

VILLAGE OF WESLEY CHAPEL  
COUNCIL MEETING MINUTES  
WESLEY CHAPEL UNITED METHODIST CHURCH  
120 Potter Road, Wesley Chapel, NC 28110  
November 11, 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. Bill Duston; Attorney George Sistrunk

**Citizens Present:** Carol Mullis, Stephen Bennett, Stan Schwartz, Charles Osborne, Mike Como, Julie Brown, Chuck Adams

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

Mayor Horvath read a letter from Joan Beaulieu asking that Council consider the request by Mr. Espinosa and grant him a public hearing on his re-zoning request.

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

The time capsule purchase was added to item 12. Council Member Plyler made a motion to approve the amended agenda; Mayor Pro Tem Ormiston seconded the motion.

The motion passed unanimously.

4. PUBLIC HEARING ON TEXT AMENDMENTS TO ZONING ORDINANCE  
SECTION 11 FOR BOARD OF ADJUSTMENT CHANGES (STATE MANDATED)

The Mayor opened the public hearing. There being no comments, the Mayor closed the public hearing was closed.

Bill Duston noted he made a minor change at section 11.2.1.

5. PUBLIC HEARING ON TEXT AMENDMENTS TO ZONING ORDINANCE  
SECTION 5.3.3(B) FOR FRONT YARD SETBACKS IN R-40 PROPERTIES

The Mayor opened the public hearing.

Carol Mullis asked what the front yard setbacks are and what is proposed. Bill Duston said it has been interpreted as being fifty feet in R-40, but this amendment is so it will not have to be interpreted. Carol Mullis said her husband had information that Planning Board has proposed it be seventy-five feet, and won't this infringe on property owners' backyard space and what can be

put there. Mr. Duston said two months ago Planning Board recommended fifty feet, and then he realized we need a statement of consistency so he brought it to the Board, and at that point they recommended seventy-five feet in R-40 and gave a consistency statement on that. If council wants to look at this, they can look at all front yard setbacks; staff did not recommend the seventy five feet.

Chuck Adams, Vice Chair of Planning Board, said this was a rushed topic two months ago, and they did re-visit it and recommend seventy five feet. When you drive through a neighborhood, it doesn't give an open feel with fifty feet. It is a good point to look at all setbacks at one time, and he asked that this be tabled and let Planning Board review all setbacks.

The Mayor closed the public hearing.

6. APPROVE MINUTES FOR COUNCIL MEETINGS OCTOBER 14, 2013, AND OCTOBER 22, 2013

Council Member Plyler asked we add on page 216 that we will report the date that the fireworks were approved; and on page 226 that we add that the Planning Board applicant said she had been notified of the opening. Council Member Rosoff made a motion to approve the minutes for October 14, 2013 and October 22, 2013, with the corrections noted. Mayor Pro Tem Ormiston seconded the motion.

The motion passed unanimously.

7. STAFF REPORTS

a. Review and approve October 2013 financial reports

Finance Officer Bennett presented October reports. Council Member Plyler asked about the legislative changes; Mayor Horvath said they should not affect us due to hold harmless provisions. Council Member Plyler asked for more detail in the detail reports; Finance Officer Bennett replied that QuickBooks does not allow us to change the information for salary; the program separates holiday, vacation and regular pay on separate lines. Mayor Pro Tem Ormiston motioned to approve the October financial reports; Council Member Rosoff seconded the motion.

The motion passed unanimously.

**October 31, 2013 Balance Sheet**

**ASSETS**

**Current Assets**

**Checking/Savings**

|                                      |                 |
|--------------------------------------|-----------------|
| <b>Fifth Third Bank Checking</b>     | 42,983.93       |
| <b>Fifth Third Bank Money Market</b> | 288,512.57      |
| <b>BB&amp;T Money Market</b>         | 825,126.64      |
| <b>Petty Cash Fund</b>               | <u>50.00</u>    |
| <b>Total Checking/Savings</b>        | 1,156,673.14    |
| <b>Misc. Fees Receivable</b>         | <u>2,910.00</u> |

**Other Current Assets**

|                                     |           |
|-------------------------------------|-----------|
| <b>Property Tax Rec.</b>            | 2,722.00  |
| <b>Allow. for Doubtful Accounts</b> | -1,067.00 |

|   |                            |
|---|----------------------------|
| Prepaid Exp.                                | 1,237.86                   |
| Sales Taxes to be Received                  |                            |
| <b>Total Sales Taxes to be Received</b>     | <u>18,416.00</u>           |
| <b>Total Other Current Assets</b>           | <u>21,308.86</u>           |
| <b>Fixed Assets</b>                         |                            |
| Land  | 813,423.00                 |
| Dogwood Park CIP                            | 97,610.00                  |
| Town Hall- CIP                              | 671,617.00                 |
| TH Driveway CIP                             | 29,563.00                  |
| Office Equipment                            | 8,749.00                   |
| Accumulated Deprec.                         | <u>-7,727.98</u>           |
| <b>Total Fixed Assets</b>                   | <u>1,613,234.02</u>        |
| <b>TOTAL ASSETS</b>                         | <u><u>2,794,126.02</u></u> |
| <b>LIABILITIES &amp; FUND BALANCE</b>       |                            |
| <b>Other Current Liabilities</b>            |                            |
| Due to Union County Schools                 | 58.18                      |
| Retainage Payable - Town Hall               | 45,944.27                  |
| Retainage Pay. Dogwood Park                 | 4,251.25                   |
| Escrow from Developers                      | 45,076.00                  |
| Deferred Revenue                            | <u>1,655.20</u>            |
| <b>Total Other Current Liabilities</b>      | 96,984.90                  |
| <b>Fund Balance</b>                         |                            |
| Fund Bal. inv. in Fixed Assets              | 1,613,234.02               |
| Fund Balance Assigned for NNO               | 313.40                     |
| Fund Bal. non-spendable                     | 47,912.79                  |
| FB restricted by State Statute              | 49,976.00                  |
| Fund Bal. Committed for CIP                 | 850,148.25                 |
| Fund Balance                                | -583,028.04                |
| Excess of Rev. over Exp.                    | <u>718,584.70</u>          |
| <b>Total Fund Balance</b>                   | <u>2,697,141.12</u>        |
| <b>TOTAL LIABILITIES &amp; FUND BALANCE</b> | <u><u>2,794,126.02</u></u> |

**October 2013 Budget Report**

|                           | <u>Oct 13</u> | <u>Jul - Oct 13</u> | <u>YTD Budget</u> | <u>% of Budget</u> |
|---------------------------|---------------|---------------------|-------------------|--------------------|
| <b>General Fund</b>       |               |                     |                   |                    |
| <b>Revenues</b>           |               |                     |                   |                    |
| Appropriated Fund Balance | 0.00          | 176,400.00          | 176,400.00        | 100.0%             |
| Contributions Income      |               |                     |                   |                    |

|                                     |                  |                   |                   |               |
|-------------------------------------|------------------|-------------------|-------------------|---------------|
| Restricted                          | 0.00             | 50.00             | 0.00              | 100.0%        |
| <b>Total Contributions Income</b>   | <b>0.00</b>      | <b>50.00</b>      | <b>0.00</b>       | <b>100.0%</b> |
| <b>Property Tax Income</b>          |                  |                   |                   |               |
| Current Year Property Tax           | 4,432.09         | 10,300.23         | 145,015.00        | 7.1%          |
| Utility Ad Valorem                  | 0.00             | 0.00              | 1,600.00          | 0.0%          |
| Vehicle Registration                | 917.50           | 2,673.47          | 9,465.00          | 28.25%        |
| Delinquent Property Tax             | 21.49            | 221.78            | 800.00            | 27.72%        |
| Prior Year Motor Vehicle Tax        | 39.88            | 369.56            | 200.00            | 184.78%       |
| Interest/Ad Fee on Taxes            | 10.50            | 47.39             | 213.00            | 22.25%        |
| <b>Total Property Tax Income</b>    | <b>5,421.46</b>  | <b>13,612.43</b>  | <b>157,293.00</b> | <b>8.65%</b>  |
| <b>Fees and Licenses</b>            |                  |                   |                   |               |
| Privilege Licenses                  | 70.00            | 21,752.59         | 27,000.00         | 80.57%        |
| Cable Franchise (from Time Warn     | 0.00             | 3,883.00          | 16,000.00         | 24.27%        |
| Zoning Permit                       | 350.00           | 9,120.00          | 7,000.00          | 130.29%       |
| Engineering Fees Reimbursement      | 3,928.75         | 6,950.00          | 5,000.00          | 139.0%        |
| Newsletter/Deputy Sponsor           | 0.00             | 0.00              | 0.00              | 0.0%          |
| Annexation Exp Reimbursed           | 0.00             | 0.00              | 200.00            | 0.0%          |
| Misc. Fees                          | 31.30            | 75.43             | 200.00            | 37.72%        |
| National Night Out                  | 0.00             | 73.00             | 100.00            | 73.0%         |
| <b>Total Fees and Licenses</b>      | <b>4,380.05</b>  | <b>41,854.02</b>  | <b>55,500.00</b>  | <b>75.41%</b> |
| <b>Interest Earned</b>              | <b>129.01</b>    | <b>852.28</b>     | <b>1,500.00</b>   | <b>56.82%</b> |
| <b>Revenue Sharing</b>              |                  |                   |                   |               |
| Sales & Use Taxes                   | 3,412.57         | 3,847.57          | 37,000.00         | 10.4%         |
| Telecommunications Tax              | 0.00             | -20.00            | 10,500.00         | -0.19%        |
| Video Programming(State Cable)      | 0.00             | -511.44           | 91,000.00         | -0.56%        |
| Franchise Tax (Electric Power)      | 0.00             | -65.00            | 171,000.00        | -0.04%        |
| Excise Tax (Piped Natural Gas)      | 0.00             | 1,366.00          | 16,000.00         | 8.54%         |
| Alcoholic Beverage Tax              | 0.00             | 0.00              | 33,000.00         | 0.0%          |
| <b>Total Revenue Sharing</b>        | <b>3,412.57</b>  | <b>4,617.13</b>   | <b>358,500.00</b> | <b>1.29%</b>  |
| <b>Total Income</b>                 | <b>13,343.09</b> | <b>237,385.86</b> | <b>749,193.00</b> | <b>31.69%</b> |
| <b>Expense</b>                      |                  |                   |                   |               |
| Transfer to CIP                     | 0.00             | 0.00              | 0.00              | 0.0%          |
| <b>Operating Expenditures</b>       |                  |                   |                   |               |
| <b>Total Operating Expenditures</b> | <b>2,395.44</b>  | <b>31,166.35</b>  | <b>99,119.00</b>  | <b>31.44%</b> |
| <b>Gen. Govt. Salaries</b>          |                  |                   |                   |               |
| <b>Total Gen. Govt. Salaries</b>    | <b>6,680.76</b>  | <b>32,911.91</b>  | <b>132,208.00</b> | <b>24.89%</b> |
| <b>Planning &amp; Zoning</b>        |                  |                   |                   |               |
| <b>Total Planning &amp; Zoning</b>  | <b>9,790.45</b>  | <b>19,874.58</b>  | <b>79,468.00</b>  | <b>25.01%</b> |
| <b>Professional Fees</b>            |                  |                   |                   |               |
| <b>Total Professional Fees</b>      | <b>3,067.50</b>  | <b>11,730.00</b>  | <b>40,900.00</b>  | <b>28.68%</b> |
| Capital Outlay                      | 0.00             | 0.00              | 50,000.00         | 0.0%          |

|  |                  |                     |                     |               |
|--|------------------|---------------------|---------------------|---------------|
| <b>Total Public Services / Safety</b>                | 19,949.00        | 40,096.73           | 81,496.00           | 49.2%         |
| <b>Parks &amp; Recreation</b>                        |                  |                     |                     |               |
| <b>Parks &amp; Recreation Personal Ser</b>           |                  |                     |                     |               |
| <b>Total Parks &amp; Recreation Personal Ser</b>     | 0.00             | 0.00                | 4,472.00            | 0.0%          |
| <b>Parks &amp; Rec Supplies &amp; Material</b>       |                  |                     |                     |               |
| <b>Total Parks &amp; Rec Supplies &amp; Material</b> | 33.34            | 35.53               | 5,840.00            | 0.61%         |
| <b>Parks &amp; Recreation Services</b>               |                  |                     |                     |               |
| <b>Total Parks &amp; Recreation Services</b>         | 6.05             | 1,259.31            | 18,110.00           | 6.95%         |
| <b>Total P&amp;R Capital Outlay</b>                  | <u>25,875.00</u> | <u>231,875.00</u>   | <u>237,580.00</u>   | <u>97.6%</u>  |
| <b>Total Parks &amp; Recreation</b>                  | <u>25,914.39</u> | <u>233,169.84</u>   | <u>266,002.00</u>   | <u>87.66%</u> |
| <b>Total Expense</b>                                 | <u>67,797.54</u> | <u>368,949.41</u>   | <u>749,193.00</u>   | <u>49.25%</u> |
| <b>Net General Fund</b>                              | -54,454.45       | -131,563.55         | 0.00                | 100.0%        |
| <b>Capital Projects Fund</b>                         |                  |                     |                     |               |
| <b>CIP Income</b>                                    |                  |                     |                     |               |
| <b>PARTF Grant</b>                                   | 0.00             | 387,975.74          | 500,000.00          | 77.6%         |
| <b>Adopt A Trail Grant</b>                           | 0.00             | 5,000.00            | 5,000.00            | 100.0%        |
| <b>Water Based Resource Grant-Park</b>               | 0.00             | 100,000.00          | 100,000.00          | 100.0%        |
| <b>Transfer from General Fund</b>                    |                  |                     |                     |               |
| <b>Appropriated for Dogwood Park</b>                 | 0.00             | 1,206,000.00        | 1,206,000.00        | 100.0%        |
| <b>Appropriated for Town Hall</b>                    | <u>0.00</u>      | <u>1,442,700.00</u> | <u>1,442,700.00</u> | <u>100.0%</u> |
| <b>Total Transfer from General Fund</b>              | <u>0.00</u>      | <u>2,648,700.00</u> | <u>2,648,700.00</u> | <u>100.0%</u> |
| <b>Total CIP Income</b>                              | 0.00             | 3,141,675.74        | 3,253,700.00        | 96.56%        |
| <b>Other Expense</b>                                 |                  |                     |                     |               |
| <b>Capital Projects Expense</b>                      |                  |                     |                     |               |
| <b>Dogwood Park Capital Outlay</b>                   |                  |                     |                     |               |
| <b>Land Acquisition</b>                              | 0.00             | 673,271.00          | 673,271.00          | 100.0%        |
| <b>House</b>   | 0.00             | 411,419.00          | 411,419.00          | 100.0%        |
| <b>Preliminary Planning</b>                          | 0.00             | 15,526.67           | 15,527.00           | 100.0%        |
| <b>Design/Constr Mgt,etc.</b>                        | 791.68           | 67,479.64           | 77,850.00           | 86.68%        |
| <b>Site preparation</b>                              | 85,025.00        | 85,025.00           | 238,500.00          | 35.65%        |
| <b>Grassing</b>                                      | 0.00             | 0.00                | 51,100.00           | 0.0%          |
| <b>Parking lot &amp; drive</b>                       | 0.00             | 0.00                | 106,800.00          | 0.0%          |
| <b>Boardwalk</b>                                     | 0.00             | 0.00                | 34,700.00           | 0.0%          |
| <b>Accessible routes</b>                             | 0.00             | 0.00                | 20,600.00           | 0.0%          |
| <b>Paved Walking Trail</b>                           | 0.00             | 0.00                | 56,900.00           | 0.0%          |
| <b>Unpaved trail</b>                                 | 0.00             | 9,888.04            | 9,888.00            | 100.0%        |
| <b>Amphitheater/Stage/Outdoor Clas</b>               | 0.00             | 0.00                | 76,100.00           | 0.0%          |
| <b>Contingency</b>                                   | 0.00             | 0.00                | 17,462.00           | 0.0%          |
| <b>Testing Fees</b>                                  | 0.00             | 0.00                | 12,000.00           | 0.0%          |

|   |                    |                   |              |               |
|---|--------------------|-------------------|--------------|---------------|
| <b>Legal Fees - DP</b>                    | 1,027.50           | 3,402.50          | 2,500.00     | 136.1%        |
| <b>Utilities</b>                          | 0.00               | 4,380.00          | 4,380.00     | 100.0%        |
| <b>Fishing Pier</b>                       | 0.00               | 0.00              | 0.00         | 0.0%          |
| <b>Multipurpose Field</b>                 | 0.00               | 0.00              | 0.00         | 0.0%          |
| <b>Rest room renovation</b>               | 0.00               | 0.00              | 0.00         | 0.0%          |
| <b>Site Furnishings-gate,signs,etc</b>    | 0.00               | 277.77            | 278.00       | 99.92%        |
| <b>Other Expense</b>                      | 0.00               | 1,428.24          | 1,725.00     | 82.8%         |
| <b>Total Dogwood Park Capital Outlay</b>  | 86,844.18          | 1,272,097.86      | 1,811,000.00 | 70.24%        |
| <b>Town Hall Capital Outlay</b>           |                    |                   |              |               |
| <b>TH Construction Contract</b>           | 161,026.25         | 899,186.60        | 1,250,501.00 | 71.91%        |
| <b>TH Architect/Engineer</b>              | 0.00               | 96,732.80         | 102,020.00   | 94.82%        |
| <b>TH In House Engineering</b>            | 0.00               | 1,200.00          | 1,200.00     | 100.0%        |
| <b>TH Testing/Permit Fees</b>             | 60.00              | 12,894.66         | 15,000.00    | 85.96%        |
| <b>TH Telecom Sys/AV/Computers</b>        | 0.00               | 0.00              | 32,280.00    | 0.0%          |
| <b>TH Insurance</b>                       | 0.00               | 1,374.00          | 1,374.00     | 100.0%        |
| <b>TH Legal Fees</b>                      | 122.50             | 4,517.50          | 5,000.00     | 90.35%        |
| <b>TH Furnishings</b>                     | 0.00               | 0.00              | 26,945.00    | 0.0%          |
| <b>TH Miscellaneous</b>                   | 0.00               | 3,524.07          | 8,380.00     | 42.05%        |
| <b>Total Town Hall Capital Outlay</b>     | 161,208.75         | 1,019,429.63      | 1,442,700.00 | 70.66%        |
| <b>Total Capital Projects</b>             | 248,052.93         | 2,291,527.49      | 3,253,700.00 | 70.43%        |
| <b>Net Capital Projects Fund</b>          | -248,052.93        | 850,148.25        | 0.00         | 100.0%        |
| <b>Net Excess of Revenue over Expense</b> | <b>-302,507.38</b> | <b>718,584.70</b> | <b>0.00</b>  | <b>100.0%</b> |

b. Update on monthly planning and zoning report  
 Bill Duston reported only 7 permits were issued. John Underwood from NC DOT will be at our November 19, 2013 meeting, and he has told developers to attend. Planning Board recommended 3-2 to deny Francisco Espinosa's re-zoning request RZ 13-3 at 4824 Waxhaw Indian Trail Road from R-40 to B-2. Planning Board recommended 3-2 that the front yard setback in R-40 be increased from 50 to 75 feet. Mr. Duston is working with applicants for two potential subdivisions, and a church submitted for a CUP today. He is looking into information on logistics and legality of senior oriented housing in Wesley Chapel. Planning Board will meet in Weddington to learn more about their conservation subdivisions.

c. Review monthly zoning complaints/violations report  
 A complaint was received today which will be followed up on. Mayor Pro Tem Ormiston asked if he has the ordinance prioritization list and asked they be kept in the order that they were ranked.

d. Call for public hearing on Re-zoning Request RZ-13-3 from R-40 TO B-2.

Council Member Plyler motioned to call for a public hearing on RZ 13-3 on December 17, 2013 at 7 pm at Wesley Chapel United Methodist Church, 120 Potter Road, Monroe, NC 28110. Council Member Rosoff seconded the motion.

The motion passed unanimously.

8. **ACKNOWLEDGEMENT OF 2013 ELECTION RESULTS IN WESLEY CHAPEL**  
Mayor Horvath reported that Mike Como and Jeannine Kenary were elected to council seats, and he was re-elected as Mayor. Oath of office will take place at the December 9, 2013 organizational meeting.

9. **DISCUSS MEETING PROTOCOL FOR DECEMBER 9, 2013 COUNCIL TRANSITION MEETING AND REMOTE PARTICIPATION DUE TO POTENTIAL ABSENCE OF A MEMBER**

Mayor Horvath reported this is the organizational meeting, and he asked the attorney about a member participating from a remote location. The attorney said it is okay if it is not needed to meet a quorum, and not for a CUP decision. Attorney Sistrunk said there is not much case law, but this is the School of Government guidelines. We might want a written policy as guidelines and to encourage meeting attendance. Council members Rosoff and Plyler concurred with the idea; Plyler said it should be if you are far away or in the hospital.

Mayor Pro Tem Ormiston motioned to approve Council Member Rosoff participating remotely in the December 9, 2013 meeting. Council Member Plyler seconded the motion.

The motion passed unanimously.

10. **DISCUSS AND CONSIDER APPROVAL OF TEXT AMENDMENT TO ZONING ORDINANCE SECTION 11 FOR BOARD OF ADJUSTMENTS**

Mayor Pro Tem Ormiston motioned to approve the text amendments to Zoning Ordinance Section 11 for Board of Adjustments, incorporated herein, and with a consistency statement that the changes are consistent with the Land Use Plan's desire for the Village to have its regulations consistent with all applicable North Carolina statutes; and the statement of reasonableness to be this is reasonable because it will enable the Village to have regulations consistent with changes made to the North Carolina general statutes. Council Member Rosoff seconded the motion.

The motion passed unanimously.

The amendment is as follows:

## **ARTICLE 11**

### **BOARD OF ADJUSTMENT**

#### **Section 11.1 Board of Adjustment Powers, Duties and Procedure**

A Board of Adjustment is hereby established, which Board shall have all the powers and duties as authorized by Section 160A-388 of the General Statutes of North Carolina, and as otherwise provided for in this Ordinance. Generally, such powers and duties shall include, but not be restricted to, the following:

- a. Hearing and deciding all appeals from decisions made by the Zoning Administrator.
- ~~b. Hearing and deciding appeals that require interpretation of this Ordinance.~~
- c. Hearing and granting variances from the provisions of this Ordinance.

### **11.1.2 Establishment of Zoning Board of Adjustment**

The Board of Adjustment shall consist of five (5) regular members who are residents of the Village of Wesley Chapel and shall be appointed by the Village Council. In addition, two (2) alternate members who are residents of the Village of Wesley Chapel, and appointed by the Village Council shall serve on the Board of Adjustment in the absence of any regular member.

Additionally, the Board of Adjustment will include two (2) members from the Extra Territorial Jurisdiction (ETJ) Area. This number is based on proportionate population representation and should be annually reviewed by the Village Council to ensure adequacy. ETJ members shall have and may exercise all powers and duties of regular members. The initial appointment of the ETJ members will consist of one member for an initial two (2) year term and one for an initial three (3) year term. Thereafter, members shall be appointed for three (3) years each. *(Added 02.12.07)*

The terms of office of the members of the Board of Adjustment shall be for overlapping terms of three (3) years. Initial appointment of the members shall be as follows:

One (1) regular member shall be appointed by the Village Council for a one-year term; two (2) for two-year terms; and two (2) for three-year terms. Thereafter, members shall be appointed for three (3) years each. Alternate members shall be appointed for a term of three (3) years each. Nothing herein contained shall be so interpreted as to forbid any member from being appointed to succeed himself.

Vacancies occurring for any reason other than expiration of term shall be filled as soon as is reasonably possible after such vacancy occurs by the Village Council making the appointment, and such appointment shall only be for the period of the unexpired term. Members may be removed for cause by the Village Council upon written charges and after public hearing.

At time of appointment, the Council shall designate one regular member as Chairman. Such alternate member(s), while attending any regular or special meeting of the Board of Adjustment and serving in the absence of any regular member shall have and may exercise all the powers and duties of such regular

members.

### 11.1.3 Jurisdiction

Each member of the Board of Adjustment shall have equal rights, privileges, and duties in all matters coming under the Board's purview.

## Section 11.2 Administrative Review

The Board of Adjustment shall hear and decide appeals from and review any order, requirement, decision, or determination made by any administrative official charged with the enforcement of this Ordinance, and apply such interpretation to particular fact situations.

11.2.1 A written appeal may be taken by the Village or by any ~~any~~ person with standing per NCGS 160A-393(d) who has first requested and received a written ruling from the Zoning Administrator. All applications for appeals shall be filed with the Village Clerk. An ~~An~~ appeal to the Board of Adjustment shall be made ~~as set forth hereinafter~~ by the property owner of the lot(s) in question within ~~ten (10)~~ thirty (30) days of receipt ~~by the applicant~~ of the written decision made by the Zoning Administrator. Any other person with standing to appeal shall have thirty (30) days from receipt from any source of actual or constructive notice of the decision within which to file an appeal. One means of constructive notice of the decision shall be if the person receiving a written decision from the Zoning Administrator posts a sign that says "Zoning Decision" or "Subdivision Decision" in letters that are at least six (6) inches high. Said sign shall be prominently posted on the property that is subject to the decision and shall remain posted for at least ten (10) days. Verification of the posting shall be provided to the official who made the decisions. All applications for appeals shall be filed with the Village Clerk.

11.2.2 ~~A written appeal may be taken by any person aggrieved or by an officer, department or board of the Village, within ten (10) days of a written decision made by the Zoning Administrator. An appeal of a notice of violation or other enforcement order stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after notice of appeal has been filed with him, that because of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property or that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of the ordinance. In such cases, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by the Board of Adjustment or by a court. of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.~~

11.2.3 ~~A duplicate written application for an appeal, in the form specified in Section 11.4.1, detailing in full the grounds thereof, shall be filed with the Zoning Administrator on behalf of the Board of Adjustment. The official whose decision~~

~~is being appealed shall transmit to the Board of Adjustment all documents and exhibits constituting the record upon which the action appealed from is being taken. Said information shall also be given to the appellant and to the owner of the property that is subject to the appeal if the appellant is not the property owner. The Zoning Administrator shall submit his interpretation and the reasons therefore in writing to the Board of Adjustment, and shall immediately transmit all paper constituting the record to the Board of Adjustment. Said record~~

~~shall also include the application, the Zoning Administrator's ruling, any related correspondence and the written application for appeal.~~

**11.2.4** ~~The Board of Adjustment must review any such appeal of a Zoning Administrator decision—conduct a public hearing of the appeals application within forty (40) calendar days of receipt of the notice of appeal. However, if enforcement proceedings are not stayed, the appellant may file with the Village Clerk a request for an expedited hearing to occur within fifteen (15) days of the date such request is made.~~

**11.2.5** ~~Notice of a proposedthe public hearing of the subject appeal shall be given to the applicant and the Zoning Administrator by first class mail, which mailing must be made at least seven (7) calendar days prior to the date of the hearing in the following manner: Notice shall be given to (1) the appellant; (2) to the owner of the property that is subject to the appeal if the owner did not initiate the appeal, and; (3) to the owners of all parcels of land abutting the parcel that is the subject of the appeal. Said notice shall be deposited in the mail at least ten (10) but not more than twenty-five (25) days prior to the date of the hearing. During this same time period, the Village shall place prominent notice of the hearing on the site that is subject to the hearing or on an adjacent street or highway right-of-way.~~

~~The—The official whose decision is being appealed shall be present at the public hearing as a witness. The appellant shall not be limited to matters stated in the notice of appeal. If any party or the Village would be unduly prejudiced by the presentation of matters not on the public hearing notice, the Board of Adjustment may continue the public hearing. Board of Adjustment must decide the matter which is the subject of the appeal within thirty (30) calendar days following the hearing conclusion or at the next regularly scheduled meeting of the Board of Adjustment following the hearing conclusion, whichever occurs later. The decision of the Board of Adjustment shall be in writing and shall be mailed by first class mail to the applicant.~~

**11.2.6**

**11.2.7** ~~The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination with reference to the appeal. A motion to approve such modification must be approved by a minimum of three (3) sitting members of the Board of Adjustment.~~

**11.2.8** ~~The parties to the appeal may agree to mediation of other forms of alternative~~

dispute resolution.

### Section 11.3 Variances

**11.3.1** A petition for a variance may only be initiated by the owner of the affected property, an agent authorized in writing to act on the owner's behalf, or an individual having a written contractual interest in the affected property. Under no circumstances shall the Board of Adjustment grant a variance to allow a use of land or structures not permitted under the terms of this Ordinance in the district involved or for a use expressly, or by inference, prohibited in said district. No variances shall be granted by the Board of Adjustment for the following:

- (a) Setbacks for signs, or the square foot area limitation(s) for such signs.
- (b) Setbacks for Essential Services - Class III.
- (c) Use Variance. (*Amended 1.05.06*)

No variance for setbacks shall be granted which allows the applicant to reduce the applicable setback by more than fifty (50) percent.

**11.3.2** The Board of Adjustment, before granting a variance, shall make the following findings:

~~a. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance.~~

~~This shall be construed to mean:~~

~~1. If the property owner strictly complies with the provisions of the ordinance, he can secure no reasonable return from, or make any reasonable use of his property and~~

~~2. The hardship results from the application of the ordinance, and~~

~~3. The hardship is suffered by the applicant's property, and~~

~~4. The hardship is not the result of the applicant's own actions, and~~

~~1. The hardship is peculiar to the applicant's property. Unnecessary hardship would result from the strict application of the ordinance. (NOTE: It shall not be necessary to demonstrate that, in the absence of~~

the variance, no reasonable use can be made of the property.)

~~b. — That the variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit.~~

The hardship results from conditions that are peculiar to the property, such as location, size or topography. (NOTE: Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.)

~~c. — That in the granting of the variance, public health safety and welfare have been assured and substantial justice has been done. The hardship did not result from actions taken by the applicant or the property owner. (NOTE: The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.)~~

~~d. — That the reasons set forth in the application and the hearing justify the granting of a variance, and that the variance is a minimum one that will make possible reasonable uses of land or struent with the speturese The variance is consistent with the spirit, purpose, and intent of the ordinance such that safety is secured and substantial justice is achieved.-~~

**11.3.4** Any order of the Board of Adjustment in granting a variance shall expire, if a Zoning Permit, or Certificate of Compliance for such use (if a zoning permit is not required) has not been obtained within one (1) year from the date of the decision.

11.3.5 Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.

11.3.6 The Board of Adjustment shall hold a public hearing to review any variance application no later than forty (40) calendar days after the complete application has been received by the Village.

11.3.7 Notice of the variance public hearing shall be given in the following manner: Notice shall be given to (1) the appellant; (2) to the owner of the property that is subject to the application if the owner did not initiate the application, and; (3) to the owners of all parcels of land abutting the parcel that is the subject of the application. Said notice shall be deposited in the mail at least ten (10) but not more than twenty-five (25) days prior to the date of the hearing. During this same time period, the Village shall place prominent notice of the hearing on the site that is subject to the hearing or on an adjacent street or highway right-of-way.

11.3.8 A motion to approve a variance must receive a “yea” vote by a minimum of four (4) sitting members of the Board of Adjustment.

## **Section 11.4 Application Procedure**

The following regulations apply to all applications submitted to the Board of Adjustment:

**11.4.1** Before a petition for an ~~interpretation, appeal, or~~ variance shall be considered, a completed application on a form provided by the Village of Wesley Chapel accompanied by a fee (as established by the Village Council) shall be submitted to the ~~Zoning Administrator~~Village as set forth in Section 11.2.3. The fee shall be waived for any petition initiated by the ~~Zoning Administrator, the Village Clerk or the Village Council~~Village. The

application shall contain the name, address, and telephone number of the applicant(s), and property owners if different from applicant(s), a description of the subject property with reference to deed book and page. The application shall also contain a list of names and addresses of adjoining and contiguous property owners on all sides and across any street and public right-of-way from the subject property. This information shall be based upon the current year Union County tax records. The application shall be accompanied by a map clearly showing the subject property and all contiguous property on either side and all property across any street or public right-of-way from the subject property.

~~**11.4.2** The filing of any application stays all proceedings unless the Zoning Administrator certifies to the Board of Adjustment that a stay in his opinion will cause imminent peril to life or property, or, that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of the ordinance. In that event, proceedings shall not be stayed except by a restraining order, which may be granted by the Board of Adjustment, or by a court of record, on application, on notice to the Zoning Administrator, and on due cause shown.~~Reserved

~~**11.4.3** The Board of Adjustment shall hold a public hearing to review any such application no later than forty (40) calendar days after the application has been received.~~

~~**11.4.4** The Board of Adjustment shall give notice of the public hearing by sending notices by first class mail to the parties to the hearing and to all property owners contiguous or adjacent to the property (as defined in Section 12.1.2). Said notices shall be mailed at least seven (7) calendar days prior to the public hearing. In addition, a conspicuous sign shall be placed in a conspicuous location on subject property(ies) indicating the nature of the public hearing and date, time and place~~

~~at which it is to occur. Said sign shall be placed on the property(ies) at least seven (7) calendar days prior to the public hearing and shall remain standing until the Board of Adjustment has reached its final decision. Failure to mail notices or to post notices shall not invalidate any action taken with regard to the petition.~~

~~**11.4.5** A written application for a variance must also demonstrate in detail, the following:~~

~~(1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.~~

~~(2) How a literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.~~

~~(3) How said circumstances do not result from the intentional actions of the applicant.~~

~~(4) How granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same district.~~

~~(5) That no nonconforming use of neighboring land, structures, or buildings in the same district and no permitted use of land, structures or buildings in other districts will be considered grounds for the issuance of a variance.~~

**11.4.6** In all matters before the Board of Adjustment, the applicant shall have the burden of providing clear, competent and material evidence in support of the application. Hearings may be continued, at the sole discretion of the Board Chairman and as provided in Section 11.2.6, to permit the applicant to provide additional, missing or incomplete information, when requested, to aid the Board of Adjustment in reaching a proper determination and/or to permit the Board to independently obtain such information. All reasonable expenses incurred by the Village for investigating and processing the matters before the Board of Adjustment are the responsibility of the applicant. These expenses may include, but are not limited to, the solicitation of Professional Engineers' Services, legal advice, expenses of public hearing(s) and the like; and shall be paid in full prior to delivery of the final notification of Board action for the subject matter.

**11.4.7** The Board of Adjustment shall have no authority to issue a variance for a waiver of a setback or bulk requirement for a building or structure if the applicant had not first submitted a foundation survey (in accordance with Section 10.3.8) subsequent to the construction of the foundation and prior to the application for a Certificate of Compliance.

**Section 11.5 Board of Adjustment Action**

~~11.5.1~~ ~~The concurrent vote of four fifths (4/5) of the five (5) sitting members of the Board of Adjustments shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to grant any variance from the provisions of~~  
~~this Ordinance.~~No motion regarding approval or denial of a variance or an appeal may be made unless ~~At least~~ one of the sitting members present at the time the motion is made is either shall be the Chairman or the Vice-Chairman. If neither the Chairman nor Vice-Chairman is present, the public hearing shall be continued. For the purposes of this subsection, vacant positions on the ~~board~~Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered 'members of the board' for calculation of the requisite supermajority if there are no qualified alternates available to take the place of such members.  
*(Amended 1.05.06)*

**11.5.2** Any member(s) of the Board who declares that a potential conflict of interest may exist with respect to any petition or application before the Board may be excused and replaced by an alternate. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection. In the event fewer than three (3) members remain, no reversal of any prior decision may be made.  
*(Amended 1.05.06)*

**11.5.3** All decisions of the Board of Adjustment shall be reduced to writing and be made within thirty (30) days following conclusion of the public hearing or at the next regularly scheduled meeting of the Board of Adjustment following the hearing conclusion, whichever occurs later. All decisions shall reflect the Board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the Chairman or other duly authorized member of the Board.

**11.5.4** All decisions of the Board of Adjustment shall be filed with the Zoning Administrator and a written copy thereof shall be sent by the Village to the applicant, the property owner and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. Said notice shall be ~~by~~sent by personal delivery, electronic mail, or by first class mail within fourteen (14) calendar days following the decision, or after receipt of payment for processing per Section 11.4.6, whichever occurs later. The person who makes such delivery shall certify that proper notice has been made. The Board's decision shall not become effective until it is filed in the office of the Village Clerk.

**Section 11.6 Appeals from the Board of Adjustment**

**11.6.1** A written application for a rehearing shall be made in the same manner as provided for an original hearing within a period of fifteen (15) days after the date of denial of the original application. In addition, specific information to enable the Board of Adjustment to determine whether or not there has been a substantial change in fact, evidence, or conditions in the case, shall be presented in writing, and/or graphically. A rehearing shall be denied by the Board, if, in its sole judgment, such change in facts, evidence of conditions has not been proven. In the event that the Board finds that a rehearing is warranted, it shall thereupon proceed in the same manner as prescribed for in the original hearing.

Each such application for rehearing shall be signed by the applicant, shall be submitted in duplicate, and shall contain the following information:

1. Applicant's full name, address and telephone number; the property owner's full name, address and telephone number if different from applicant.
2. Applicant's interest in the property.
3. The current zoning of the property, and the type of rezoning and/or variance requested.
4. If the proposed change would require a change in the zoning map, an accurate diagram of the property proposed for rezoning.
5. Reference to a specific section, subsection and paragraph item of text proposed to be changed as well as the wording of the proposed change.

Any such rehearing application shall be accompanied by two (2) copies of a map, drawn to an appropriate scale. Said map shall be prepared by an engineer or surveyor registered with the State of North Carolina, and shall be signed and certified to be correct by the preparer. The map shall contain the following:

1. If not in a subdivision of record, the subject property plus such additional property as to show the location of the subject property with reference to the nearest street intersection, railroad, stream or other features easily identifiable on the ground. In addition, all property lines which abut the property shall be shown as well as the names and addresses of all abutting property owners.
2. If the property is in a subdivision of record, a map of such portion of the subdivision drawn to scale, that would relate the subject property to the closest street intersection, and in addition, the name of the subdivision and

the plat book and page number on which the plat is recorded. In addition the names of all abutting property owners shall be indicated.

3. All property lines with dimensions, distances of lot from the nearest street intersection and north arrow.
4. Adjoining streets with rights-of-way and paving widths.
5. Existing location of buildings on lot and a listing of uses of all structures.
6. Zoning classification of all abutting lots.

**11.6.2** Upon the denial of the most recent application, or upon the denial of an application for which a rehearing has been conducted, a similar application may not be filed for a period of one (1) year after the date of denial of the original application.

**11.6.3** Every decision of the Board of Adjustment shall be subject to review by the Superior Court Division of the General Courts of Justice of the State of North Carolina by proceedings in the nature of certiorari per NCGS 160A-393.

. Any

petition for review by the Superior Court shall be duly verified and filed with the Clerk of Superior Court ~~within by the later of~~ thirty (30) days after ~~the decision of the Board is filed with the Zoning Administrator, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the staff of the Board of Adjustment at the time of its hearing of the case, whichever is later. The decision of the Board of Adjustment shall be delivered to the aggrieved party either by personal service or by first class mail. the decision becomes effective or after written copy of the decision is given in accordance with Section 11.5.4.~~

### **Section 11.7 Administration of Oaths to Witnesses**

The Chairman of the Board of Adjustment or the Vice-Chairman, when temporarily acting as Chairman, or the clerk to the Board of Adjustment shall be authorized in his/her official capacity to administer oaths to witnesses in any ~~manner-matter~~ coming before the Board.

### **Section 11.8 Rules of Procedure**

All meetings and hearings shall be open to the public and shall be conducted in accordance with the procedure set forth in these regulations and supplemental rules of procedure adopted by the Board of Adjustment. Such rules of procedures may be amended by the Board of Adjustment membership at any time.

The rules of procedure adopted by the Board of Adjustment to govern its actions shall be kept on file at the offices of the Zoning Administrator and the Village Clerk, and shall be made available to the public at any meeting or hearing of the Board of Adjustment.

### **Section 11.9 Staff**

The Zoning Administrator shall serve as staff to the Board of Adjustment and shall provide technical assistance to the Board of Adjustment as requested.

#### **11. DISCUSS AND CONSIDER APPROVAL OF TEXT AMENDMENT CHANGES TO ZONING ORDINANCE SECTION 5.3.3(B) FOR FRONT YARD SETBACKS IN R-40 PROPERTIES**

Mr. Duston said you can vote on the fifty foot setback as advertised, the seventy five foot setback which was not advertised, or can instruct Planning Board to look at all setbacks. He is using fifty feet for current subdivision plats. Council Member Plyler motioned to approve the fifty foot setback in R-40, and then go back and review the other setbacks; with a statement of consistency that the proposed text change is found to be consistent with the Village's Land Use Plan to promote low density residential development in the Village; and statement of reasonableness that the proposed text change is reasonable since the proposed front yard setback for the R-40 district would be the same as in the RA-40 district and because the proposed setback, 50 feet, lies between the required front yard setbacks in the R-60 and R-20/RA-20 districts. Council Member Rosoff seconded the motion. Mayor Pro Tem Ormiston suggested we table this because she could see it going back and forth and it would be better to make all changes at once.

The motion passed 2-1, with Ormiston voting nay.

The amendment is as follows:

#### **5.3.3 Yard Regulations.**

##### **a. Minimum Lot Area**

1. Single-family dwellings - 40,000 square feet.
2. Churches - 3 acres.
3. Public and private schools - 10 acres.
4. Cemeteries - 5 acres.
5. Horse Stables and Riding Academies - 5 acres
6. Day Care Facilities - 3 acres.
7. Essential Services Class IV - none.
8. Libraries – 3 acres.
9. Agricultural Uses – 5 acres.

10. All other uses - 40,000 square feet.

**b. Minimum Front Yard Setback (except as provided in Article 7)**

1. All Essential Services, Class II - 300 feet; Natural Gas Substation – 75 feet from the edge of existing pavement to fence line. (*Amended 01.14.08*).
2. Telephone repeater stations and transmitting facilities, public utility substations - 200 feet.
3. Single-family dwellings in the R-40 and RA-40 districts; ~~and~~ manufactured homes in the RA-40 Zoning District - 50 feet.  
*(Revised 03.12.01)*
4. Essential Services Class IV - 10 feet.
5. All other uses - 75 feet.

Planning Board will be looking at front yard setbacks in all zoning districts.

12. A. DISCUSS TURNOVER OF PROJECTS TO NEW COUNCIL MEMBERS

Mayor Horvath said we have a committee member from both big projects coming on Council. Howard Brotton will work with Jeannine Kenary and Kim Ormiston will work with Mike Como in the transition. Council Member Rosoff said we should keep two council members as liaison to Parks and Rec. Mayor Pro Tem Ormiston said Jeannine Kenary is interested in being the liaison to the Youth Council Committee.

B. TIME CAPSULE PURCHASE

Mayor Pro Tem Ormiston motioned to purchase two time capsules, one round and one sized for documents at a price of \$275. Council Member Rosoff seconded the motion.

The motion passed unanimously.

13. PARKS AND REC COMMITTEE UPDATE

a. Update on park construction

Mayor Pro Tem Ormiston said the grading is coming along as is the amphitheater infrastructure.

b. Discussion on possible opportunity for amphitheater construction in Phase I of Dogwood Park

Mayor Horvath said if you put in the footings and don't build the structure within a year, you have to rip it out when you do go to build; some funds may be available because we won't need fill and have contingency funds. Also the new subdivisions coming in will provide fees in lieu of final plat that can be used for recreation. The Mayor is getting prices for just footings. Mayor Pro Tem Ormiston said the potential savings on fill is \$40,000.

c. Consider approval of tool purchases

Mayor Pro Tem Ormiston made a motion to approve the purchase of tools (a weed trimmer at \$223.96, back pack blower at \$399.96; line at \$23.20 and two by-pass loppers at \$39.98 each). at \$727.08. Council Member Rosoff seconded the motion.

The motion passed unanimously.

d. Other Parks and Rec matters, as necessary

The volunteer day and free mulch is this Saturday. Council Member Rosoff said she met with the Southbrook Church executive pastor, and they are eager to let us use their parking lot. It needs to be coordinated with WCWAA.

14. TOWN HALL BUILDING COMMITTEE UPDATE

a. Construction update / any change to grand opening date

Mayor Horvath reported on the town hall progress. Two windows have to be altered; the parking island and landscaping are in place, and the lettering is on the monument sign. Time Warner will put in cable and phones this week, and paving should occur later this week. Julie Brown said there is an ugly pipe in the front that could be disguised. Mayor Horvath reported the cupola was dented in the installation, and will be fixed.

b. Review and approve contract with Time Warner for phone/internet service

Mayor Horvath said the contract is for four phone lines and internet service, we backed out one line from the Committee recommendation and it brings us more in line with the current bill amount. Stan Schwartz said they may give us a credit if they advertise it as a public wi fi spot. Mayor Pro Tem Ormiston motioned that we approve the four lines with Time Warner at \$210.91 monthly plus tax. Council Member Plyler seconded the motion.

The motion passed unanimously.

c. Discuss request from Wesley Chapel Optimist Club to use town hall meeting space on a bi-weekly basis

Mayor Horvath received a request from Mike Giaimo at the Optimist Club to use our new facility. Administrator Bennett surveyed other local towns; Indian Trail doesn't have a policy; Stallings, Mineral Springs and Lake Park only use the Council chambers for town use, and in Weddington they go on a case by case basis and require a staff or elected official to be assigned responsibility. Council Member Plyler and Mayor Pro Tem Ormiston thought we should have a policy and a fee charged for cleanup. Mayor Pro Tem Ormiston said we need a policy on use of food, and to keep people out of the offices area; it should be open to several uses; she suggested it not be rented for at least the first 30 days we are in the building. Council Member Plyler and Cheryl Bennett will work on a policy.

d. Other Town Hall matters, as necessary

Mayor Horvath said WCWAA is getting ready to do their work removing soil; consensus was we are interested in getting some spare dirt on the town hall site where there is a ravine. Hopefully, this will be at no cost. Aston agreed they can bring the dirt through the stub outs at Hickory Tavern.

15. DISCUSS AND CONSIDER COUNCIL/BOARD MEETING APPEARANCE POLICY

Council Member Plyler distributed a draft dress code; Council Members should send suggestions to her and it will be on the next agenda.

16. REVIEW DRAFT OF ADMINISTRATIVE ASSISTANT JOB DESCRIPTION

2013.11.11 minutes

Mayor Horvath said he took out a couple of items the position no longer does, and added some tasks regarding the park and delivering Planning Board packets. Council Member Plyler suggested not combining the parks tasks with this job, because there is a different dress for the two positions. Mayor Pro Tem Ormiston agreed the park person should be a different job description; we got some sample park job descriptions which she will send to the Mayor. She suggested we not put a minimum hours per week, since the hours may vary. Administrator Bennett noted that if they work over 19.2 hours per week, they have to be part of the retirement system. Council Members will send their comments to Mayor Horvath.

17. OTHER BUSINESS - none

18. COUNCIL COMMENTS- none

19. ADJOURNMENT

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

The motion passed unanimously.

The meeting ended at 9:20 pm.

Respectfully submitted,

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Cheryl Bennett, Clerk

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Mayor Brad Horvath