

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
WESLEY CHAPEL TOWN HALL
6490 Weddington Road, Wesley Chapel, NC 28104
January 12, 2015 – 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; Planning/Zoning Administrator Bill Duston, Attorney George Sistrunk

Citizens Present: Carol Mullis, Chuck Adams, Andy Stevens, Jim Muller, Don Moye, George & Sue Winchell, Peggy Thewes, Sandy Fenn, William & Chris Rodriguez, Rebecca McManus, Randy Clontz, David Waddell, Mike Giaimo

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. PUBLIC COMMENTS

Jim Muller from Mineral Springs spoke against the proposed ordinance against concealed carry weapons noting he took courses to get his conceal carry permit and practices regularly, and is no threat; whereas criminals would be emboldened, as happened in France. Andy Stevens, Director of Local Government Affairs for Grass Roots North Carolina, spoke against the proposed ordinance, pointing to the tragedy in gun free France, and asked we table this matter. William Rodriguez who also has a conceal carry permit noted he would want to defend himself if the need arises, noted gun free zones can encourage attacks, and that accidental gun deaths are very rare; and that those who carry legally are who you want to have around.

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

Some items were renumbered; Council Member Kenary motioned to approve the amended agenda; Council Member Rosoff seconded the motion.

The motion passed unanimously.

4. APPROVE MINUTES FOR NOVEMBER 10 AND DECEMBER 8, 2014

Council Member Rosoff motioned to approve the November 10, 2014 minutes with the changes previously proposed by Council Member Kenary, and to approve the December 8, 2014 minutes; Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

5. STAFF REPORTS – FINANCE REPORT AND ACCEPT AUDIT REPORT
 Mayor Horvath asked about piped natural gas revenue; Finance Officer Bennett noted the revenue is very seasonal, and we will receive the bulk of it after the winter. Council Member Plyler motioned to approve the December 2014 financial reports; Council Member Kenary seconded the motion.

The motion passed unanimously.

December 2014 Balance Sheet

Checking/Savings	
Fifth Third Bank checking	170,781.42
Fifth Third Maxsaver	205,629.61
BB&T Money Market	355,636.15
Cash Change Fund	<u>50.00</u>
Total Checking/Savings	732,097.18
Misc. Fees Receivable	<u>3,139.87</u>
Other Current Assets	
Property Tax Rec.	2,274.00
Allow. for Doubtful Accounts	-1,173.00
Prepaid Exp.	<u>448.00</u>
Total Sales Taxes to be Received	<u>27,573.13</u>
Total Other Current Assets	<u>29,122.13</u>
Total Current Assets	764,359.18
Fixed Assets	
Land	813,423.00
Town Hall	1,361,869.00
Town Hall Driveway	29,563.00
Dogwood Park Improvements	705,108.00
Dogwood Park Gate	5,126.00
Dogwood Park Shipping Container	3,200.00
Dogwood Park Sign	1,783.00
Furniture & Equipment	34,846.00
Accumulated Deprec.	<u>-63,101.98</u>
Total Fixed Assets	<u>2,891,816.02</u>
TOTAL ASSETS	<u><u>3,656,175.20</u></u>
LIABILITIES & FUND BALANCE	
Liabilities	
Retainage Payable - Town Hall	7,694.24
Due to Union County Schools	42.63
Pay. for Employee Insurance	50.50

Escrow from Developers	45,076.00
Payroll Liabilities	3,935.90
Deferred Revenue	<u>1,101.20</u>
Total Other Current Liabilities	57,900.47
Total Liabilities	57,900.47
Fund Balance	
Fund Bal. inv. in Fixed Assets	2,891,816.02
Fund Balance Assigned for NNO	313.40
Fund Bal. Assigned for Com. Cen	51,348.00
Fund Bal. non-spendable	45,256.00
FB restricted by State Statute	21,514.00
Fund Bal. Committed for CIP	65,626.89
Reserved for Parks & Recreation	41,391.02
Fund Balance	388,534.11
Excess of Revenue over Exp.	<u>92,475.29</u>
Total Fund Balance	<u>3,598,274.73</u>
TOTAL LIABILITIES & FUND BALANCE	<u><u>3,656,175.20</u></u>

December 2014 Budget Report

	<u>Dec 14</u>	<u>Jul - Dec 14</u>	<u>YTD Budget</u>	<u>% of Budget</u>
General Fund				
Income				
Appropriated Fund Balance	0.00	500.00	500.00	100%
Contributions Income				
Restricted	<u>424.00</u>	<u>544.00</u>	<u>544.00</u>	<u>100%</u>
Total Contributions Income	424.00	544.00	544.00	100%
Property Tax Income				
Current Year Property Tax	62,096.50	104,107.84	146,376.00	71%
Utility Ad Valorem	0.00	0.00	1,700.00	0%
Vehicle Registration	0.00	4,302.64	9,058.00	48%
Delinquent Property Tax	33.55	314.75	400.00	79%
Prior Year Motor Vehicle Tax	3.90	79.01	0.00	100%
Interest/Ad Fee on Taxes	<u>6.26</u>	<u>94.39</u>	<u>300.00</u>	<u>31%</u>
Total Property Tax Income	62,140.21	108,898.63	157,834.00	69%
Fees and Licenses				
Privilege Licenses	239.60	22,166.53	19,000.00	117%
Cable Franchise (from Time Warn	0.00	7,835.00	15,200.00	52%
Zoning Permit	890.00	4,570.00	14,000.00	33%
Engineering Fees Reimbursement	0.00	16,646.62	10,000.00	166%
Annexation Exp Reimbursed	0.00	0.00	100.00	0%

Misc. Fees	1.00	68.69	200.00	34%
National Night Out	0.00	0.00	60.00	0%
Total Fees and Licenses	1,130.60	51,286.84	58,560.00	88%
Interest Earned	37.96	202.24	400.00	51%
Revenue Sharing				
Sales & Use Taxes	3,735.76	12,313.17	41,000.00	30%
Telecommunications Tax	2,718.93	2,944.93	10,200.00	29%
Video Programming(State Cable)	24,985.56	24,979.30	91,000.00	27%
Franchise Tax (Electric Power)	60,022.13	60,720.13	175,000.00	35%
Excise Tax (Piped Natural Gas)	802.47	1,939.47	16,000.00	12%
Alcoholic Beverage Tax	0.00	0.00	31,000.00	0%
Total Revenue Sharing	92,264.85	102,897.00	364,200.00	28%
Total Income	155,997.62	264,328.71	582,038.00	45%
Gross Profit	155,997.62	264,328.71	582,038.00	45%
Expense				
Total Town Hall Operating Expense	1,618.99	9,947.43	31,815.00	31%
Total Operating Expenditures	2,135.68	29,030.29	73,730.00	39%
Gen. Govt. Salaries				
Total Gen. Govt. Salaries	20,967.66	55,367.90	122,141.00	45%
Planning & Zoning				
Total Planning & Zoning	5,997.24	28,229.39	78,991.00	36%
Total Professional Fees	4,326.09	23,518.10	38,900.00	60%
Total Capital Outlay	0.00	249.99	32,350.00	1%
Public Services / Safety				
Total Public Services / Safety	20,185.75	60,557.25	82,283.00	74%
Parks & Recreation				
Total Parks & Rec. Personal Services	0.00	670.00	6,411.00	10%
Total Parks & Rec. Materials & Supplies	385.19	3,595.26	7,114.00	51%
Total Parks & Rec. Services	3,016.33	21,064.04	65,436.00	32%
Total P&R Capital Outlay	1,122.26	5,251.27	42,867.00	12%
Total Parks & Recreation	4,523.78	30,580.57	121,828.00	25%
Total Expense	59,755.19	237,480.92	582,038.00	41%
Net General fund	96,242.43	26,847.79	0.00	100%
Capital Projects fund				
CIP Income				
PARTF Grant	0.00	500,000.00	500,000.00	100%
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	0.00	1,209,600.00	1,209,600.00	100%
Appropriated for Town Hall	0.00	1,442,700.00	1,442,700.00	100%
Total Transfer from General Fund	0.00	2,652,300.00	2,652,300.00	100%
Total CIP Income	0.00	3,257,300.00	3,257,300.00	100%
CIP Expense				
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.	0.00	74,388.05	77,850.00	96%
Site preparation	0.00	238,394.33	238,500.00	100%
Grassing	0.00	50,939.29	51,100.00	100%
Parking lot & drive	0.00	113,869.91	114,574.00	99%
Boardwalk	0.00	36,550.54	36,953.00	99%
Accessible routes	0.00	20,519.48	20,600.00	100%
Paved Walking Trail	0.00	56,900.00	56,900.00	100%
Unpaved trail	0.00	9,888.04	9,888.00	100%
Amphitheater/Stage	0.00	72,100.00	76,100.00	95%
Contingency	0.00	3,674.89	7,435.00	49%
Testing Fees	0.00	11,733.40	12,000.00	98%
Legal Fees - DP	0.00	5,802.50	6,396.00	91%
Utilities	0.00	4,380.00	4,380.00	100%
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	0.00	1,801,063.11	1,814,600.00	99%
Town Hall Capital Outlay				
TH Construction Contract	0.00	1,233,460.67	1,262,981.00	98%
TH Architect/Engineer	0.00	104,328.87	108,168.00	96%
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	179.90	252.00	71%
TH Insurance	0.00	1,374.00	1,374.00	100%
TH Legal Fees	0.00	4,912.50	5,000.00	98%
TH Furnishings/Seasonal Dec.	0.00	28,575.14	28,945.00	99%
TH Irrigation	0.00	0.00	16,000.00	0%
TH Miscellaneous	0.00	3,683.65	3,780.00	97%
Total Town Hall Capital Outlay	0.00	1,390,609.39	1,442,700.00	96%
Total Capital Projects	0.00	3,191,672.50	3,257,300.00	98%
Net CIP Income	0.00	65,627.50	0.00	100%
NetExcess of Rev. over Exp.,	96,242.43	92,475.29	0.00	100%

Our auditor, Kendra Gangal, CPA noted that this being the second year she has done our audit, it went even smoother than the first year. She noted our tax collection rate was at 99%, and we met our policy of keeping an amount equal to 25% of expenditures in fund balance. She added that since we don't have a lot of separation of duties, it is good for council to review the statements and ask questions. It is also important to stay true to the budget, and do budget amendments appropriately. Council Member Plyler asked why the audit report included a statement that there was no opinion on internal controls. Ms. Gangal said the purpose of the audit is not to test internal controls, it is to look at the numbers and review the processes; most audits are risk based, and the risk is typically in expenditures, that items are coded properly and the financial statements are not materially misstated.

Council Member Kenary motioned to accept the 2013/14 audit report; Council Member Plyler seconded the motion.

The motion passed unanimously.

6. STAFF REPORTS – PLANNING/ZONING AND CODE ENFORCEMENT

Bill Duston reported 12 permits were issued during the month. Planning Board is planning a field visit to a few senior housing developments on January 24th and reviewing sign setbacks. Several illegal signs were pulled during the month, and the administrative assistant will help with this in the future. Mr. Duston is working with Candella for their final plat approval for the remaining portion of the subdivision, and he spoke with Aston Properties regarding a potential Conditional Use Application for a new tenant. A demolition permit was issued for the Candella model home which had a fire. A potential park sign was reviewed and approved. Regarding code violations, the chickens were back and a letter issued with a deadline of January 20, 2015, also junk was cited at another location with a deadline of February 1, 2015.

7. DISCUSS PROPERTY DE-ANNEXATION REQUEST UNDER CONSIDERATION BY STATE ELECTED OFFICIALS

A de-annexation petition was submitted to our state legislators, who then requested that the town meet with the property owners to find any common ground. The verbal reason given for the request was that they wanted denser zoning, and noted we allowed the voluntary annexation of R-20 neighborhoods. Since then, other property owners have since asked to join the petition. Council Member Kenary noted we are upholding our zoning and how we were established, and noted one of the petitioners was one of the people who implemented one acre zoning. Council agreed for Mayor Horvath to look for a date for the meeting.

8. CONSIDER APPROVAL OF 2014 UNION COUNTY EMERGENCY OPERATIONS PLAN

Don Moye, the Emergency Management Coordinator for Union County requested approval of the updated emergency operations plan. The plan was adopted in 2008, and due to state law changes and re-organization of Union County government some changes are needed. If a natural emergency occurs, the plan needs to be in place to receive federal emergency funding. Local fire departments and the sheriff's office would be the first responders, and if needed they would pull in regional and FEMA help.

Mayor Pro Tem Como motioned to approve the 2014 Union County Emergency Operations Plan; Council Member Rosoff seconded the motion.

The motion passed unanimously.

9. CONSIDER POSSIBLE ORDINANCE REGARDING CONCEALED WEAPONS AT TOWN HALL / CALL FOR PUBLIC HEARING

Council Member Plyler motioned to drop this ordinance. Mayor Pro Tem Como seconded the motion. Mayor Horvath noted as an elected body we work in open session, we had copied parts of an ordinance from Charlotte, and a municipality has the authority to ban concealed weapons.

The motion passed unanimously.

10. CONTINUATION OF PUBLIC HEARING ON ZONING ORDINANCE AMENDMENTS TO ALLOW CONDITIONAL ZONING

Chuck Adams, Vice Chair of Planning Board said there is no reason for conditional zoning in Wesley Chapel, the only thing it does is to change the zoning of a property. Planning Board recommended we not adopt conditional zoning, so why are we still talking about it. In our current zoning process, neighbors can still give input, as they did with Five Stones Church's CUP. With conditional zoning you can have secret meetings, and no one has to know what was said. We have a list of uses for each zoning district, and if you don't like a use, then it can be revised. You can hold a public hearing, table the item, and consider it, and then come back and make a decision. Council Member Plyler asked what Planning Board's vote was on conditional zoning, it was 3-2. Council Member Kenary asked if anyone has come to the public hearing to advocate it, they have not. Chuck Adams has spoken at two meetings against it. Council Member Rosoff said she was offended at the term "secret meeting". Chuck Adams noted you can have a meeting and not disclose it with conditional zoning; with the current quasi-judicial process it is all done in a public meeting.

Mayor Horvath closed the public hearing.

11. CONSIDER APPROVAL OF ZONING ORDINANCE AMENDMENTS TO ALLOW CONDITIONAL ZONING (ARTICLES 3 AND 12)

Council Member Kenary noted when this first came up our planner said it all depends on how you write it, it is an arbitrary document. She incorporated the changes she perceived were needed. For instance, the original document did not have the community involved at great length, and now it goes to the public first. She added this document opens up a can of worms without land use plan changes, and thought we should have a joint Planning Board / Council meeting. Council Member Plyler said this is just another tool. Council Member Rosoff noted our planner stated it is a tool used by other towns, and it seemed like a practical thing to do. Mayor Pro Tem Como asked if we are ready to vote or if we should first review it with Planning Board. Chuck Adams agreed with a review with Planning Board. Chuck Adams asked why this would be called a tool; Bill Duston replied it is another way to have a property re-zoned; it would not get rid of the CUP process. Mayor Horvath said with conditional uses you can only present facts; with conditional zoning you can say whatever you want and the applicant can ignore it or not. Planning Board and Council has to be very specific on what we want. Council Member Kenary noted we can tailor this document to what this town deems necessary. Council Member Plyler said it bothers her that some might think we would do something illegal. Mayor Pro Tem

Como motioned to have a joint meeting of Council and Planning Board to really know the ramifications of the version with the changes from Bill Duston and Council Member Kenary, and discuss the Land Use Plan. Council Member Kenary seconded the motion.

The vote was 2-2 with Como and Kenary voting yea, and Plyler and Rosoff voting nay. Mayor Horvath broke the tie by voting yea, stating more conversation never hurts, and he did not have a problem meeting with Planning Board. The motion passed, 3-2.

Bill Duston will do a summary of what we have now, how it was when it left him, and Council Member Kenary's changes, along with a one page primer on conditional zoning.

Council Member Plyler provided a comment regarding notifications of neighbors; she preferred only notifying up to five hundred feet away. Any other comments should be submitted to Bill Duston.

12. YOUTH COUNCIL COMMITTEE UPDATE – 5K WINTER WALK RUN
(APPROVAL OF EMS SERVICES), AND ACCEPT RESIGNATION OF
COMMITTEE MEMBER

Mayor Horvath accepted the resignation of Katie Izzo from the Youth Council. Council Member Kenary reported the next Youth Council initiative is to recruit underclassmen as many of them will be graduating. She reported EMS will provide their services at no charge for the 5K race. She reported all the preparations for the race are underway. The race course is a challenging course. Deputies have been secured and DOT approved the road closing. Letters were sent to the residents affected. Today she received a call from a local chiropractic office that will donate water and Biofreeze, and gave her a contact for shirts. Council Member Kenary motioned to approve up to \$1,000 on shirts for the race, the number will be determined by how many register, each shirt costs \$6.25. Council Member Rosoff seconded the motion.

The motion passed unanimously.

There will be three banners to advertise the event, as well as canvassing neighborhoods and contacting the schools. Council Member Kenary would like to have an urn with hot water for spectators and runners to have hot cocoa, and Mayor Pro Tem Como offered to build a fire and they will have s'mores. Foods costs will be approximately \$120.

13. LANDSCAPE MAINTENANCE CONTRACT RFP UPDATE

Mayor Pro Tem Como said Parks and Rec would like to split off from the joint RFP. Council Member Plyler spoke to a landscaper and they were not in sync with the schedule of when things should be done, also if you put down broadleaf spray you would have to close the park for several hours. Mayor Horvath asked them to show the RFP at the Parks and Rec meeting, and get comments by Wednesday to Cheryl Bennett. Council Member Rosoff asked Mayor Pro Tem Como to get schedules of landscape work from other parks.

14. PARKS AND REC COMMITTEE UPDATE – EAGLE SCOUT PROJECT, PARK
MAINTENANCE CONTRACT, PARK PHOTOS, FISHING PIER SIGN, DOG
PARK RULES

Mayor Pro Tem Como noted no one was present from Parks and Rec, but they wanted to review the location of the timber staircase. Council Member Kenary said it gives a straight path up from the lake trail. Mayor Horvath suggested moving it toward the retaining wall, it leaves more open

grass expanse, and leaves room for when a DJ backs in with a trailer; it will be taken to Parks and Rec and see if there is a compromise.

Mayor Pro Tem Como motioned to pay \$75 each for copyright releases on two of the aerial photos of the park. Council Member Rosoff seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Como motioned to do a budget amendment in General Fund Parks and Rec: move \$2,400 from Capital Outlay – Garbage cans; move \$1,000 to printing; move \$200 to advertising, move \$1,000 to other supplies and materials, and move \$200 to gas and oil.

Council Member Rosoff seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Como said NC Wildlife will provide and install a fishing pier sign at no cost; the best location being in one of the pier cutbacks. He thanked the Mayor for decorating the two Christmas trees at the Park and Town Hall. Council Member Rosoff to accept the donated and installed sign; Council Member Kenary seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Como reported the dog park rules were provided by our insurance, and recommended by Parks and Rec, and he, Mayor Horvath and Council Member Rosoff approved them by email. The budget for the signs is the printing account amendment we just approved. Mayor Horvath noted we have to have the funds in the proper account before we spend them, and it could be an audit exception. Mayor Pro Tem Como said we had purchased other signs out of the Other Supplies and Materials account; the Finance Officer said those signs were an immaterial amount. Council Member Rosoff approved the rules list and the two signs purchased; Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Como reported he was asked to fill a position on the Union County Parks and Rec Advisory Committee.

With the cold weather, occasionally the park gate sticks (it was open late one night), so he greased it and it has been working fine since.

A short break was held.

15. UPDATE ON TOWN HALL IRRIGATION SYSTEM

Mayor Horvath reported we got the survey is in process, and Blackstone has a meeting February 19, 2015 to hopefully approve the sketch and easement document.

16. UPDATE ON DOGWOOD PARK MONUMENT SIGN

Council Member Rosoff had no update.

17. CONSIDER DATES FOR 2015 VILLAGE ADVANCE

The Advance will be February 27th and 28th; we will see if the Fire Department will let us use a room there for no charge for the Friday night dinner.

18. CONSIDER TOWN HALL USAGE POLICY

Mayor Horvath reported we have had a lot of requests recently, so he came up with a simple policy; please send any suggestions to him. We will also investigate how much it would cost to have mechanisms so the doors can open and close automatically in case of a fire.

19. CONSIDER COUNCIL MEETING SCHEDULE

Council Member Rosoff motioned to hold only one council meeting per month for a couple of months, and see how it works. Council Member Kenary seconded the motion. Mayor Pro Tem Como felt it would force council members to have lengthy phone calls to each other during the month, and he preferred business be done in public on the record. Council Member Rosoff said the objective is to hone in and simplify things. Council Member Kenary agreed one meeting would be beneficial; two meetings dilute time we have to prepare for the next meeting and rely on the next meeting to drag an item out. Council Member Plyler added we should not add things to the agenda at the last minute. The second was rescinded. Council Member Rosoff amended her motion to amend the meeting schedule to have one meeting per month on the second Monday of each month starting in February for six months. Council Member Kenary seconded the motion.

The motion passed 3-1 with Como voting nay.

20. OTHER BUSINESS

Council Member Plyler reminded there will be a teambuilding meeting with Mike Giaimo on Saturday. Mayor Pro Tem Como said the next park focus is the fountain and electrical connection and call boxes, he will check with the Parks and Rec Committee. Cheryl Bennett gave an update on the Highway 84 sidewalks from an email from NC DOT; anticipated construction begins May 2019, and a new estimate will be compiled in 2017; the Village will have an opportunity to move forward or no longer support the sidewalks at that time..

21. COUNCIL COMMENTS

Council Member Kenary said her New Year goal is to communicate better and please leave her a message if she is not there when you call. Council Member Kenary motioned to receive council meeting packets two weeks before the monthly meeting. Mayor Pro Tem Como left the meeting. Council Member Kenary amended her motion to start receiving packets two weeks in advance with the March meeting. Council Member Plyler seconded the motion. There may be concerns with timing between Planning Board and Parks and Rec.

The motion passed unanimously.

22. ADJOURNMENT

Council Member Kenary motioned to adjourn; Council Member Plyler seconded the motion.

The motion passed unanimously.

The meeting ended at approximately 10:38 pm.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath