%
Office Equipment	0.00	0.00	1,200.00	0.0%
Office Expense	144.29	149.28	2,400.00	6.22%
Postage and Delivery	18.00	66.00	2,200.00	3.0%
Rent	1,400.00	4,200.00	16,800.00	25.0%
Seminars	0.00	0.00	2,525.00	0.0%
Tax Collection Fee	115.58	131.39	2,500.00	5.26%
Travel & Entertainment	278.77	499.67	5,240.00	9.54%
Utilities- Temp. Town Hall	160.49	539.74	2,400.00	22.49%
Youth Council Committee	0.00	70.54	1,100.00	6.41%
Total Operating Expenditures	2,422.15	27,846.38	106,815.00	26.07%
Gen. Govt. Salaries				
Admin. Assistant	780.00	1,803.75	10,920.00	16.52%
Allowance for Salary Adjustment	0.00	0.00	3,927.00	0.0%
Mayor	1,200.00	1,200.00	4,800.00	25.0%
Mayor Protem	750.00	750.00	3,000.00	25.0%
Council Salary	1,800.00	1,800.00	7,200.00	25.0%

Clerk Salary	3,562.52	10,613.20	49,288.00	21.53%
Finance Officer Salary	848.08	2,544.24	11,025.00	23.08%
Payroll Taxes	991.42	2,361.51	11,000.00	21.47%
Payroll exp - Unemployment	0.00	0.00	1,000.00	0.0%
Fringe Benefits - Insurance	1,298.24	3,894.72	15,600.00	24.97%
Fringe Benefits - Retirement	580.08	1,735.18	7,700.00	22.54%
Total Gen. Govt. Salaries	11,810.34	26,702.60	125,460.00	21.28%
Planning & Zoning				
P/Z Admin. Salary	4,120.00	13,360.00	53,635.00	24.91%
Planning & Zoning Board Salary	0.00	0.00	4,032.00	0.0%
Advertising	99.50	99.50	500.00	19.9%
P/Z Office Expense	243.03	259.15	500.00	51.83%
P/Z Seminars	0.00	299.00	1,150.00	26.0%
P/Z Travel	521.44	670.08	2,950.00	22.72%
P/Z Dues,Subscriptions	0.00	360.00	360.00	100.0%
Total Planning & Zoning	4,983.97	15,047.73	63,127.00	23.84%
Professional Fees				
Audit Fees	0.00	0.00	5,750.00	0.0%
Engr. Consulting	4,119.85	6,809.85	10,000.00	68.1%
Legal Fees	1,154.16	3,994.16	20,000.00	19.97%
Total Professional Fees	5,274.01	10,804.01	35,750.00	30.22%
Capital Outlay	0.00	0.00	110,000.00	0.0%
Public Services / Safety				
Mat. & Supplies Public Safety	0.00	176.74	800.00	22.09%
Law Enforcement Services	19,346.75	38,693.50	77,387.00	50.0%
Total Public Services / Safety	19,346.75	38,870.24	78,187.00	49.71%
Parks & Recreation				
Parks & Recreation Personal Ser				
Park Maintenance Worker	0.00	0.00	2,520.00	0.0%
P & R Payroll Tax	0.00	0.00	181.00	0.0%
P&R Insur. Workers Comp	0.00	0.00	100.00	0.0%
P&R Prof Fee - Deputies	0.00	0.00	450.00	0.0%
P&R Prof Fees - Engr Fees	0.00	0.00	9,500.00	0.0%
Total Parks & Recreation Personal Ser	0.00	0.00	12,751.00	0.0%
Parks & Rec Supplies & Material				
Janitorial Supplies	0.00	0.00	600.00	0.0%
Events Supplies	0.00	0.00	1,500.00	0.0%

Office Expense	0.00	0.00	0.00	0.0%
Stocking of Fish	0.00	0.00	3,000.00	0.0%
Pesticide Supplies	0.00	0.00	300.00	0.0%
Other Supplies and Materials	0.00	2.88	360.00	0.8%
Total Parks & Rec Supplies & Material	0.00	2.88	5,760.00	0.05%
Parks & Recreation Services				
Dues & Subscriptions	0.00	0.00	0.00	0.0%
Insurance- liability	0.00	2,000.00	2,000.00	100.0%
Event Services	0.00	0.00	1,000.00	0.0%
Maintenance/Grounds	250.00	250.00	6,000.00	4.17%
Tree Removal Services	0.00	2,000.00	2,000.00	100.0%
Pest Control	0.00	0.00	1,000.00	0.0%
Postage	0.00	0.00	500.00	0.0%
Printing	0.00	0.00	500.00	0.0%
Repairs to Structures	0.00	0.00	2,000.00	0.0%
Security	0.00	0.00	0.00	0.0%
Trash Collection	0.00	0.00	138.00	0.0%
Sanitation Contract (restrooms)	0.00	0.00	2,340.00	0.0%
Elec. Communication	0.00	0.00	840.00	0.0%
Water/Sewer	6.00	18.00	1,200.00	1.5%
Utilities-Elec.,Gas	22.52	65.63	6,300.00	1.04%
Total Parks & Recreation Services	278.52	4,333.63	25,818.00	16.79%
P&R Capital Outlay				
Structure Improvements	0.00	0.00	7,200.00	0.0%
Other Improvements	0.00	0.00	150.00	0.0%
Tools/Equipment	0.00	0.00	2,200.00	0.0%
Furnishings	0.00	0.00	650.00	0.0%
Redbox Program	0.00	0.00	1,000.00	0.0%
Miscellaneous Capital Outlay	0.00	0.00	3,700.00	0.0%
Total P&R Capital Outlay	0.00	0.00	14,900.00	0.0%
Total Parks & Recreation	278.52	4,336.51	59,229.00	7.32%
Total Expense	44,115.74	309,807.47	764,768.00	40.51%
Net General Fund	-26,430.94	-62,760.66	0.00	100.0%
Capital Projects Fund Income				
PARTF Grant	4,123.40	387,975.74	500,000.00	77.6%
Adopt A Trail Grant	0.00	5,000.00	5,000.00	100.0%

Water Based Resource Grant-Park	0.00	95,079.21	100,000.00	95.08%
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	1,286,200.00	1,286,200.00	100.0%
Total Transfer from General Fund	0.00	2,286,200.00	2,286,200.00	100.0%
Total Capital Projects Fund Income	4,123.40	2,774,254.95	2,891,200.00	95.96%
Capital Projects Fund Expense				
Capital Projects				
Dogwood Park Capital Outlay				
Land Acquisition	0.00	673,271.00	680,000.00	99.01%
House	0.00	411,419.00	412,000.00	99.86%
Site preparation	0.00	0.00	35,000.00	0.0%
Utilities	780.00	780.00	15,000.00	5.2%
Preliminary Planning	0.00	15,526.67	15,527.00	100.0%
Design/Constr Mgt,etc.	2,051.33	48,317.27	69,050.00	69.97%
Grassing	0.00	0.00	5,850.00	0.0%
Parking lot & drive	0.00	0.00	87,170.00	0.0%
Rest room renovation	0.00	0.00	30,000.00	0.0%
Site Furnishings-gate,signs,etc	0.00	277.77	7,000.00	3.97%
Boardwalk	0.00	0.00	31,000.00	0.0%
Accessible routes	0.00	0.00	21,000.00	0.0%
Paved Walking Trail	0.00	0.00	54,000.00	0.0%
Unpaved trail	0.00	9,888.04	14,210.00	69.59%
Multipurpose Field	0.00	0.00	30,000.00	0.0%
Amphitheater/Stage/Outdoor Clas	0.00	0.00	35,000.00	0.0%
Fishing Pier	0.00	0.00	25,000.00	0.0%
Other Expense	70.00	395.00	18,931.00	2.09%
Contingency	0.00	0.00	19,262.00	0.0%
Total Dogwood Park Capital Outlay	2,901.33	1,159,874.75	1,605,000.00	72.27%
Town Hall Capital Outlay	1,157.41	95,451.76	1,286,200.00	7.42%
Total Capital Projects	4,058.74	1,255,326.51	2,891,200.00	43.42%
Total Capital Projects Fund Expense	4,058.74	1,255,326.51	2,891,200.00	43.42%
Net Capital Projects Fund	64.66	1,518,928.44	0.00	100.0%
	-26,366.28	1,456,167.78	0.00	100.0%

b. Review monthly planning and zoning report

Langen reported twenty permits were issued in the last month, including two residential zoning and six accessory structures. Mayor Horvath noted the Revolutions Bicycle Shop is now open. Langen obtained re-issued bonds for road maintenance and infrastructure in Wesley Chase and is working on getting the bonds for Kings Grant. He has submitted NC DOT Road Acceptance forms for Wesley Chase and Kings Grant roads. He reported on the status of ordinance amendments.

c. Review monthly zoning violations report

Langen reported he is still working on the road which has no final cap in Twin Cedars, and the violation at 124 Mollie Irene Road which has a 90 day extension expiring October 23, 2012. There are two open issues where residential properties have flooding problems.

d. Update from attorney on JDH land donation

Sistrunk reported that he is getting closer on having the two necessary documents ready.

e. Note of Charlotte Observer Information Request

Administrator Bennett reported she had received an information request from the Charlotte Observer, and had submitted the requested information. They asked about Council stipends and bonuses, and about several positions that we do not have.

6. PUBLIC HEARING ON ZONING ORDINANCE AMENDMENT 2012-13 FOR CUP TRIGGER AND NON-RESIDENTIAL SETBACKS

Mayor Horvath opened the public hearing. Langen reported this is for business square footage that would trigger the CUP process and changes to non-residential uses setbacks. Planning Board recommended approval and had a lot of discussion on it. Drugstores are generally more than 10,000 square feet, and the YMCA is less than that size. The square footage for the CUP trigger was 4,000, and lowered to 2,000, and is now proposed to be moved up to 10,000 square feet. Clerk Bennett noted Planning Board recommended it with a 4-1 vote; Grexa voted nay and preferred we use 7,500 square feet. Langen reviewed the changes to recommended non-residential setbacks. The public hearing was closed.

7. CONSIDER APPROVAL OF ZONING ORDINANCE TEXT AMENDMENT 2012-13

Council Member Brotton made a motion to approve Ordinance 2012-13 Zoning Ordinance Text Amendment (incorporated herein); Council Member Plyler seconded the motion.

The motion passed unanimously.

**VILLAGE OF WESLEY CHAPEL ORDINANCE 2012-13
TO ADOPT ZONING ORDINANCE TEXT AMENDMENT**

THAT WHEREAS the Village of Wesley Chapel would like to preserve a satisfactory environment through the regulation of non-residential setbacks, and

WHEREAS the following text amendments address non-residential setbacks;

WHEREAS the following text amendments are found to be compatible with the 2003 Village of Wesley Chapel Land Use Plan;

SECTION 5 TABLE OF USES

Note: Any permitted individual use having a gross floor area in excess of 210,000 square feet shall require a conditional use permit in the B-1, B-2 and O-I districts.

ARTICLE 5 ZONING DISTRICT REGULATIONS

Section 5 Table of Uses *(Added and adopted 10.17.05)*

The Table of Uses should be read in close conjunction with the definitions of terms set forth in Section 2.2 and the other interpretative provisions set forth in this article, and Article 4, General Provisions Regulations.

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Section 5.5 General Business District B-1
(Deleted 10.17.05)
(Revised 01.12.04 – 3000 changed to 2000)

5.5.1 *(Reserved 10.17.05)*

5.5.2 *(Reserved 10.17.05)*

5.5.3 Yard Requirements

Within any B-1 zoning district, the following dimensional requirements shall be complied with:

- a. Minimum lot area – none
- b. Maximum enclosed floor area per use (including all principal and accessory structures – 210,000 square feet, unless otherwise approved through the conditional use process. *(Changed 01.12.04 – 3000 to 2000)*
- c. Minimum lot width – none.
- d. Minimum front yard setback.
 1. Essential Services Class IV – 10 feet from existing right-of-way;
Natural Gas Substation – 75 feet from the edge of

existing pavement to fence line. (*Amended 01.14.08*).

- 2. All other uses – ~~none except~~ 80 65 feet from existing right-of-way, if any parking located in front yard, 25 feet for side and rear yard parking only.

e. Minimum side yard setback.

- 1. Essential Services Class IV – 10 feet; Natural Gas Substation – 15 feet and 75 feet on street side of corner lots (*Amended 01.14.08*).

- 2. All other uses – 20 feet, none, except that 230 feet shall be required ~~on a corner lot~~ when the side yard abuts any residential zoning district.

f. Minimum Rear Yard Setback.

- 1. Essential Services Class IV – 10 feet; Natural Gas Substation – 15 feet. (*Amended 01.14.08*).

- 2. All other uses – 20 feet, none, except that 230 feet shall be required when the rear yard abuts any residential zoning district.

g. Maximum Building Height.

- 1. Essential Services Class IV – 10 feet.

- 2. All other uses – 35 feet, as defined in Article 2, except as permitted in Section 4.8.

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Section 5.6 Shopping Center District B-2

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5.6.3 Yard Requirements

Within any B-2 zoning district, the following dimensional requirements shall be complied with:

- a. Minimum lot area – none.
- b. Maximum enclosed floor area per use (including all principal and accessory structures – 210,000 square feet, unless otherwise approved through the conditional use process.) (*Added 01.12.04*)

- c. Minimum lot width – none.
- d. Minimum front yard setback.
 - 1. Essential Services Class IV – 10 feet; Natural Gas Substation – 75 feet from the edge of existing pavement to fence line (*Amended 01.14.08*).
 - 2. All other uses – ~~none except~~ 80 65 feet from existing right-of-way, if any parking located in front yard, 25 feet for side and rear yard parking only.
- e. Minimum side yard setback.
 - 1. Essential Services Class IV – 10 feet; Natural Gas Substation – 15 feet, and 75 feet on street side of corner lots (*Amended 01.14.08*).
 - 2. All other uses – 20 feet, none, except 40 that 30 feet shall be required ~~on a corner lot or~~ when the side yard abuts any residential zoning district.
- f. Minimum rear yard setback.
 - 1. Essential Services Class IV – 10 feet; Natural Gas Substation – 15 feet (*Amended 01.14.08*).
 - 2. All other uses – 20 feet, none, except that 230 feet shall be required when the rear yard abuts any residential zoning district.
- g. Maximum building height.
 - 1. Essential Services Class IV – 10 feet.
 - 2. All other uses – 35 feet, as defined in Article 2, except as allowed in Section 4.8.

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Section 5.7 Light Industrial District L-1
(*Deleted 10.17.05*)

5.7.1 (*Reserved 10.17.05*)

5.7.2 (*Reserved 10.17.05*)

5.7.3 Yard Requirements

Within any L-1 zoning district, the following dimensional requirements shall be complied with.

- a. Minimum lot area: None
- b. Minimum lot width: None
- c. Minimum front yard setback.
 1. Essential Services Class IV – 10 feet from the existing right-of-way; Natural Gas Substation – 75 feet from the edge of existing pavement to fence line (*Amended 01.14.08*).
 2. All other uses – 80 feet from the existing right-of-way
- d. Minimum side yard setback.
 1. Essential Services Class IV – 10 feet; Natural Gas Substation – 15 feet, and 75 feet on street side of corner lots (*Amended 01.14.08*).
 2. All other uses – ~~None except that~~ 40 feet shall be required on a corner lot or when the side yard abuts any residential district.
- e. Minimum rear yard setback.
 1. Essential Services Class IV – 10 feet; Natural Gas Substation – 15 feet. (*Amended 01.14.08*).
 2. All other uses – ~~None, except that 20~~ 40 feet shall be required when the rear yard abuts any residential district.
- f. Maximum building height.
 1. Essential Services Class IV – 10 feet
 2. All other uses – 35 feet, as defined in Article 2, except as allowed in Section 4.8

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Section 5.8 Office-Institutional District O-I (Added 10.17.05)

5.8.1 Reserved

5.8.2 Reserved

5.8.3 Yard Requirements

Within any O-1 zoning district, the following dimensional requirements shall be complied with:

- a. Minimum lot area – none.
- b. Maximum enclosed floor area per use (including all principal and accessory structures – ~~2~~10,000 square feet, unless otherwise approved through the conditional use process.
- c. Minimum lot width – none.
- d. Minimum front yard setback.
 1. Essential services Class IV – 10 feet from existing right-of-way; Natural Gas Substation – 75 feet from the edge of existing pavement to fence line (*Amended 01.14.08*)
 2. All other uses – ~~25~~ 65 feet from existing right-of-way, if any parking located in front yard, 25 feet for side and rear yard parking only.
- e. Minimum side yard setback.
 1. Essential Services Class IV – 10 feet; Natural Gas Substation – 15 feet, and 75 feet on street side of corner lots (*Amended 01.14.08*).
 2. All other uses – ~~none~~ 20 feet, except 430 feet shall be required ~~on a corner lot~~ when the side yard abuts any residential zoning district.
- f. Minimum Rear Yard Setback.
 1. Essential Services Class IV – 10 feet; Natural Gas Substation – 15 feet. (*Amended 01.14.08*).
 2. All other uses – ~~none~~ 20 feet, except 430 feet shall be required when the rear yard abuts any residential zoning district.

g. Maximum Building Height.

1. Essential Services Class IV – 1- feet.
2. All other uses – 35 feet, as defined in Article 2, except as permitted in Section 4.8

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NOW, THEREFORE, BE IT RESOLVED that the Village of Wesley Chapel Council hereby adopts the above listed Zoning Ordinance text amendments.

Adopted this 8th day of October, 2012.

Attest:

Cheryl Bennett, Clerk

Mayor Brad Horvath

8. DISCUSSION AND REVIEW OF PROPOSED ORDINANCE PROHIBITING SMOKING AND THE USE OF OTHER TOBACCO PRODUCTS ON ALL VILLAGE PROPERTY

The proposed ordinance based on NC General Statutes, was discussed. Council Member Plyler asked about construction workers who might smoke on the job site while building the town hall. Discussion was held on who is in charge of a location, who can enforce the ordinance, and who would issue any fines. Attorney Sistrunk said fines would be issued by local law enforcement. Administrator Bennett noted you also need to post the international picture sign for no smoking.

9. TOWN HALL BUILDING COMMITTEE UPDATE

a. Update on discussions with Morlando Construction, low contract bid
Attorney Sistrunk stated that his law firm had done some work for Morlando Construction, and he will get a conflict waiver form signed. Council Member Brotton reported the architect, Mayor and Dominic Morlando met and a list of items that can be cut to bring down costs was created. The architect agreed with most, but a couple of items he felt we should not cut.

b. Recommendations of Town Hall Building Committee on possible path forward
The Committee reviewed the list and agreed with the exception that they wanted to keep stained trim in the lobby. The Committee recommended we not re-bid the project, and see if we can negotiate a further reduction in costs, and if not, go ahead with the amount which is over the original budget.

c. Consideration and possible awarding of contract based on discussions

Mayor Horvath said he spoke with Mr. Morlando, and they agreed to cut the price by \$15,000. Bill Meyer, Chair of the Town Hall Building Committee felt the roof is half of the look of the building, and thought a metal roof would be more durable; however the cost is an additional \$40,000. Mayor Horvath said what is left and available in fund balance is about \$190,000. He also noted we do not have a contingency amount for the town hall. He set out the options, which are to re-bid, deplete the general fund, consider a small construction loan, wait until we have more funds, or change the design of the building. Some of these options may create more costs. We also have a second project which has not gone to bid, and may come in higher than expected, plus we have a grant to comply with. Council Member Brotton noted we don't have to pay for the furniture and telecom expense until later on. Bill Meyer said we have been working on this project for two years, in comparison to the park, we can't add a swing set later on. He said the roof is a better value, has a longer life span, and is a "green" product, and stated all current public projects have a metal roof. Mayor Horvath apologized to Carol Mullis, and Becky and Butch Plyler regarding his disagreement with their statements that the town hall is the number one priority. He noted that the 2010 survey did show 40% replied the number one priority was town hall, while 32% replied the park was the number one priority. He had been thinking of the Master Plan survey which showed more would be in favor of a tax increase for a park than for a town hall. Mayor Horvath noted we can do a metal roof in the future, but at this point we don't have the \$40,000. He noted the cupola will now be frosted instead of clear glass, and noted the architect sent pictures of the frosted cupolas which showed some buildings with asphalt shingle roofs. Council Member Rosoff asked about the metal roof, and that the Committee agreed on an asphalt roof given the budget concerns. Council Member Plyler said the best idea is to use our available funds; and if we need a loan for the park, we can do so then; this also prevents paying interest on funds until we need them. She has been reading the park minutes, and wanted to be clear that we are talking about funds for the park, not the house at Dogwood. Council Member Rosoff said we need certain things at the park such as the work on the wells and designs for the house. Mayor Horvath said if it is in the budget, we can still do it. Council Member Plyler noted if we put the bathrooms in the house, then we are stuck with the house. The numbers were reviewed, and it appears we need \$156,500 more for the town hall contract. Administrator Bennett asked about the cost savings for reducing the landscape allowance; the reply was the construction firm checked with a subcontractor and can get it done for just the \$10,598. Council Member Brotton said the options are to re-bid without changes and hope the bids come in lower (however this also runs into winter weather); use fund balance (he favored that over a loan since the timing would delay the project); wait for more funds to accumulate (another timing problem); or re-design (he noted it took two years to get this far, and will incur architect fees and timing problems). He favored using fund balance, and noted he did not want to see either project held up. Finance Officer Bennett reported she reviewed the current year budget and could probably come up with \$135,000 through a combination of increasing some conservative revenue estimates and using contingency, funds from the capital outlay line item, and parks and rec operating line items since they probably will not have the park open this fiscal year. Mayor Horvath said he would like to find out what the process is for getting a town loan. Council Member Brotton made a motion to appropriate \$156,500 from General Fund fund balance and transfer it to the Capital Projects Fund for the town hall expenditures. Council Member Plyler seconded the motion.

The motion passed unanimously.

Council Member Brotton made a motion to authorize the Mayor to sign a contract with Morlando Construction for no more than \$1,225,500. Council Member Plyler seconded the motion.

The motion passed unanimously.

- d. Review, discussion and possible approval of shared road estimates with Aston Properties

Council Member Brotton reported that Morlando Construction asked for the opportunity to bid on the shared roadway. Karen Partee from Aston Properties told Brotton that Duke Energy will move the pole at no cost if the Village chooses to use Duke for electricity at our new town hall.

10. PARKS AND REC COMMITTEE UPDATE

- a. Update on contract bidding process
- b. Update on Dogwood house renovation estimates/process
- c. Update and possible decision on wells and estimates
- d. Update on NC Wildlife partnership on Dogwood Park pier
- e. Upcoming Dogwood Park volunteer days schedule 11-3 on Saturday October 13 and Sunday, November 11

The final plans are here, one possible change is on the wells, but they are looking for approval on the drawings to go to bid. Parks and Rec Chair Lepke reported there are two wells, the one by the tennis court was abandoned, but not by State standards; it will be in the parking lot and the grade will be two feet lower, so we want to cap it four feet below grade; Cost is approximately \$2,500. The other well is supplying the house; as it runs within one hundred feet of the sewer line, we would need to have ductile iron pipe, which costs \$2,000 more; and the cost to abandon it is about \$2,500. The lowest quote is about \$5,000 to abandon both. To keep them in service would cost about \$2,500 for a pump and \$2,500 for the ductile pipe and wiring the well. Council consensus was to abandon the wells; we need quotes and to find out what line item the costs will come from.

Butch Plyler suggested a dry hydrant in the pond instead of a regular fire hydrant might be a cost savings.

Council Member Rosoff made a motion to approve the drawings of the park by Wirth with modification regarding the wells. Council Member Plyler seconded the motion.

The motion passed unanimously.

Council Member Rosoff reported we received three bids on the design for bringing the house at Dogwood Park up to code for public use. The quotes did not appear to be apples to apples, so the item was tabled. Council Member Rosoff reported that NC Wildlife is hoping to start on our pier as soon as possible.

Volunteer work days will be held at the park on October 13 and November 11.

11. YOUTH COUNCIL COMMITTEE UPDATE

- a. Announcement of new Chair and vice Chair
- b. Announcement of Rep. Craig Horn attending Youth Council Committee meeting on November 15, 2012

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The new chairman of the Youth Council Committee is Alyssa Mitarotondo, and the vice chair is Allie Patterson. At their November meeting Rep. Craig Horn will be present, everyone is welcome to attend.

12. DAR CONSTITUTION WEEK PROCLAMATION SEPTEMBER 17-23, 2012
Mayor Horvath signed a proclamation for Constitution Week September 17-23, 2012 as requested by our local chapter of the D.A.R.

13. REVIEW AND POSSIBLE APPROVAL OF UNION COUNTY MULTI
JURISDICTIONAL HAZARD MITIGATION PLAN

Union County is asking all the municipalities to approve this hazard mitigation plan. The issue of building in the flood zone was discussed. Union County does not allow it and was surprised when a recent permit was issued by the Village allowing a home to be built; this topic will be put on the ordinance prioritization list at a high priority level. Council Member Brotton asked if we have an emergency plan; the Mayor is the first point of contact, the Clerk will send out information on this. The mitigation points for Wesley Chapel were discussed. We will ask someone from the County to attend an upcoming meeting to answer questions on the plan.

14. A. ACCEPT RESIGNATION FROM PLANNING BOARD (ALTERNATE) AND
POSTING OF OPENING

The Mayor accepted the resignation of alternate member Dan DeMattos from the Planning Board.

14. B. ACCEPT RESIGNATION FROM BOARD OF ADJUSTMENT

The Mayor accepted the resignation of alternate member David Wright from the Board of Adjustment.

15. OTHER BUSINESS

Mayor Horvath reported that Union County Public Schools was applying for a Race-to-the-Top grant and requested a letter of support from the Village which he signed. He also reported that Wesley Chapel United Methodist Church held a hot dog dinner last night and invited the Council to meet the public. About eighteen people attended, surprisingly only one lived in Wesley Chapel.

16. COUNCIL COMMENTS – none

17. ADJOURNMENT

Council Member Brotton made a motion to adjourn; Council Member Rosoff seconded the motion.

The motion passed unanimously.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath