

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
WESLEY CHAPEL UNITED METHODIST CHURCH
120 Potter Road, Wesley Chapel, NC 28110
April 8, 2013 – 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 Ormiston, Council Members Plyler and Rosoff

Absent: Council Member Brotton

Others Present:

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

Citizens Present: Carol Mullis, Todd Hess, Sondra Bradford, Pam Caskey, Mike Giaimo, Julie Brown

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 Mayor Pro Tem Ormiston gave the invocation.

2. PUBLIC COMMENTS

Sondra Bradford said the Community Coordinator at Lowe's said if we submit a list to Sondra to submit to Lowe's, we can buy items for the park at cost, and it would be invoiced and paid for by the Village. Finance Officer Bennett asked Ms. Bradford if she could send the information in written form to her.

3. PUBLIC HEARING ON TEXT AMENDMENTS TO SUBDIVISION ORDINANCE ARTICLE 4 – SECTION 405 (ROAD STANDARDS AND BUFFERING ALONG THOROUGHFARES) AND SECTION 408 (DEDICATION OF LAND FOR AND/OR FEES IN LIEU OF PARK, RECREATION, AND OPEN SPACE PURPOSES) ADDITIONS, DELETIONS, AND / OR ADOPTION OF AGENDA

Mayor Horvath opened the public hearing.

Todd Hess said he was against the proposed revisions to Section 408, he felt it is counter to the desire for open space and parks, and is counter to NC law re exactments from developers. He said case law forbids favoring one property over another instead of the whole development. Regarding cash in lieu of land, he said the statutes are clear, that it should go to recreation purposes, not recreation or street construction.

Sondra Bradford also spoke in opposition to the amendments in Section 408. She said that many expressed support for the thread trail/greenways, and the best way to get greenway land is from developers. She also was against striking the section that had allowed donated land to be later sold and the proceeds used for parks and recreation.

Mike Giaimo said he supports Sondra's position; surveys supported greenways and the master plan showed connectivity.

Mayor Horvath closed the public hearing.

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

Council Member Plyler asked to add an item for Safety Committee Update; and made a motion to approve the agenda with this addition; Mayor Pro Tem Ormiston seconded the motion.

The motion passed unanimously.

5. APPROVE MINUTES FOR VILLAGE ADVANCE DATED MARCH 15 AND 16, 2013, AND COUNCIL MEETINGS MARCH 11, 2013 and MARCH 19, 2013

The March 19, 2013 minutes were not yet ready. Mayor Pro Tem Ormiston made a motion to approve the Village Advance minutes from March 15 and 16, 2013 and the Council meeting minutes for March 11, 2013. Council Member Rosoff seconded the motion.

The motion passed unanimously.

Council Member Plyler requested that future minutes show the time the meeting ended.

6. STAFF REPORTS

a. Review and approve March 2013 financial reports

Finance Officer Bennett presented the March reports; and reviewed revenues and expenses, noting no unusual items. Council Member Plyler made a motion to accept the March 2013 financial reports; Mayor Pro Tem Ormiston seconded the motion.

The motion passed unanimously.

March 2013 Budget Report

	<u>Mar 13</u>	<u>Jul '12 - Mar 13</u>	<u>Budget</u>	<u>% of Budget</u>
General Fund				
Revenues				
Appropriated Fund Balance	0.00	353,699.00	353,699.00	100.0%
Fees and Licenses				
Newsletter/Deputy Sponsor	0.00	10,000.00	10,000.00	100.0%
National Night Out	0.00	60.00	100.00	60.0%
Cable Franchise (from Time Warn	0.00	8,189.00	12,000.00	68.24%
Engineering Fees Reimbursement	0.00	817.79	5,000.00	16.36%
Zoning Permit	175.00	6,495.00	6,000.00	108.25%
Privilege Licenses	250.00	26,992.37	26,000.00	103.82%
Privilege licenses late fees	55.00	145.06	0.00	100.0%
Annexation Exp Reimbursed	0.00	0.00	200.00	0.0%
Misc. Fees	108.00	232.70	200.00	116.35%
Total Fees and Licenses	588.00	52,931.92	59,500.00	88.96%
Interest Earned	245.22	2,291.67	2,500.00	91.67%
Property Tax Income				
Current Year Property Tax	1,433.09	141,999.79	139,244.00	101.98%
Delinquent Taxes	15.21	783.46	600.00	130.58%

Interest/Ad Fee on Taxes	49.54	197.84	350.00	56.53%
Utility Ad Valorem	0.00	1,990.66	1,404.00	141.79%
Vehicle Registration	698.10	6,979.24	8,971.00	77.8%
Prior Year Motor Vehicle Tax	0.00	341.15	0.00	100.0%
Late List fees on taxes	3.19	45.40	0.00	100.0%
Total Property Tax Income	2,199.13	152,337.54	150,569.00	101.18%
Revenue Sharing				
Alcoholic Beverage Tax	0.00	0.00	28,000.00	0.0%
Video Programming(State Cable)	23,677.92	51,603.54	95,000.00	54.32%
Excise Tax (Piped Natural Gas)	4,465.00	5,316.00	16,000.00	33.23%
Franchise Tax (Electric Power)	38,288.00	104,206.00	170,000.00	61.3%
Sales & Use Taxes	3,449.92	20,019.91	34,000.00	58.88%
Telecommunications Tax	2,827.40	5,672.40	12,000.00	47.27%
Total Revenue Sharing	72,708.24	186,817.85	355,000.00	52.63%
Total Revenues	75,740.59	748,077.98	921,268.00	81.2%
Gross Profit	75,740.59	748,077.98	921,268.00	81.2%
Expense				
Transfer to CIP	0.00	342,700.00	342,700.00	100.0%
Operating Expenditures				
Contingency	0.00	0.00	24,575.00	0.0%
Advertising - Clerk	0.00	196.50	500.00	39.3%
Annexation Expense	0.00	0.00	300.00	0.0%
Annual Retreat	935.00	935.00	1,800.00	51.94%
Bank Charges	74.28	443.82	500.00	88.76%
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.- Tel.website	245.03	2,695.73	3,600.00	74.88%
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	630.46	900.00	70.05%
Misc. town office	18.97	354.77	600.00	59.13%
Newsletter	0.00	0.00	3,000.00	0.0%
Office Equipment	0.00	0.00	1,200.00	0.0%
Office Expense	306.92	1,059.76	2,400.00	44.16%
Postage and Delivery	24.55	257.50	2,200.00	11.71%
Rent	1,400.00	12,600.00	16,800.00	75.0%
Seminars	0.00	0.00	2,525.00	0.0%

Tax Collection Fee	33.06	2,282.18	2,500.00	91.29%
Travel & Entertainment	134.48	1,364.56	5,240.00	26.04%
Utilities- Temp. Town Hall	170.74	1,467.14	2,400.00	61.13%
Youth Council Committee	0.00	70.54	1,100.00	6.41%
Total Operating Expenditures	3,343.03	44,775.33	98,540.00	45.44%
Gen. Govt. Salaries				
Admin. Assistant	671.25	6,083.75	10,920.00	55.71%
Allowance for Salary Adjustment	0.00	0.00	3,927.00	0.0%
Mayor	1,200.00	3,600.00	4,800.00	75.0%
Mayor Pro-tem	750.00	2,250.00	3,000.00	75.0%
Council Salary	1,800.00	5,400.00	7,200.00	75.0%
Clerk Salary	3,596.32	33,620.80	49,288.00	68.21%
Finance Officer Salary	848.08	8,056.76	11,025.00	73.08%
Payroll Taxes	985.69	7,562.37	11,000.00	68.75%
Payroll exp - Unemployment	0.00	0.00	1,000.00	0.0%
Fringe Benefits - Insurance	1,298.24	11,684.16	15,600.00	74.9%
Fringe Benefits - Retirement	0.00	4,921.69	7,700.00	63.92%
Total Gen. Govt. Salaries	11,149.58	83,179.53	125,460.00	66.3%
Planning & Zoning				
P/Z Admin. Salary	4,120.00	40,265.00	53,635.00	75.07%
Planning & Zoning Board Salary	0.00	1,386.00	4,032.00	34.38%
Advertising	54.72	208.94	450.00	46.43%
P/Z Office Expense	27.21	535.16	550.00	97.3%
P/Z Seminars	0.00	339.00	1,150.00	29.48%
P/Z Travel	181.65	1,669.99	2,950.00	56.61%
P/Z Dues,Subscriptions	0.00	360.00	360.00	100.0%
Total Planning & Zoning	4,383.58	44,764.09	63,127.00	70.91%
Professional Fees				
Appraisal Fees	0.00	0.00	275.00	0.0%
Audit Fees	0.00	5,750.00	5,750.00	100.0%
Engr. Consulting	780.00	11,666.39	18,000.00	64.81%
Legal Fees	0.00	8,290.56	20,000.00	41.45%
Total Professional Fees	780.00	25,706.95	44,025.00	58.39%
Capital Outlay	0.00	25,209.82	110,000.00	22.92%
Public Services / Safety				
Mat. & Supplies Public Safety	0.00	176.74	800.00	22.09%
Law Enforcement Services	0.00	58,040.25	77,387.00	75.0%
Total Public Services / Safety	0.00	58,216.99	78,187.00	74.46%

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 - Architect Fees	0.00	12,200.00	12,700.00	96.06%
Total Parks & Recreation Personal Ser	0.00	12,200.00	15,951.00	76.48%

Parks & Rec Supplies & Material

Food and Provisions	0.00	152.30	300.00	50.77%
Janitorial Supplies	0.00	0.00	600.00	0.0%
Events Supplies	0.00	0.00	574.00	0.0%
Office Expense	0.00	0.00	0.00	0.0%
Stocking of Fish	0.00	0.00	2,690.00	0.0%
Pesticide Supplies	0.00	0.00	510.00	0.0%
Other Supplies and Materials	0.00	459.60	460.00	99.91%
Total Parks & Rec Supplies & Material	0.00	611.90	5,134.00	11.92%

Parks & Recreation Services

Donation	626.00	626.00	626.00	100.0%
Advertising	0.00	54.72	100.00	54.72%
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	15.00	418.00	4,000.00	10.45%
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	400.00	0.0%
Printing	0.00	0.00	500.00	0.0%
Repairs to Structures	0.00	0.00	300.00	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	840.00	0.0%
Elec. Communication	0.00	0.00	840.00	0.0%
Water/Sewer	6.00	54.00	1,200.00	4.5%
Utilities-Elec.,Gas	50.60	358.41	6,300.00	5.69%
Total Parks & Recreation Services	697.60	5,511.13	21,244.00	25.94%

P&R Capital Outlay

Structure Improvements	0.00	0.00	7,200.00	0.0%
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Other Improvements	0.00	0.00	150.00	0.0%
Tools/Equipment	0.00	0.00	4,200.00	0.0%
Furnishings	0.00	0.00	700.00	0.0%
Redbox Program	0.00	0.00	950.00	0.0%
Miscellaneous Capital Outlay	0.00	0.00	3,700.00	0.0%
Total P&R Capital Outlay	0.00	0.00	16,900.00	0.0%
Total Parks & Recreation	697.60	18,323.03	59,229.00	30.94%
Total Expense	20,353.79	642,875.74	921,268.00	69.78%
Net General Fund	55,386.80	105,202.24	0.00	100.0%
Capital Projects Fund				
Capital Projects Fund Revenues				
PARTF Grant	0.00	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	100,000.00	100,000.00	100.0%
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	1,442,700.00	1,442,700.00	100.0%
Total Transfer from General Fund	0.00	2,442,700.00	2,442,700.00	100.0%
Total Capital Projects Fund Revenues	0.00	2,935,675.74	3,047,700.00	96.32%
Capital Projects Fund Expense				
Capital Projects				
Dogwood Park Capital Outlay				
Land Acquisition	0.00	673,271.00	674,000.00	99.89%
House	0.00	411,419.00	412,000.00	99.86%
Site preparation	0.00	0.00	35,000.00	0.0%
Utilities	0.00	4,380.00	15,000.00	29.2%
Preliminary Planning	0.00	15,526.67	15,527.00	100.0%
Design/Constr Mgt,etc.	0.00	55,508.91	77,850.00	71.3%
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%
Legal Fees - DP	0.00	1,015.00	2,000.00	50.75%
Other Expense	0.00	494.58	18,931.00	2.61%
Contingency	0.00	0.00	14,462.00	0.0%
Total Dogwood Park Capital Outlay	0.00	1,171,780.97	1,605,000.00	73.01%
Town Hall Capital Outlay				
TH Construction Contract	72,000.19	153,826.82	1,242,351.00	12.38%
TH Architect/Engineer	0.00	92,204.89	102,020.00	90.38%
TH In House Engineering	0.00	1,200.00	1,200.00	100.0%
TH Testing/Permit Fees	615.15	10,587.41	15,000.00	70.58%
TH Telecom Sys/AV/Computers	0.00	0.00	33,930.00	0.0%
TH Insurance	0.00	1,374.00	1,374.00	100.0%
TH Legal Fees	0.00	3,940.00	5,000.00	78.8%
TH Furnishings	0.00	0.00	26,945.00	0.0%
TH Miscellaneous	0.00	3,174.07	14,880.00	21.33%
Town Hall Capital Outlay - Other	0.00	0.00	0.00	0.0%
Total Town Hall Capital Outlay	72,615.34	266,307.19	1,442,700.00	18.46%
Total Capital Projects Expense	72,615.34	1,438,088.16	3,047,700.00	47.19%
Total Other Expense	72,615.34	1,438,088.16	3,047,700.00	47.19%
Net Capital Projects Fund	-72,615.34	1,497,587.58	0.00	100.0%
Net Excess of Revenues over Expense	-17,228.54	1,602,789.82	0.00	100.0%

March 2013 Balance Sheet

ASSETS

Checking/Savings

Fifth Third Bank Checking	17,715.24
Fifth Third Bank Money Market	879,816.23
Park Sterling Bank CD 7.03.13	249,624.66
BB&T Money Market	824,643.01
Petty Cash Fund	50.00

Total Checking/Savings 1,971,849.14

Misc. Fees Receivable 870.29

Other Current Assets

Prepaid Exp.	850.00
Property Tax Rec.	2,981.00
Allow. for Doubtful Accounts	-1,077.00
Sales Taxes to be Received	

Total Sales Taxes to be Received 227.35

Total Other Current Assets 2,981.35

Total Current Assets 1,975,700.78

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>3,228,976.80</u></u>
LIABILITIES & FUND BALANCE	
Other Current Liabilities	
Retainage Payable - Town Hall	7,695.05
Escrow from Developers	45,076.00
Deferred Revenue	<u>1,904.20</u>
Total Other Current Liabilities	<u>54,675.25</u>
Total Current Liabilities	<u>54,675.25</u>
Total Liabilities	54,675.25
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	1,497,587.58
Fund Balance	-1,246,298.02
Excess of Rev. over Exp.	<u>1,602,789.82</u>
Total Fund Balance	<u>3,174,301.55</u>
TOTAL LIABILITIES & FUND BALANCE	<u><u>3,228,976.80</u></u>

b. Presentation of 2013-2014 MIT Health Benefits Trust of NC Insurance Rates
 Administer Bennett reported that the health insurance rates are going up nearly 20% for fiscal year 2013/14. Current medical insurance rates are \$647 monthly; the employee contributes \$45, and dental rates are \$36.50 monthly with the employee contributing \$5.50. The new medical insurance rate is \$774 monthly.

c. Discussion on potential State legislation affecting Privilege Licenses, and other municipal revenue sources
 Mayor Horvath reported on Senate Bill 394 which could eliminate privilege licenses at the local level, as well as beer and wine, and electric franchise taxes. He urged Council members to get familiar with it and call Craig Horn or Tommy Tucker. The bill also includes a new sales tax on

services, which would be re-distributed based on ad valorem taxes. These bills create a concern for our future finances.

d. Review monthly planning and zoning report

Planning and Zoning Administrator Langen reported he issued 9 permits in the last month, including a sign permit for Villa Mia which is a change of ownership from LaStrada. Langen has not heard from DOT on the request to take over roads in Wesley Chase. Kings Grant Roads are awaiting acceptance. Twelve Oaks roads are awaiting repairs. The NC Division of Emergency Management is reviewing our flood damage prevention ordinance. Planning Board will consider amendments to the subdivision submittal checklist and sandwich board sign regulation changes, as well as the Land Use Plan Map. Council Member Plyler asked if he was notifying owners if the map is changed. Langen replied that we are not changing zoning, it is just a recommendation; we will have a public hearing. We are not legally required to send letters unless we are re-zoning. We can do whatever Council wishes. Mayor Horvath noted it needs to come to Council before it goes to residents, as Council may not agree with any changes.

e. Review monthly zoning violations report

The violation at 410 Cottonwood Road has been resolved. Open issues still exist at 124 Mollie Irene Drive (an alternate mailing address was found and a letter sent), 6700 Weddington Road (under a 90 day extension by Planning Board), and 208 Underwood Road (contains an off premise sign for Quintessa). The Mayor will update the ordinance prioritization list with the items from the Advance, and he will meet with the Planning Board Chair.

f. Update on 616 Underwood Road and Pilgrim Forest Drive flooding issues/DOT discussions

Langen noted DOT cannot go out of their right of way; he met with the property owner from Pilgrim Forest Drive; the drainage ditch would be pretty deep and the property owner did not want that done. Mayor Horvath noted the house was built low on the lot, and the land needs to be sloped away from the house. Mayor Horvath met with the family from 616 Underwood Road; it appears there needs to be a larger conduit under the road, and the check dam could be built up a little. The water has pushed dirt towards the pipe and now there is a flat spot in the yard and the water spreads out. He sent a reminder to DOT today and will get in touch with the developer.

g. Review and consider calling for a public hearing on Ordinance Regulating Record Keeping Requirements For Cash Converter Businesses, Pawnbrokers, Precious Metal Dealers And Secondary Metals Recyclers (requested by Union County Sheriff).

Administrator Bennett reported Deputy Mainero brought her this requested ordinance; she has requested more information from the Sheriff's office but has not yet received it.

7. PROCLAMATION DECLARING APRIL IS CHILD ABUSE AND SEXUAL ASSAULT AWARENESS MONTH AS REQUESTED BY SAFE ALLIANCE

Pam Caskey from Safe Alliance gave an update to Council. They changed their name from United Family Services to Safe Alliance. They have some upcoming programs including sexual abuse training programs to educate adults on child safety, as well as a Victim's Rights March,

Cornhole Tournament and Champions for Children breakfast. They appreciate volunteer help as well as donations. Mayor Horvath read a Proclamation for April 2013, incorporated herein.

Village of Wesley Chapel, North Carolina

Proclamation for April 2013

Child Abuse Prevention Month & Sexual Assault Awareness Month



Whereas, preventing child abuse and neglect, and sexual violence is a community problem affecting both the current and future quality of life of our community;

Whereas, Union County Department of Social Services accepted 1,293 reports of child abuse representing over 2851 children in 2012;

Whereas, more than 635 victims and family members were served through Safe Alliance's Victim Advocacy and Clinical Services during FY2012;

Whereas, 98% of the children served by the Tree House Children's Advocacy Center were sexually abused by a trusted relative or other known person and 15% of the children served were sexually abused by other children in FY2012;

Whereas, 89% of sexual assault victims were under the age of 19; 63% of children served were under the age of 13; 23% were under the age of 5.

Whereas, child abuse and neglect not only cause immediate harm to children, but are also proven to increase the likelihood of criminal behavior, substance abuse, health problems, and risky behavior thereby increasing the cost of community support services;

Whereas, all citizens should be protected from sexual and physical violence;

Whereas, Safe Alliance's Victim and Clinical Services programs exists because of partnerships created among social service and healthcare agencies, schools, faith communities, civic organizations, law enforcement agencies, and supportive members of Union County;

Therefore, I do hereby proclaim

April as Child Abuse Prevention Month & Sexual Assault Awareness Month and call upon all citizens, community agencies, faith groups, medical facilities, elected leaders and businesses to

increase their participation in efforts to support families, thereby preventing & reporting child abuse and sexual violence thereby strengthening the communities in which we live.

Mayor Brad Horvath

Date

8. CONSIDER APPROVAL OF TEXT AMENDMENTS TO SUBDIVISION ORDINANCE ARTICLE 4 – SECTION 405 (ROAD STANDARDS AND BUFFERING ALONG THOROUGHFARES) AND SECTION 408 (DEDICATION OF LAND FOR AND/OR FEES IN LIEU OF PARK, RECREATION, AND OPEN SPACE PURPOSES)

Zoning Administrator Langen noted what we have now came from the original ordinance, and does seem to match the law. He added the General Statutes reference in the “Whereas” section to show the authority. The reason for doing this amendment he reported is there was ambiguity, if it is a preliminary plat for a minor subdivision that Council would not see, also there was inconsistency in the ability to have land titled to the town versus some of the current language talks about open common space. Langen reported he took a basic tie up loose ends version to Planning Board, but the more Planning Board discussed it, they felt it was a micromanagement and they wanted a developer to have the opportunity to present a very simple open space conservation type approach to Council and state their case, that they might suggest a natural space be preserved, not requiring an HOA. They felt requiring the developer to have to draw usability diagrams, and do a lot of the things required would set the tone for a HOA. They wanted to take greenways out of this, and study greenways alone, and how to do it properly, things like conservation easements and then roll that detail language in here.

Council Member Plyler asked how many houses are in subdivisions; Langen replied 5-10 for a minor subdivision, and more than 10 in a major subdivision. With regards to the current ordinance, you have to dedicate 1/35th of an acre, and if it is less than two acres, it is automatically a fee. He felt the current ordinance was written for a city with an active recreation and parks system. Council Member Plyler agreed on making greenways a separate item, because with legislative changes we may have problems with funds if they cut them in 2014/2015, and we need the funds for parks. Council Member Rosoff asked about HOA’s; Langen said we changed the regulations so that if you don’t have something substantial to maintain, we don’t require a HOA. Mayor Pro Tem Ormiston had some concerns; she liked adding the general statute, but echoing Todd, the purpose of the change doesn’t fit this article. Taking out the one paragraph that said any monies that come in go to parks and recreation; we are adding buffering or adding it to existing lots. Langen said recreation is a part of this, but land like at Potters Trace, if you want a rural open feel, why not make bigger lots and more trees near the roads, instead of land you have to maintain. Attorney Sistrunk said this does not comply with general statutes, and it mixes up terms and combines dedication and reservation in some places. You can require dedication for recreation or allow for a fee in lieu to be used for recreation or parks or open spaces or greenways. He noted dedication means dedication to a public entity, i.e. the Village whereas reservation to a HOA is not accurate, that is reserving an area for open space to the developer which would then go to the HOA, and goes beyond what the statute allows. Dedication is not a transfer of title, there are a couple of ways to do it, you could put it on the

plat as with roads and right of ways, and the maintenance would be accepted by the local government which then becomes in essence the property of the local government. If dedication is done, it is typically by subdivision plat, if open space, it can be dedicated but has to be accepted by the municipality and you take over the maintenance responsibilities, it could be done by deed as well. Reservation stays within the subdivision and the developer takes over the maintenance. Langen said a concern was that it states in the statutes it would serve the residents of the immediate neighborhood, and could you have a public access. Sistrunk said that is allowable. Vice versa, Langen said there was a concern, such as the interior land at Potters Trace, that it would be open to people outside the subdivision, and at some point could be sold by the Village. Sistrunk said that could happen. Council Member Plyler said we wouldn't want something like that to happen. Langen said this was written for larger cities. Mayor Pro Tem Ormiston said this was written for something like Charlotte, but looking at Wesley Chapel, if we put a park in Wesley Chapel that is in the immediate area, Sistrunk said maybe some citizen could argue that. Todd Hess said if it is a dedication it is to serve the residents in the immediate area and the use of funds is quite different, it can be used for residents outside the immediate area. Sistrunk noted a lot in this text amendment got blended with buffers, and they are zoning issues. Mayor Pro Tem Ormiston said her perception was that open green space is not the same as a buffer; it has a totally different purpose. She felt it should go back to Planning Board. Langen said he needs some guidance, dedicating land for a public park is probably not what we want, but if a subdivision is along a platted greenway, we might want that land. Mayor Pro Tem Ormiston said the six acres in the center of Potters Trace is dedicated as HOA land. She said she was not against dedication of land. Sistrunk said dedication means public property, and you may want the flexibility to negotiate with a developer. Mayor Horvath said the way the ordinance is currently written, it says a developer can propose something, but Council can just say no, and it wasn't flexible. Langen asked if we need to give developers a valid opportunity to give land, or do we just say if you are not near a greenway, no we don't want land. Mayor Pro Tem Ormiston said she sees a change to the buffer and a change in the way the developer is informed on what we would accept, and then we should change the process in which minor subdivisions get approved to also come to Council. She asked what Planning Board was trying to do. Langen said that wasn't important, we need direction from Council if we say greenways but not parks, that gives him a direction. Council Member Plyler said the ordinance section shows it was changed in 2011; Mayor Horvath said that just means something in the Article was changed. She asked if you have fifteen acres, and you want to split them among five children, do they have to give land to the town, she did not agree with that. Langen said Planning Board was concerned about that; there is a circuit breaker that you have to have two acres, otherwise it is a fee. Mayor Horvath said this is for a developer, if an owner subdivides it to his children, it is no longer one entity and now five entities. Sistrunk said he didn't think it mattered if a parent owned it, or a developer. He said you could have a distinction between major and minor subdivisions, but not on who owns the land. Langen said there seems to be agreement we need to separate buffers from fee in lieu. Mayor Pro Tem Ormiston said this is a good opportunity to meet with Planning Board, so Mayor Horvath will contact the Chair and see if they can attend the next Council meeting so they can present their case and Council can provide their input.

9. TOWN HALL BUILDING COMMITTEE UPDATE
 - a. Update on construction progress

Mayor Horvath reported the walls are going up, and the curb around the parking lot is in place. Council Member Plyler said we should have electric to the site within two days.

- b. Other Town Hall matters, as necessary

Langen left the meeting.

10. PARKS AND REC COMMITTEE UPDATE

a. Update on re-bidding process, including potential changes to the original specifications. Mayor Pro Tem Ormiston reported we received revised plans on Friday. Parks and Rec will review them this week, and she will get one copy to town hall by Thursday. The bid will include five alternates; band shelter, utilities to the bathrooms, irrigation/sodding, bathrooms, and a monument sign. Items removed include site furnishings, and the play field. The amphitheater was moved ten to fifteen feet up from the pond; it eliminates one retaining wall. Other items removed include the gravel trail to Highway 84, demolition of the shed and tennis court fence and removal of brick walkways which all will be done with volunteer labor.

- b. Other Parks and Rec matters, as necessary

c. Reminder of volunteer day on April 13, 2013 from 10 am to 3 pm at Dogwood Park. There is a volunteer day Saturday. Mike Como said there were a lot of people at the last workday. Mayor Horvath said Bennett met with Doug from Dula Construction today; he said the roof can't be patched, and he will come back with a price to replace it.

11. SAFETY COMMITTEE UPDATE

Council Member Plyler reported Cheryl and AJ attended the last committee meeting. She noted it would help if we had a safety page on the website, and the deputy could post some safety tips. She also noted we are not getting any more funding from the shopping centers for the deputy although a lot is happening at Target, the parking lot behind PetSmart, Hickory Tavern, and McDonalds. She suggested Safety Committee Chair Tessie Morris could contact the shopping centers and ask for funds, maybe 2/3 Aston and 1/3 JDH. Mayor Pro Tem Ormiston said she supported this, she noted she had asked for more and they offered less when she approached them before; facts will help too. Council Member Rosoff agreed it is a good idea to ask for funding.

12. UPDATE AND POSSIBLE APPROVAL OF AUDIT SERVICES RFP

The audit RFP was presented and reviewed. Proposals will include cost estimate sheets in a separate, sealed envelope. The last sentence was changed to have the finance officer rank and forward all qualified proposals to Village Council. Council Member Plyler motioned to go forward with the audit RFP. Mayor Pro Tem Ormiston seconded the motion.

The motion passed unanimously.

13. DISCUSSION AND CONSIDERATION OF POSSIBLE SALES/REVENUE AROUND USE OF VILLAGE SEAL ON ITEMS SUCH AS BUMPER STICKERS, MAGNETS, POSTERS, ETC.

Mayor Horvath reported Todd Hess offered to make and sell items with the Village Seal and give the Village a royalty of 20%. This would not be exclusive rights. Mr. Hess said typically copyright royalties are only 10%. Mayor Pro Tem Ormiston said we would want there to be an approval process on all items. Mr. Hess said he could make some limited items for the approval process. Council Member Rosoff motioned to allow Todd Hess to do some samples with our soon to be trademarked seal. Mayor Pro Tem Ormiston seconded the motion.

The motion passed unanimously.

Attorney Sistrunk left at this time.

14. CONSIDER WESLEY CHAPEL WEBSITE BANNER CHANGES AND POTENTIAL COSTS TO DO SO

The website people said we could change our website banner pictures for \$115 per hour with a two hour minimum. Mayor Pro Tem Ormiston said her company is moving a website with a company from Matthews, for under \$1,000. It was suggested to wait and budget for a website change.

15. UPDATE ON WESTERN UNION COUNTY MUNICIPALITIES PROPOSAL TO WORK TOGETHER ON LOCAL MATTERS

Mayor Horvath reported the group hadn't met for almost a year; Erin Kirkpatrick from Waxhaw organized a kick-off meeting, and they will meet again soon. Ideas included the possibility of the five towns banding together for insurance. Julie Brown commented that committees in the towns should also communicate; Mayor Horvath will suggest that.

16. CONSIDER RESOLUTION OF SUPPORT FOR SENATE BILL 287 ALLOWING USE OF ELECTRONIC NOTICES

This was brought to our attention by Wingate; Mayor Pro Tem Ormiston and Council Member Rosoff were in favor of it. Council Member Plyler wanted to know what other towns are doing in regards to this, and she had a concern for people who don't use computers. This was tabled to the next meeting.

17. OTHER BUSINESS –Budget requests for 2013/14 are needed by the first week of May.

18. COMMENTS - none

19. ADJOURNMENT

Mayor Pro Tem Ormiston made a motion to adjourn; Council Member Plyler seconded the motion.

The motion passed unanimously.

The meeting ended at 9:22 pm.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath