

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
WESLEY CHAPEL UNITED METHODIST CHURCH
120 Potter Road, Wesley Chapel, NC 28110
December 9, 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 Current and Continuing Council: Mayor Horvath, Council Members Plyler and Rosoff participated via Skype

Present Outgoing Council: Mayor Pro Tem Ormiston, Council Member Brotton

Present Incoming Council: Council Members Como and Kenary

Others Present:

Clerk/Finance Officer Cheryl Bennett; Attorney George Sistrunk

Citizens Present: Carol Mullis, Chuck Adams, Ginny Horne, Doug Horne, Sondra Bradford, and others

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. APPROVE MINUTES FOR NOVEMBER 11, 2013 AND NOVEMBER 19, 2013

Mayor Pro tem Ormiston motioned to approve the minutes from November 11, 2013 and November 19, 2013. Council Member Plyler seconded the motion.

The motion passed unanimously.

3. REVIEW AND APPROVE NOVEMBER 2013 FINANCIAL REPORTS

Finance Officer Bennett noted she had made a budget amendment to move \$1,000 from the line item for General Government Postage to Rent, since we have remained in the old location longer than expected. Mayor Pro Tem Ormiston motioned to move an additional \$200 from General Government Postage to Rent. Council Member Plyler seconded the motion.

The motion passed unanimously.

We are still in a deficit position; if you look at just current year receipts and expenses we are at a deficit of \$66,862. Council Member Rosoff motioned to approve the November 2013 financial reports; Mayor Pro Tem Ormiston seconded the motion.

The motion passed unanimously.

November 2013 Balance Sheet

ASSETS

Current Assets

Checking/Savings

Fifth Third Bank Checking

43,531.13

Fifth Third Bank Money Market	201,746.52
BB&T Money Market	825,126.64
Petty Cash Fund	<u>50.00</u>
Total Checking/Savings	1,070,454.29
Misc. Fees Receivable	<u>4,326.25</u>
Total Accounts Receivable	4,326.25
Other Current Assets	
Property Tax Rec.	2,722.00
Allow. for Doubtful Accounts	-1,067.00
Prepaid Exp.	1,237.86
	<u> </u>
Total Sales Taxes to be Received	20,848.38
Total Current Assets	1,098,521.78
Fixed Assets	
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>
Total Fixed Assets	<u>1,613,234.02</u>
TOTAL ASSETS	<u><u>2,711,755.80</u></u>
LIABILITIES & FUND BALANCE	
Liabilities	
Current Liabilities	
Other Current Liabilities	
Due to Union County Schools	62.73
Retainage Payable - Town Hall	51,781.94
Retainage Pay. Dogwood Park	4,251.25
Escrow from Developers	45,076.00
Deferred Revenue	<u>1,655.20</u>
Total Current Liabilities	<u>102,827.12</u>
Fund Balance	
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	783,667.42
Fund Balance	-516,547.21
Net Excess of Rev. over Exp.	630,372.26

Total Fund Balance 2,608,928.68

TOTAL LIABILITIES & FUND BALANCE 2,711,755.80

NOVEMBER 2013 BUDGET REPORT

	<u>Nov 13</u>	<u>Jul - Nov 13</u>	<u>YTD Budget</u>	<u>% of Budget</u>
General fund				
Income				
Appropriated Fund Balance	0.00	176,400.00	176,400.00	100%
Contributions Income				
Restricted	0.00	50.00	0.00	100%
Total Contributions Income	<u>0.00</u>	<u>50.00</u>	<u>0.00</u>	<u>100%</u>
Property Tax Income				
Current Year Property Tax	37,577.33	47,877.56	145,015.00	33%
Utility Ad Valorem	0.00	0.00	1,600.00	0%
Vehicle Registration	1,471.05	4,144.52	9,465.00	44%
Delinquent Property Tax	85.58	307.36	800.00	38%
Prior Year Motor Vehicle Tax	40.45	410.01	200.00	205%
Interest/Ad Fee on Taxes	<u>127.90</u>	<u>175.29</u>	<u>213.00</u>	<u>82%</u>
Total Property Tax Income	<u>39,302.31</u>	<u>52,914.74</u>	<u>157,293.00</u>	<u>34%</u>
Fees and Licenses				
Privilege Licenses	140.00	21,892.59	27,000.00	81%
Cable Franchise (from Time Warn	3,708.00	7,591.00	16,000.00	47%
Zoning Permit	10,245.00	19,365.00	7,000.00	277%
Engineering Fees Reimbursement	2,316.25	9,266.25	5,000.00	185%
Newsletter/Deputy Sponsor	0.00	0.00	0.00	0%
Annexation Exp Reimbursed	0.00	0.00	200.00	0%
Misc. Fees	1.00	76.43	200.00	38%
National Night Out	0.00	73.00	100.00	73%
Fall Festival	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0%</u>
Total Fees and Licenses	<u>16,410.25</u>	<u>58,264.27</u>	<u>55,500.00</u>	<u>105%</u>
Interest Earned	33.63	885.91	1,500.00	59%
Revenue Sharing				
Sales & Use Taxes	3,461.08	7,308.65	37,000.00	20%
Telecommunications Tax	0.00	-20.00	10,500.00	0%
Video Programming(State Cable)	0.00	-511.44	91,000.00	-1%
Franchise Tax (Electric Power)	0.00	-65.00	171,000.00	0%
Excise Tax (Piped Natural Gas)	0.00	1,366.00	16,000.00	9%
Alcoholic Beverage Tax	0.00	0.00	33,000.00	0%

Total Revenue Sharing	<u>3,461.08</u>	<u>8,078.21</u>	<u>358,500.00</u>	<u>2%</u>
Total Income	<u>59,207.27</u>	<u>296,593.13</u>	<u>749,193.00</u>	<u>40%</u>
	59,207.27	296,593.13	749,193.00	40%
Expense				
Transfer to CIP	0.00	0.00	0.00	0%
Total Operating Expenditures	2,654.53	33,820.88	99,119.00	34%
Gen. Govt. Salaries				
Total Gen. Govt. Salaries	7,259.49	40,171.40	132,208.00	30%
Planning & Zoning				
Total Planning & Zoning	4,854.93	24,729.51	79,468.00	31%
Professional Fees				
Total Professional Fees	8,608.50	20,338.50	40,900.00	50%
Capital Outlay	0.00	0.00	50,000.00	0%
Public Services / Safety				
Total Public Services / Safety	0.00	40,096.73	81,496.00	49%
Parks & Recreation				
Total Parks & Recreation Personal				
Services	0.00	0.00	4,472.00	0%
Total Parks & Rec Supplies &				
Material	22.07	57.60	5,840.00	1%
Total Parks & Recreation Services	6.05	1,265.36	18,110.00	7%
P&R Capital Outlay				
Total P&R Capital Outlay	<u>1,500.12</u>	<u>233,375.12</u>	<u>237,580.00</u>	<u>98%</u>
Total Parks & Recreation	<u>1,528.24</u>	<u>234,698.08</u>	<u>266,002.00</u>	<u>88%</u>
Total Expense	<u>24,905.69</u>	<u>393,855.10</u>	<u>749,193.00</u>	<u>53%</u>
Net General Fund	34,301.58	-97,261.97	0.00	100%
Capital Projects Fund				
CIP Revenue				
PARTF Grant	0.00	387,975.74	500,000.00	78%
Adopt A Trail Grant	0.00	5,000.00	5,000.00	100%
Water Based Resource Grant-Park	0.00	100,000.00	100,000.00	100%
Transfer from General Fund				
Appropriated for Dogwood Park	800.00	1,206,800.00	1,206,800.00	100%
Appropriated for Town Hall	<u>0.00</u>	<u>1,442,700.00</u>	<u>1,442,700.00</u>	<u>100%</u>
Total Transfer from General Fund	<u>800.00</u>	<u>2,649,500.00</u>	<u>2,649,500.00</u>	<u>100%</u>
Total CIP Income	800.00	3,142,475.74	3,254,500.00	97%
CIP Expense				
Capital Projects				
Dogwood Park Capital Outlay				
Land Acquisition	0.00	673,271.00	673,271.00	100%

House	0.00	411,419.00	411,419.00	100%
Preliminary Planning	0.00	15,526.67	15,527.00	100%
Design/Constr Mgt,etc.	911.79	68,391.43	77,850.00	88%
Site preparation	0.00	85,025.00	238,500.00	36%
Grassing	0.00	0.00	51,100.00	0%
Parking lot & drive	0.00	0.00	106,800.00	0%
Boardwalk	0.00	0.00	34,700.00	0%
Accessible routes	0.00	0.00	20,600.00	0%
Paved Walking Trail	0.00	0.00	56,900.00	0%
Unpaved trail	0.00	9,888.04	9,888.00	100%
Amphitheater/Stage/Outdoor Clas	0.00	0.00	76,100.00	0%
Contingency	0.00	0.00	17,462.00	0%
Testing Fees	2,214.50	2,214.50	12,000.00	18%
Legal Fees - DP	0.00	3,402.50	3,596.00	95%
Utilities	0.00	4,380.00	4,380.00	100%
Fishing Pier	0.00	0.00	0.00	0%
Multipurpose Field	0.00	0.00	0.00	0%
Rest room renovation	0.00	0.00	0.00	0%
Site Furnishings-gate,signs,etc	0.00	277.77	278.00	100%
Other Expense	0.00	1,428.24	1,429.00	100%
Total Dogwood Park Capital Outlay	3,126.29	1,275,224.15	1,811,800.00	70%
Town Hall Capital Outlay				
TH Construction Contract	114,365.66	1,013,552.26	1,250,501.00	81%
TH Architect/Engineer	5,742.07	102,474.87	102,020.00	100%
TH In House Engineering	0.00	1,200.00	1,200.00	100%
TH Testing/Permit Fees	0.00	12,894.66	15,000.00	86%
TH Telecom Sys/AV/Computers	0.00	0.00	30,280.00	0%
TH Insurance	0.00	1,374.00	1,374.00	100%
TH Legal Fees	80.00	4,597.50	5,000.00	92%
TH Furnishings/Seasonal Dec.	0.00	0.00	28,945.00	0%
TH Miscellaneous	0.00	3,524.07	8,380.00	42%
Total Town Hall Capital Outlay	120,187.73	1,139,617.36	1,442,700.00	79%
Total Capital Projects	123,314.02	2,414,841.51	3,254,500.00	74%
Total CIP Expense	123,314.02	2,414,841.51	3,254,500.00	74%
Net CIP	-122,514.02	727,634.23	0.00	100%
Net Excess of Rev. over Exp.	-88,212.44	630,372.26	0.00	100%

4. OATH OF OFFICE FOR MAYOR AND NEW COUNCIL MEMBERS

Clerk Bennett administered the oath of office to Mayor Horvath. Mayor Horvath then administered the oath of office to new Council Members Mike Como and Jeannine Kenary.

5. PRESENT PLAQUES TO OUTGOING COUNCIL MEMBERS AND ANY PARTING COMMENTS

Mayor Horvath presented plaques and expressed his thanks to outgoing Council Members Kim Ormiston and Howard Brotton. Kim Ormiston thanked all the citizens for allowing her to serve, saying it has been an honor and truly impacted her life. She expressed appreciation for the friendships she has made, gave best wishes to those who continue on Council and those coming on Council, and thanked staff members for their incredible work. Howard Brotton thanked the citizens and remarked on the progress that has been made in solidifying and bringing the community together; he said it has been a humbling experience in reaching out to everyone in the community and then coming back and trying to put things in place; he thanked the citizens and expressed confidence in the new Council.

6. BRIEF RECESS

A brief recess was held.

7. ELECT A MAYOR PRO TEMPORE AND OATH OF OFFICE

Mike Como motioned to nominate himself for the position of Mayor Pro Tempore. Jeannine Kenary seconded the Motion.

The motion passed 3-1, with Council Member Plyler voting nay, citing his lack of experience on Council.

8. UPDATE ON OPEN MEETINGS LAW AND COUNCIL PROCEDURES

Mayor Horvath reviewed open meetings law and council procedures. A quorum of the five member council is three, so you cannot have three council members meet unless we duly provide notice of a public meeting. We are a mayor council type of government, the mayor only votes in case of a tie. The Mayor and Clerk work on the agenda; let the Clerk know if you want an item put on the agenda. Something like a re-zoning needs to be scheduled ahead of time. Also Council members become defacto bosses of employees. Presently we have one employee, Cheryl Bennett who is finance officer, clerk and administrator; we formerly had an administrative assistant who did minutes of a committee and privilege licenses; and a full time Planning/Zoning Administrator. Currently that is fulfilled through a contract with N-Focus who provides Bill Duston; the contract runs through June 2014. The mayor is responsible for employee reviews, and we must ensure we do not have a hostile environment. Attorney George Sistrunk is getting a summary of best practices for employers. Our attorney is on contract with the town if you have legal questions. Our powers come from the State of North Carolina and as they change the laws, they sometimes impose things on us. Our new Council members will both attend the Essentials of Government class.

9. DISCUSSION OF COUNCIL LIAISON ROLES AND POSSIBLE RE-ALIGNMENT

- A. Parks & Rec Committee
- B. Safety Committee
- C. Town Hall Building Committee

- D. Youth Council Committee
- E. CCOG (Charlotte Council of Governments)
- F. CRTPO (Charlotte Regional Transportation Planning Organization)

Council Member Kenary asked if we can have a joint meeting with Planning Board; Mayor Horvath agreed and noted we have an ordinance prioritization list and also meet with them at the Advance, usually in March. At that time we will have a better picture of our finances and road responsibilities. Committees cannot sign contracts or spend funds, but they can make recommendations that come back to Council. All purchases over \$500 come to Council. Special meetings are held if timely decisions are needed; you can only discuss the items on the special meeting agenda. Please try to make sure meetings don't overlap, so that citizens can attend both meetings if they wish to. Now that two Committee members are on Council, they will be resigning from the committees. Council members can attend committee meetings but if there is a quorum, they can't discuss business, just listen.

Council Member Rosoff and Mayor Pro Tem Como will be the liaisons to Parks & Rec Committee. Council Member Plyler will remain the Safety Committee liaison and attend the CCOG meetings quarterly. Council Member Kenary will be the liaison to the Town Hall Building Committee and the Youth Council Committee; Mayor Pro Tem Como offered to help also. Mayor Horvath attends the CRTPO meetings, and is vice-chair. We had a CRTPO alternate, but he resigned due to the extensive disclosure required for the new ethics rules.

10. INFORMAL PUBLIC COMMENTS - none

11. ADDITIONS, DELETIONS AND/OR ADOPTION OF AGENDA

Item 18B – “Christmas tree privilege license and temporary use permits” was added. Council Member Plyler motioned to approve the amended agenda; Council Member Kenary seconded the motion.

The motion passed unanimously.

12. STAFF REPORTS

- A. Update on monthly planning and zoning report
- B. Review monthly zoning complaints/violations report

Nine zoning permits were issued in November. A visit was made to Weddington to review conservation subdivisions. Work continues on getting information on senior housing. Five Stone Church has submitted a conditional use permit application. A sketch plat for a 62 lot subdivision was approved, and a preliminary plat for a 66 lot subdivision will be going to Planning Board in December.

Code enforcement included a visit and follow up regarding a garage too close to the lot lines at 1000 Woodhurst Drive, and 10 illegal signs were removed from public rights-of-way on November 11, 2013.

13. ADOPT 2014 MEETING SCHEDULE

The first April 2014 meeting date was changed to April 7th. The 2014 meeting schedule (incorporated herein) was adopted by motion from Mayor Pro Tem Como, and second by Council Member Kenary.

The motion passed unanimously.

Village of Wesley Chapel Council

2014 Regular Meeting Schedule

All Village Council meetings will be held at the Town Hall, 6490 Weddington Road, Wesley Chapel, NC.

Village Council (2nd Monday, 7 pm; Work Session third Tuesday 7 pm):

January 13 and 21

February 10 and 18

March 10 and 18

April 7 and 22 (this is the 1st Monday and 4th Tuesday)

May 12 and 20

June 9 and 17

July 14 and 22 (this is the 4th Tuesday)

August 11 and 19

September 8 and 16

October 13 and 21

November 10 and 18

December 8 and 16

14. DETERMINE DATE / LOCATION FOR HOLIDAY STAFF/COUNCIL LUNCHEON
The holiday staff/Council luncheon will be on December 19, 2013 at noon at Villa Mia.

15. PARKS AND REC COMMITTEE UPDATE

a. Update on park construction

Parks and Rec Committee Chair John Lepke reported construction is behind schedule, grading is about 80% complete. There is some disagreement on whether we are due a credit for fill that was not needed, or whether it is a lump sum contract. Mayor Horvath will discuss this with Morlando. If a credit is due, we could partially build the band shell.

b. Other Parks and Rec matters, as necessary

Mayor Horvath accepted Mike Como's resignation from the Parks and Rec Committee. Council Member Plyler asked if we got all the tools that were approved for purchase; Lepke said they

also got a blade attachment for the trimmer. Finance Officer Bennett said the Lowes bill was just received and will be paid soon.

16. TOWN HALL BUILDING COMMITTEE UPDATE

a. Construction update

Butch Plyler said work is ongoing inside the building. There are two windows with problems, and Time Warner is having problems getting the cable in. David Glass still thinks we are on schedule for the January 11 grand opening. Butch Plyler is contacting dignitaries to attend; as there is limited parking the committee thought the public should be invited for an open house on January 13. Mayor Horvath said they were waiting to see who the committee recommended to be invited.

Council Member Kenary made a motion to do a budget amendment to move \$6,148 in the Capital Project Fund – Town Hall from the Telecom/A/V line item to the Architect/Engineer line item. This is due to payments of \$4,300 to MGES and the \$1,848 for sewer certification.

Council Member Plyler seconded the motion.

The motion passed unanimously.

b. Other Town Hall matters, as necessary

Council Member Kenary said the committee discussed uses for the town hall, and the consensus was to follow the format of Siler Presbyterian's fee schedule. They are reviewing proposals for irrigation. The procedure for the key for rentals needs to be reviewed. There is a lock box; Butch Plyler said the primary purpose of the box is for firemen. A dedication plaque for the building was discussed. The Optimist Club is donating a live tree; the committee consensus was a Leland cypress, but the urban forester recommended an arborvitae.

The Village is paying the water bill at the town hall; Mayor Horvath noted we saved on the insurance, so we do not have to back the water bill expense out of the contract cost. We have not paid an electric bill.

Mayor Horvath accepted Jeannine Kenary's resignation from the Town Hall Building Committee; and appointed Howard Brotton to the Committee.

Council Member Kenary solicited some bids on holiday decorations for the town hall, but the consensus was to wait until January and take advantage of any sales as the building wasn't ready yet.

17. DISCUSS AND CONSIDER COUNCIL/BOARD MEETING APPEARANCE POLICY

Council Member Plyler said Weddington and Marvin have dress codes and Indian Trail and Waxhaw are working on one. The need for a policy and enforceability were brought up. There being no motion on this, the policy idea was dropped.

18. A. REVIEW DRAFT OF ADMINISTRATIVE ASSISTANT JOB DESCRIPTION

Council Member Kenary noted a lot of tasks in the job description are automated, and some tasks are not done daily. She suggested using a temp agency or something like N-Focus. Mayor Horvath noted we need coverage for vacation time or when Cheryl Bennett attends a meeting and asked if we could get a temp on short notice. We will have more information when we move in the new building. We will have use of the old location through January 27.

18. B. CHRISTMAS TREES PRIVILEGE LICENSE AND TEMPORARY USE PERMITS

Council Member Plyler said it seems too expensive to ask citizens to pay a privilege license of \$50 and temporary use permit of \$75 for Christmas tree sales, and asked if we could only tax out of state businesses for Christmas trees; attorney Sistrunk said he would have to look at that. The business from Virginia selling trees at the school paid both fees. Mayor Pro Tem Como said if you open a business here, then you should pay the fees, they are welcome to address Council. Council Member Kenary said we should be consistent. Direction was for Bill Dustin to follow through on this year's rules and Council can review this for the future. Administrator Bennett said she noticed the tree stands and had mentioned them to Bill Duston. Mr. Horne who owns one tree stand said his land is zoned agricultural, and asked if we can differentiate that way. Mayor Pro Tem Como motioned to table the discussion until Bill Duston is available to answer detailed questions, and in the interim for him to continue to do his job. Council Member Kenary seconded the motion.

The motion passed 3-1 with Council Member Plyler voting nay.

Council Member Plyler said I don't like the direction we are going; this is my last meeting and I can't continue; it is impossible for me to do the job I was elected to do; you will have to replace me. She then left the meeting.

Attorney Sistrunk noted when a council member leaves, they are counted as voting yes on all motions unless they are excused from the rest of the meeting.

Mayor Pro Tem Como motioned to excuse Council Member Plyler from the rest of the meeting; Council Member Kenary seconded the motion.

The motion passed unanimously.

Mayor Horvath noted many rules have been on the books for a long time including privilege licenses; we will try to address these situations but have to enforce what we have until we make changes through legislative decisions.

19. CLOSED SESSION PER NC GENERAL STATUTE 143-318.11(a) (6) TO DISCUSS POTENTIAL EMPLOYEE CHRISTMAS BONUS

Council Member Kenary made a motion to go into closed session per NC G.S 143-318.11(a)(6) to discuss potential employee Christmas bonuses. Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

A bonus for the employee was discussed.

Council Member Kenary made a motion to leave closed session; Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

20. ANY DECISIONS ARISING OUT OF CLOSED SESSION

Council Member Kenary made a motion to give a \$125 bonus to the Finance Officer/Clerk/Administrator. Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

21. OTHER BUSINESS

We will check on how we asked for people to apply for an open council seat in the past. We need back-up on the re-zoning request at the next meeting; also Brian Matthews will speak at the meeting regarding the roads issue.

2013.12.09 minutes

22. COUNCIL COMMENTS- none

23. ADJOURNMENT

Council Member Kenary made a motion to adjourn; Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

The meeting ended at approximately 10:15 pm.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath