

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
WESLEY CHAPEL TOWN HALL
6490 Weddington Road, Wesley Chapel, NC 28104
August 19, 2014 – 7:00 P. M.

The Village Council of Wesley Chapel, North Carolina, met in the Town Hall at 6490 Weddington Road, Wesley Chapel, North Carolina.

Present: Mayor Horvath, Mayor Pro Tem Como, Council Members Kenary, Plyler and Rosoff

Others Present:

Clerk/Finance Officer Cheryl Bennett

Citizens Present: Carol Mullis

Meeting was called to order at 7:00 PM and a quorum was present.

1. PLEDGE OF ALLEGIANCE / INVOCATION

Mayor Horvath led the Pledge of Allegiance and Council Member Plyler gave the invocation.

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

Items were added under Dogwood Park for a general update and the monument sign RFP. Council Member Kenary made a motion to approve the amended agenda; Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

3. APPROVE MINUTES FOR JULY 14, 2014 AND JULY 22, 2014

Changes were made to pages 131 and 132 of the minutes as submitted by Council Members Plyler and Kenary. Council Member Kenary motioned to approve the July 22, 2014 minutes as amended. Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Como motioned to approve the July 14, 2014 minutes. Council Member Rosoff seconded the motion.

The motion passed unanimously

4. UNION COUNTY TAX ADMINISTRATOR – SETTLEMENT AND CHARGE OF TAXES

Union County Tax Administrator John Petoskey and the head of tax collections Vann Harrell reported that Union County is in the top ten counties in the state in collections percentages, with 98.5% collected county wide. Their software is hard coded and special reports require a programmer, but it is a very stable system. They are now collecting taxes for six towns. They apply collection methods per the 45 pages of the general statutes that enable them to enforce collections. The settlement for 2013-14 shows \$583.00 in taxes outstanding at year end, and a collection rate in excess of 99%. For the tax years 2008-2012 \$1586.43 was delinquent at the beginning of the year, \$577.14 was collected, and \$19.31 released. Principal outstanding taxes at

the end of the year for 2008-2012 are \$1,043.46. By state law taxes stay as a lien for ten years; they do write off motor vehicle taxes after three years. Council Member Rosoff motioned to approve the tax settlements for 2008-2012 and 2013/14; Council Member Kenary seconded the motion.

The motion passed unanimously.

Council member Rosoff motioned to approve the charge for tax collection for 2014-15 taxes in the amount of \$149,016.33. Council Member Kenary seconded the motion.

The motion passed unanimously.

5. DUKE EASEMENT FOR GUY WIRE AT PARK

Mitch House from Duke Energy explained they are doing some major upgrades in the area. Lester Davis Road is upgrading to three phase to service McKinley Forest. They are moving the line across the street, creating a slight angle, and asked for an easement to put a pole on the park land 210 feet from Highway 84, one foot behind the right of way, and add guy wires to the pole extending twenty one feet in. Council Member Kenary asked if they could bury the line; he said it is expensive to put in and maintain. The alternate to the easement is to put in a much larger pole across the street; they can put it behind the tree line to minimize sight issues. The normal poles or the larger ones are both wooden. Council Member Kenary asked if Duke would sign something that the pole will never be electrified; Mitch House said it is just an easement for a guy wire. Typically they won't have to cut a tree down. Mayor Pro Tem Como motioned to approve the easement; Council Member Plyler seconded the motion.

The vote was 2-2 with Rosoff and Kenary voting nay; Mayor Horvath broke the tie by voting yea, saying he didn't see it impacting the park. Final vote was 3-2, with motion approved.

6. TOWN HALL UPDATE; EXTERNAL REPAIRS, PHONE/MONITORS, WATER METER FOR IRRIGATION SYSTEM, PARK EMBLEM FOR TOWN HALL DISPLAY

Mayor Horvath gave an update on the outstanding items for the town hall phones and monitors. Mayor Pro Tem Como asked if there is a point where we can go elsewhere. Mayor Horvath said we still have a warranty, and he will check with the attorney. There was a question on what color the emblem would be, the item was tabled.

Council Member Kenary reported on the irrigation system. She said she had wrong information on the meters at the last meeting. The smallest size is ¾ inch. You need a certified utility contractor to install the box (cost not known), and the County installs the meter. Capacity fees are \$1200 for a ¾" meter, and \$2900 for a 1" meter. Charlie O'Cain at Union County is checking to see if our DOT encroachment easement can still be used, if so the meter could be installed in a week, if not it would take a couple of months. Our engineer Mike Gunnell said it would take 2-4 hours of work at \$70 per hour, unless he has to make a site visit. Lanier said we don't need a pressure reducer. Mayor Pro Tem Como said he has seen water pressure go up a lot in the middle of the night and blow out the sprinkler heads. Council Member Kenary said he would replace any heads or put in a pressure reducing system at no cost if needed. He can install the system by September 30th if we can use the existing encroachment agreement. Council Member Kenary motioned to move \$11,400 from TH Telecom Systems and \$1600 from TH Miscellaneous to a new TH irrigation account, and approve these additional costs to install a ¾"

line and irrigation system. Mayor Pro Tem Como seconded the motion. The meter will sit next to the current water meter box, and will water all the area being mowed.

The motion passed unanimously.

Council Member Plyler motioned to move up the deputy item next. Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

7. RE-EXAMINE DEPUTY RESPONSIBILITIES TO TOWN AND DEPUTY CONTRACT

Council Member Plyler said there was no back-up on this item and she did not put it on the agenda. Council Member Rosoff said she put this item on due to the recent incident at the park; she sent three emails to the deputy and got no response. She read the deputy contract and it does not require communication to Council, the deputy reports directly to the Sheriff; she would like more communication. Captain Luke said if there are any issues please call him directly. He oversees all the contract deputies; he spoke to the deputy who took the park incident report. If the tree was damaged when they were trying to get the paint off, you can take him to small claims court or take out a warrant. Deputy Wicker said he got a lot of emails on the incident, and he responded to the Clerk. Council Member Rosoff said once she got all the information she understood why they did what was done. Captain Luke said Deputy Wicker is one of his best deputies; in the future if you have any concern call him or have the Clerk call. Council Member Rosoff appreciated him coming to the meeting and her intention was not to upset the deputy. Mayor Horvath said the deputy does a tremendous job and communication is better if centralized. Captain Luke apologized to Council Member Plyler if she took some blame for this item. Council Member Kenary asked if other towns typically have the deputy give a report to Council; he said it varies often the reports just go to the clerk; Weddington and Lake Park do have the deputy report at a Council meeting. Captain Luke said they have deputies that are bike certified and will have them help with the park.

8. DOGWOOD PARK UPDATE: SKID STEER RENTAL, GRAVEL PURCHASE, GENERAL UPDATE AND RFP FOR MONUMENT SIGN

Council Member Rosoff presented the monument sign RFP to Parks and Rec, and they approved it as a two sided north and south sign with an arrow underneath pointing to the park. She called Gary Wirth and the new rendering will cost \$250. She motioned to approve the RFP for the sign. Council Member Kenary seconded the motion. The motion and second were rescinded. Council Member Rosoff motioned to allow Wirth to redo the rendering for \$250. Council Member Kenary seconded the motion.

The motion passed unanimously.

Council Member Rosoff motioned that the RFP due date is September 30 at 11 am. Council Member Kenary seconded the motion.

The motion passed unanimously.

We will put the RFP out to the Sunshine List. Council Member Plyler asked what prices are for ads in the Union Charlotte Observer. The Clerk will check on prices.

Mayor Pro Tem Como said the delivery price for the skid steer has gone up, but they will honor the old price. Mayor Pro Tem Como motioned to approve rental of the track skid steer with auger for a week up to \$1400 from Sunbelt Rentals. Council Member Kenary seconded the

motion. The boat ramp is so NC Wildlife can get their water truck and pipe right up to the lake to stock the lake with fish.

The motion passed unanimously.

Mayor Pro Tem Como motioned to approve a purchase of up to 20 tons of gravel from Blue Max Materials, not to exceed \$600 to complete projects such as the boat ramp, trail completion, trail repairs, and fence posts. Council Member Kenary seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Como noted Friends of Park and Rec donated \$500 for a dog park last February, and they now need to use the funds. Council Member Kenary asked if we can have a dog park policy before the park is opened; we don't have an ordinance to enforce any rules. Mayor Pro Tem Como said we do have dog park rules. Council Member Kenary asked that a Parks and Rec dog park advocate come up with a policy or ordinance. Finance Officer Bennett said the donation was received January 21, 2014, and appropriated in Maintenance/grounds. The final budget in the account for fiscal year 2013/14 was \$2,932, and of that \$1,693 was spent. Mayor Pro Tem Como motioned that we take the \$500 that was donated to the dog park. Council Member Kenary seconded the motion. The motion and second were rescinded.

Mayor Pro Tem Como motioned to appropriate \$500 from fund balance, and appropriate the funds in a new capital outlay account for the Dog Park. Council Member Kenary seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Como reported last night Parks and Rec committee came up with a rough draft of a policy for use of the park for large and small groups, and for non-profit and for-profit groups. Council Member Kenary asked if we are able to differentiate use since it was a public park. We need an ordinance from the attorney.

Mayor Pro Tem Como said Parks and Rec would like a survey on what citizens want in the next phase of the park, if Council decided to do a survey. Council Member Kenary asked for a summary of their meeting; the Clerk will get their minutes out this week; and Council Member Kenary questioned if we need a survey.

Mayor Pro Tem Como got two prices on graffiti removal for the twelve trees that still have paint on them; Zap It was \$444, and JB Powerclean \$600 (one never did graffiti removal on a tree, and will do testing first). Council Member Plyler wanted to see the people involved pay to clean it up. Mayor Pro Tem Como said we were originally told it was soap and water cleanup, but that is not the case. Other options were a civil suit, small claims court, do nothing, ask the person who did the paint to clean it himself, or clean it professionally and send him the bill. There is also an issue of what brake fluid on the pavement will do in the long term. Council Member Kenary motioned to hire the low bid of \$444 to clean up the paint on the trees, and complete the work ASAP. The motion died for lack of a second.

Mayor Pro Tem Como motioned we hire the low bid of \$444 to clean up the paint on the trees with the provision we notify the individual. Council Member Kenary seconded the motion. The motion and second were rescinded. Discussion was held on whether one or two people were responsible for the incident.

Mayor Pro Tem Como motioned that we hire the low bid of \$444 to fix the trees, and send a letter to both people involved that we ask them to pay for the \$444. Council Member Rosoff seconded the motion. Council Member Plyler also wanted to notify them of the potential damage to the pavement.

The motion passed unanimously.

Mayor Horvath will send the letter and run it by the attorney. The brake fluid and asphalt were discussed. Mayor Pro Tem Como motioned to reference the asphalt and long term effects, but we don't have a dollar figure. He rescinded the motion, and asked it be a recommendation. Mayor Pro Tem Como will put a fence and gate up across from the church entrance with enough fencing to deter people and put up a sign also.

9. REPLICA OF MATTHEWS PARK

Council Member Plyler brought a replica of the Matthews Park on poster board with pictures to the town hall today because Council Member Kenary wanted to see it. It shows the road in front of the park, parking area, singing area, picnic tables, a path around the park, benches, a statue, an area for chairs and blankets, and a grill, on a couple or three acres.

10. PLANNING BOARD CHAIRMAN APPOINTMENT

Council Member Rosoff motioned that we appoint Stephen Keeeney as Planning Board Chairman for the year. Council Member Kenary seconded the motion.

The motion passed unanimously.

11. BOARD OF ADJUSTMENT APPOINTMENTS

Council Member Kenary motioned that we re-appoint William Rodriguez and Creig Williard to new three year terms, ending August 31, 2017 on Board of Adjustment. Council Member Plyler seconded the motion.

The motion passed unanimously.

12. YOUTH COUNCIL UPDATE

Council Member Kenary reported the Committee is working on a 5K race for October 18, entry fees to be \$25. She will send out an email with further details. Active.com is the typical race organizer, and they set up a website. The Civil Air Patrol is working with the Youth Council on traffic control and clean-up. Council Member Kenary will work with Mayor Pro Tem Como on the route, and run it by the Zoning Administrator.

Mayor Pro Tem Como asked about the time capsule project; Council Member Kenary said we received the marker, it is not yet installed; the marker cost \$412, and the capsules purchased earlier were around \$200.

13. ADMINISTRATIVE ASSISTANT – JOB DESCRIPTION, ADVERTISEMENT,
DAYS/HOURS, TIMING/PROCESS FOR RECEIVING
INTEREST/INTERVIEWING APPLICANTS

Mayor Horvath noted that if the clerk is paid on an hourly basis, and they work more than eight hours in a day, legally they are owed overtime. If they are salaried it is okay. He suggested having the administrative assistant come in from 9 am to noon on days of a meeting, since Bill and Cheryl are here on Mondays and Thursdays, Tuesdays and Wednesdays are better days for overlap. Council Member Plyler suggested getting a time clock. Council Member Kenary wanted to advertise and get responses and then determine the times and hours. Council Member Kenary motioned to advertise the position as part time with flexible hours and some night hours; Mayor Pro Tem Como seconded the motion.

The motion passed 3-1, with Plyler voting nay.

Council Member Kenary motioned to advertise by August 29 and request responses by September 30. Mayor Pro Tem Como seconded the motion.

The motion passed 3-1, with Plyler voting nay.

Mayor Pro Tem Como motioned to place an ad costing less than \$400. Council Member Kenary seconded the motion.

The motion passed 3-1, with Plyler voting nay.

A short break was held.

14. CONSIDER DATES FOR SPECIAL MEETING FOR LAND USE PLAN
DISCUSSION

Dates were discussed. The Clerk will ask Planning Board if they could attend the September 8 or October 21 Council meeting, and the meeting will be devoted to discussion of proposed land use plan changes and senior housing.

15. CONSIDER DATES FOR DIALOG DEBRIEFING WITH MIKE GIAIMO AND NEXT
STEPS

This item will be discussed at the meeting proposed in item 14.

16. DISCUSS POTENTIAL FOR JOINT PLANNING BOARD/COUNCIL SPECIAL
MEETING ON SENIOR HOUSING

See Item 14.

17. OTHER BUSINESS

Council Member Plyler asked about the Kiker information; she was impressed with all the work the former planner did on this issue. Mayor Horvath noted the house was built in 1992, and he bought it in 1998; he sent a letter to John Underwood asking if the village were to consider partial payment, would they put in a pipe. Council Member Plyler said he should contact his legislators. Mayor Horvath noted we do not own the roads. Council Member Kenary noted on a recent day (which was the third day of heavy rains) the road was bad, but there was not even a puddle on his property. She stated we don't have a stormwater program, stormwater is becoming a big issue and she would like us to sit down with DOT and discuss it. She did not like the emphasis on running it across land instead of piping the water, it has to change. Her HOA president will come to Council every time it rains because they get sudsy water from the fire house. Mayor Horvath asked if she had gone to the Fire Department; Council Member Kenary will direct her to do so.

Mayor Horvath said maybe the new administrative assistant can work on a newsletter.

Mayor Pro Tem Como said Bill Whitley from Union County Parks and Recreation would like to do a seven minute presentation on Union County Master Parks and Recreation Plan, possibly in October or November.

Mayor Pro Tem Como said we are getting requests to use the park, what should he be responding.

Mayor Pro Tem Como suggested a simple donations box at the park or letting FOPR put up a box. Council Member Plyler was not in favor of FOPR putting up a box. Council Member Kenary did not want to ask taxpayers to make donations, and didn't think we could make the box secure.

18. COUNCIL COMMENTS - none

19. ADJOURNMENT

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

The motion passed unanimously.

The meeting ended at approximately 10:30 pm.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath