

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
WESLEY CHAPEL TOWN HALL
6490 Weddington Road, Wesley Chapel, NC 28104
July 13, 2015 – 7:00 PM

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, Kevin Herring P.E., Natalie Brides, Kameelah Blackwell, Olin Furr, Mike Daub, Shirley D. Walser, Ron Griffin, Frances Davis, Doug Horne, Ed Miears, Mike Davis from Epcon Communities, Francisco and Elisabeth Espinosa, Rob Morrison, Appraiser

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

1. PLEDGE OF ALLEGIANCE AND INVOCATION

Mayor Horvath led the Pledge of Allegiance and gave the invocation.

2. PUBLIC COMMENTS - none

3. ADDITIONS, DELETIONS AND ADOPTION OF AGENDA

Items added to the consent agenda were approval of the US Infrastructure Contract, and the Safety Committee National Night Out letters. “Review of production of minutes” was deleted from the agenda. Added were “Youth Council appointments” and the Community Development Block Grant. Council Member Kenary motioned to adopt the amended agenda. Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

4. PUBLIC HEARING ON CUP FOR NENA’S MARKET

Mayor Horvath reminded Council that their decisions need to be based on factual evidence, and asked if any members had ex parte conversations. Council Member Kenary shared a one way email she sent to Planning Board to vet a concern; she felt she could vote fairly.

Mayor Horvath swore in Kevin Herring, Natalie Brides, Kameelah Blackwell, Olin Furr, Ed Miears, Francisco Espinosa and Bill Duston.

Francisco Espinosa presented a model of the proposed convenience store along with before pictures of the lot. Civil engineer Kevin Herring addressed the parking; parking on the side is screened by the building, and they spoke to DOT who said trees and shrubs on the island just inside the right of way is acceptable, so there is now an Option B available with the parking striping in front. They have DENR and DOT permits, and landscaping approval.

Natalie Brides spoke to support Mr. Espinosa personally.

Kameelah Blackwell, a friend of the Espinosa family, spoke in favor of the project, and stated he made tremendous progress with the property.

Olin Furr stated Mr. Espinosa is a hard worker, honest and with integrity and asked the CUP be granted.

Ron Griffin, former neighbor of Mr. Espinosa, said he has spent four plus years on the project, two years to get water; the property was an eyesore, and he cleaned it up. He looked forward to lower gas prices competition will offer and urged approval of the CUP.

Edwin Meyers said he knew Francisco a year, and spoke highly of him.

Rob Morrison from the Morrison Appraisal firm in Monroe said he did an impact study, and it would not have adverse effect on adjoining properties.

Zoning Administrator Bill Duston noted option A would have parking on the sides and back, and option B is striping the parking up front, with the screening about twenty feet back and not right at the driveway where it can only be two feet tall. Hours of operation proposed are Monday – Saturday 6 am to 10 pm, and Sundays 7 am to 8 pm. Lighting will be diminished at night. The accessory building is just for this business. Signage meets the code. Proposed brick and canopy colors were displayed. Mr. Espinosa proposed these conditions.

The public hearing was left open.

5. PUBLIC HEARING ON ZONING FOR ANNEXED LOT 06009079

The public hearing was opened. There were no speakers. Bill Duston noted this lot is in Winding Creek, Planning Board recommended approval of RUC zoning, and the other lots in the subdivision are also RUC. Mayor Horvath noted this protects the property owners' rights to their original plat setbacks.

6. PUBLIC HEARING ON FUTURE LAND USE PLAN DESIGNATION OF ANNEXED LOT 06009079

Bill Duston said the proposed draft map shows the area as low density residential, and Planning Board concurred with the recommendation.

7. PUBLIC HEARING ON ZONING ORDINANCE TEXT CHANGES FOR SENIOR HOUSING – DUPLEXES

Mike Davis, land development manager for Epcon Communities in Belmont, spoke in favor of the text change. He stated the market is shifting and a lot of single senior prefer duplexes. Lending requirements do not allow spec homes, and this allows more move-in ready units, more units per acre, (typically 3.5 per acre), so it helps lower the price point by \$30,000 to \$40,000. Typically they have 85% detached units, and 15-20% duplexes. Council Member Kenary noted while this is your intention, nothing precludes an entire community of duplexes. Bill Duston stated the proposed density is 3.5 units per acre, he used the same setbacks as the other senior housing. The definition of senior housing is now detached and pinwheel units, so we would also have to change our definition of senior housing.

8. CONSIDER APPROVAL OF CONSENT AGENDA:

A. APPROVE MINUTES FOR MAY 13, 2015, MAY 20, 2015, AND JUNE 8, 2015.

B. APPROVE FINANCE STAFF REPORT

- C. APPROVE AUDIT CONTRACT FOR 2015/16- Kendra Gangal \$4,900
- D. APPROVE PLANNING/ZONING/ CODE ENFORCEMENT STAFF REPORT
- E. APPROVE BOND REDUCTION FOR BROOKMEADE SUBDIVISION TO \$380,025
- F. CALL FOR PUBLIC HEARING ON AUGUST 10, 2015 AT 7 PM HERE FOR ZONING ORDINANCE TEXT AMENDMENT TO SECTION 4.7.3 FOR TEMPORARY USES
- G. CALL FOR PUBLIC HEARING ON AUGUST 10, 2015 AT 7 PM HERE FOR SUBDIVISION ORDINANCE TEXT AMENDMENT TO SECTION 405.13 FOR CONGREGATE MAILBOXES
- H. APPROVE CONTRACT FOR US INFRASTRUCTURE
- I. APPROVE SAFETY COMMITTEE NATIONAL NIGHT OUT LETTERS

Council Member Rosoff had requested the clerk remove the first sentence of item 2A of the May 13, 2015 minutes. Mayor Pro Tem Como motioned to remove the May 13, 2015 minutes from the consent agenda. Council Member Kenary seconded the motion.

The motion passed unanimously.

Council Member Kenary motioned to approve the remaining consent agenda items. Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Como motioned to approve the May 13, 2015 minutes with the change noted above. Council Member Kenary seconded the motion.

The motion passed unanimously.

The financial reports and budget transfers made during June are hereby incorporated by reference and made a part of these minutes.

June transfers made by the Finance officer are as follows: Moved \$173 into Town Hall Maintenance Services, \$26 into Annexation Expense, and took \$199 out of Postage. In Parks and Rec moved \$57 into Other Supplies and Materials, \$57 from pesticide Supplies, and added \$744 into General Government Capital Outlay, and took \$744 from contingency.

Balance Sheet, June 30, 2015

ASSETS

Checking/Savings

Fifth Third Bank checking	244,059.01
Fifth Third Maxsaver	305,702.64
BB&T Money Market	506,827.53
Cash Change Fund	<u>50.00</u>
Total Checking/Savings	1,056,639.18
Accounts Receivable	
Misc. Fees Receivable	<u>3,605.50</u>

Other Current Assets

Property Tax Rec.	2,274.00
Allow. for Doubtful Accounts	-1,173.00
Prepaid Exp.	179.33
Excise, Franchise & Telec. Tax Rec	71,600.00
State Sales Tax A/R	10,300.00
Sales Taxes to be Received	
Total Sales Taxes to be Received	<u>4,006.89</u>
Total Other Current Assets	<u>87,187.22</u>
Total Current Assets	1,147,431.90
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.	-63,101.98
Total Fixed Assets	<u>2,891,816.02</u>
TOTAL ASSETS	<u><u>4,039,247.92</u></u>

LIABILITIES & FUND BALANCE

Liabilities

Total Accounts Payable	828.86
Other Current Liabilities	
Pay. for Employee Insurance	50.50
Escrow from Developers	196,090.00
Deferred Revenue	1,101.20
Total Liabilities	<u>198,070.56</u>

Fund Balance

Fund Bal. inv. in Fixed Assets	2,891,816.02
Fund Bal. non-spendable	45,256.00
FB Restrict for P&R fee in lieu	99,227.78
Fund Bal. Res for Amph. Cover	3,664.00
FB restricted by State Statute	21,514.00
Fund Bal. Committed for CIP	51,437.00
Fund Bal assigned TH land	25,000.00
Fund Bal. Assigned for Com. Cen	51,348.00
Fund Bal Assign future park imp	9,450.00
Fund Balance Assigned for NNO	313.40
Fund Balance	403,146.89

Net Income	<u>239,004.27</u>
Total Fund Balance	<u>3,841,177.36</u>

TOTAL LIABILITIES & FUND BALANCE 4,039,247.92

June 2015 Budget Report

	<u>Jun 15</u>	<u>Jul '14 - Jun 15</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>1,014.00</u>	<u>4,208.00</u>	<u>544.00</u>	<u>774%</u>
Total Contributions Income	1,014.00	4,208.00	544.00	774%
Property Tax Income				
Current Year Property Tax	180.28	150,602.58	146,376.00	103%
Utility Ad Valorem	0.00	1,906.94	1,700.00	112%
Vehicle Registration	1,203.19	11,385.16	9,058.00	126%
Delinquent Property Tax	217.92	1,466.54	400.00	367%
Prior Year Motor Vehicle Tax	5.79	104.47	0.00	100%
Interest/Ad Fee on Taxes	<u>222.38</u>	<u>627.22</u>	<u>300.00</u>	<u>209%</u>
Total Property Tax Income	1,829.56	166,092.91	157,834.00	105%
Fees and Licenses				
Privilege Licenses	0.00	22,690.53	19,000.00	119%
Cable Franchise (from Time Warn	0.00	7,835.00	15,200.00	52%
Zoning Permit	1,800.00	9,725.00	14,000.00	69%
Engineering Fees Reimbursement	2,303.20	33,502.48	27,000.00	124%
Annexation Exp Reimbursed	0.00	30.00	100.00	30%
Misc. Fees	5.00	352.89	200.00	176%
Winter Walk 5K fees	0.00	1,878.00	0.00	100%
National Night Out	<u>0.00</u>	<u>0.00</u>	<u>60.00</u>	<u>0%</u>
Total Fees and Licenses	4,108.20	76,013.90	75,560.00	101%
Interest Earned	42.78	452.65	400.00	113%
Revenue Sharing				
Sales & Use Taxes	13,625.89	44,730.83	41,000.00	109%
Telecommunications Tax	5,030.55	10,545.32	10,200.00	103%
Video Programming(State Cable)	47,497.37	97,027.02	91,000.00	107%
Franchise Tax (Electric Power)	87,014.01	188,556.37	175,000.00	108%
Excise Tax (Piped Natural Gas)	11,280.44	15,795.03	16,000.00	99%
Alcoholic Beverage Tax	0.00	38,484.06	31,000.00	124%

Total Revenue Sharing	<u>164,448.26</u>	<u>395,138.63</u>	<u>364,200.00</u>	<u>108%</u>
Total Income	<u>171,442.80</u>	<u>642,406.09</u>	<u>599,038.00</u>	<u>107%</u>
Gross Profit	171,442.80	642,406.09	599,038.00	107%
Expense				
Town Hall Operating Expense				
Total Town Hall Operating Expense	2,629.22	20,070.08	32,223.00	62%
Total Operating Expenditures	3,145.39	39,959.62	72,528.00	55%
Gen. Govt. Salaries				
Total Gen. Govt. Salaries	14,196.32	108,281.40	122,191.00	89%
Total Planning & Zoning	5,023.17	62,547.82	78,991.00	79%
Total Professional Fees	5,595.22	47,796.13	55,900.00	86%
Total Capital Outlay	0.00	26,810.30	33,094.00	81%
Total Public Services / Safety	0.00	80,778.00	82,283.00	98%
Parks & Recreation				
Total Parks & Recreation Personal Services	0.00	670.00	5,911.00	11%
Total Parks & Rec Supplies & Material	1,396.63	5,920.36	8,314.00	71%
Total Parks & Recreation Services	3,422.24	33,731.53	66,636.00	51%
Total P&R Capital Outlay	<u>22,385.12</u>	<u>28,273.69</u>	<u>40,967.00</u>	<u>69%</u>
Total Parks & Recreation	<u>27,203.99</u>	<u>68,595.58</u>	<u>121,828.00</u>	<u>56%</u>
Total Expense	<u>57,793.31</u>	<u>454,838.93</u>	<u>599,038.00</u>	<u>76%</u>
Net General Fund	113,649.49	187,567.16	0.00	100%
Capital Projects Fund				
CIP Income				
Appropriated for Town Hall	0.00	1,442,700.00	1,442,700.00	100%
Total Transfer from General Fund	<u>0.00</u>	<u>1,442,700.00</u>	<u>2,652,300.00</u>	<u>54%</u>
CIP Expense				
Capital Projects				
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	14,900.00	87%
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	5,140.00	5,100.00	101%
TH Furnishings/Seasonal Dec.	0.00	28,575.14	28,945.00	99%
TH Irrigation	0.00	426.00	16,000.00	3%
TH Miscellaneous	<u>0.00</u>	<u>3,683.65</u>	<u>3,780.00</u>	<u>97%</u>
Total Town Hall Capital Outlay	0.00	1,391,262.89	1,442,700.00	96%

Total Capital Projects	<u>0.00</u>	<u>1,391,262.89</u>	<u>3,257,300.00</u>	<u>43%</u>
Net CIP Income	<u>0.00</u>	<u>51,437.11</u>	<u>0.00</u>	<u>100%</u>
Net Excess of Rev. over Exp.	<u>113,649.49</u>	<u>239,004.27</u>	<u>0.00</u>	<u>100%</u>

9. CONSIDER APPROVAL OF CUP FOR NENA’S MARKET

Mayor Pro Tem Como inquired about the uses of the accessory building – it will be used to store landscape equipment for the business and storage. The green area is the septic field. They will add a septic treatment plant to clean the water and double the capacity of the water; the bathrooms will be on septic. The underground storage tanks were removed by a Monroe environmental company. The current Land Use Plan shows the property as low intensity residential; the proposed map shows it as commercial. There is lighting in the back for parking. The lights will automatically turn off 30 minutes after closing, and remain at 25% intensity. DOT approved the landscaping for the front parking, it will be beneficial to have it located there. Council preferred Addendum 6 which shows 12 regular and two handicapped parking spaces in front. Self-imposed conditions were shown in Addendum 1, including hours of operation, lighting diminish to 25% and pumps turned off after hours; the accessory building to be used to keep the tools and equipment necessary to maintain the property and store.

The Findings of Fact were reviewed.

Mayor Pro Tem Como motioned to approve the finding at 6.4.3(a), since although traffic volumes will increase on Waxhaw-Indian Trail as a result of the convenience store, with the improvements recommended by NCDOT, the public safety should not be compromised. Council Member Kenary seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Como motioned to approve the finding at 6.4.3(b), stating the use meets or exceeds all specifications of the Zoning Ordinance. Council Member Kenary seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Como motioned to approve the finding at 6.4.3(c) since according to the Impact Study prepared by Morrison Appraisal, Inc. “the proposed use will not injure the value of adjoining or abutting property and will not hinder future development potential of adjacent properties...”. Council Member Rosoff seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Como motioned to approve the finding at 6.4.3(d) since the property is zoned B-2 by the Village; the property has historically been used for commercial purposes. Proposed changes to the Village’s Future Land Use Plan call for the tract in question to be designated as commercial. Council Member Kenary seconded the motion.

The motion passed unanimously.

2015.07.13 minutes

Mayor Pro Tem Como motioned to approve the finding at 6.4.3(e) since the area will be served by water from Union County Public Works. Council Member Plyler seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Como motioned to approve the finding at 6.4.3(f) because although traffic volume will increase on Waxhaw-Indian Trail as a result of the convenience store, with the improvements recommended by NC DOT, the public safety should not be compromised.

Council Member Rosoff seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Como motioned to approve the finding at 6.4.3(g) as there is no change in the need for safety and emergency services as the building has been at the site for over five years.

Council Member Plyler seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Como motioned to approve the finding at 6.10.6(a) as the finding is not applicable since the lot in question is not a corner lot. Council Member Plyler seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Como motioned to approve the finding at 6.10.6(b) as the closest distance of a driveway to an adjoining parcel is 34.2 feet; driveways in excess of 30 feet in width; all landscaping in the front yard adjacent to Waxhaw-Indian Trail Road has been approved by NC DOT. Council Member Rosoff seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Como motioned to approve the finding at 6.10.6(c) as the canopy is greater than forty feet from the existing street right of way. Council Member Plyler seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Como motioned to approve the finding at 6.10.6(d) as the site plan is in compliance with the Village's lighting regulations. Council Member Plyler seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Como motioned to approve the finding at 6.10.6(e) as signage shall not be placed on the canopy. The canopy is greater than forty feet from the existing street right of way. Council Member Rosoff seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Como motioned to approve the CUP with the self-imposed conditions, including striping in front, a brick façade in the colors shown, landscaping on the island, and canopy in the color shown. Council Member Plyler seconded the motion.

The motion passed unanimously.

The public hearing was closed.

10. CONSIDER APPROVAL OF RUC ZONING FOR ANNEXED LOT 06009079

Council Member Kenary motioned to re-zone lot 06009079 to RUC as it is reasonable because it would place the same zoning classification on the affected lot as is in place on the other lots in that subdivision that are already within the Village. Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

11. CONSIDER APPROVAL OF FUTURE LAND USE MAP DESIGNATION OF LOT 06009079 AS LOW-DENSITY RESIDENTIAL

Council Member Kenary motioned to designate lot 06009079 as low density residential on the Future Land Use Plan Map. Council Member Plyler seconded the motion.

The motion passed unanimously.

12. DECISION ON PROPOSED TEXT CHANGES FOR DUPLEXES AS A HOUSING OPTION WITHIN SENIOR HOUSING DEVELOPMENTS

Mayor Pro Tem Como motioned to not allow duplexes; Council Member Kenary seconded the motion. Council Member Plyler stated she highly disagreed; people might want to live side by side, and would be an asset. Mayor Pro Tem Como noted Planning Board voted against it; this opens the door for an entire neighborhood of duplexes. Council Member Plyler said she was against an entire neighborhood of pinwheel homes. Council Member Rosoff stated it should be allowed as an option for widowed people; we can limit it. Bill Duston noted the reason Planning Board gave was they had looked at senior housing a long time, and gave their recommendation; this had come back from council.

The motion was voted on with 2 voting yea (Como and Kenary), and 2 voting nay (Plyler and Rosoff). Mayor Horvath broke the tie by voting nay, stating he didn't see why it shouldn't be an option and with a CUP or Conditional Zoning we can set percentage limits. The motion failed 2-3.

Council Member Rosoff motioned to adopt the proposed text for duplexes in senior housing. Council Member Plyler seconded the motion. The second was rescinded. The motion was amended to include duplexes in the definition of senior housing, the statement of consistency that the proposed text changes are inconsistent with the Future Land Use Plan (LUP); the LUP generally calls for single-family dwellings. When the LUP was written, senior housing was not envisioned for the Village; and the statement of reasonableness that the proposed text changes are considered reasonable as they give seniors an additional housing option. Council Member Plyler seconded the amended motion.

The motion was voted on with two yeas (Plyler and Rosoff), and two nays (Como and Kenary). Mayor Horvath broke the tie by voting yea stating he thought it should be an option; it behooves Planning Board and Council to look at each project in the future for possible conditions. The motion passed 3-2.

The approved text is as follows:

PROPOSED TEXT CHANGES

1. Add the following to Section 2.2, “Definitions of Specific Terms and Words”, of the Wesley Chapel Zoning Ordinance (text changes are underlined, and italicized):

Dwelling, Two-family (Duplex)

A building containing two side-by-side dwelling units with the attached garage being the common wall that separates the two units. Two-family dwellings shall only be considered for placement in senior housing developments.

Senior Housing Development.

A senior housing development may consist of detached single-family dwellings, *duplexes*, and/or pinwheel homes...

2. Make the following changes to Section 6.10 of the Wesley Chapel Zoning Ordinance:

6.10.11 Senior Housing Developments

- C. **Minimum Front Yard Setback:**
Detached dwelling units; *two-family dwellings*: Thirty-five (35) feet
- D. **Minimum Side Yard Setback:**
Detached dwelling units; two-family dwellings: Fifteen (15) feet
Pinwheel Home: None, except there shall be a minimum forty (40) foot separation between any two (2) pinwheel buildings.
- E. **Minimum Rear Yard:**
Detached dwelling units; two-family dwellings: Forty (40) feet
Pinwheel Home: Forty (40) feet
- F. **Maximum Building Height:**
Detached dwelling units; *two-family dwellings*: Thirty-five (35) feet
Pinwheel Home: Thirty-five (35) feet.
- G. **Maximum Density**
The maximum density for a senior housing development comprised of single-family detached dwellings shall be three (3) units/acre; *the maximum density for a senior housing development comprised of two-family dwellings shall be three and one-half (3.5) units/acre*; the maximum density for a senior housing development comprised of pinwheel homes shall be four (4) units/acre. Densities shall be determined based on the exclusion of floodplains or floodways, lakes/ponds and wetland areas as prescribed in Section 402.5 of the Wesley Chapel Subdivision Ordinance.

13. **PATH FORWARD FOR AMENDING FUTURE LAND USE PLAN AND MAP**
Bill Duston received comments from two Council Members since the last meeting; one change is for all churches to be shown as O-I because they can morph into something different, and to

create a public recreation classification in the text and show it on the map for Dogwood Park, the two acre parcel near 201 Central, and the rest of the town hall property.

Mayor Horvath suggested we hold meetings open to everyone and send a letter to those whose land is being changed in the Future Land Use Plan. Bill Duston offered to draft a proposed letter.

It was noted that the change to make the Village owned two acre parcel O-I is at odds with the change to add it to a public recreation designation. It was decided to leave it as O-I.

The public meetings and notice were discussed at length including who should hold the meetings and who should be speaking. Bill Duston asked if we want to notify owners of all land changed, or just owners of those with the major changes. Generally for a re-zoning a ten day notice is reasonable, and adjoining property owners are notified; however this is not a re-zoning so whether to notify adjacent property owners was discussed. Council Member Plyler wanted to only notify the owners, and Council Member Kenary and Mayor Pro Tem Como thought you should also notify the adjacent owners. Bill Duston noted we have discussed the major changes, but there are also properties that were annexed and never added to the land use map, so they would also be changes. How many properties would be involved was discussed.

Council Member Plyler motioned to remove her suggested change to place the O-I designation on additional churches besides Siler and Wesley Chapel United Methodist Church to make this simpler.

Bill Duston will come back with a list of dates for a special meeting, a list of affected properties that are changing, and a sample letter.

A short break was held.

14. BOBCAT RENTAL

Mayor Pro Tem Como said he just finished a bobcat rental; he got a lot done including 80% of the fencing; we have more fencing and more work on the trails and more stumps to remove. Mayor Pro Tem Como motioned to rent a bobcat for a week to finish the fencing, and other projects. Council Member Rosoff seconded the motion.

The motion was voted on with two yeas (Como and Rosoff), and two nays (Kenary and Plyler). Council Member Plyler questioned what we are doing every time we rent it for \$1,400 and wanted to be sure it was warranted. Council Member Kenary noted she had asked for a list of what was to be done before, and we have already spent more than \$4,000; we never got a list of things to be done and a plan and a quote from someone on what it would cost to hire someone to do this. Mayor Pro Tem Como offered to give a tour of the park to show what needs to be done. Mayor Horvath broke the tie by voting yes, but stated he would like a list with specific needs so we can get an outside estimate before the next bobcat rental. The motion passed 3-2.

Council Member Kenary motioned before any future bobcat rentals that we get a list of what is to be done and quote for the cost to have someone accomplish the project. Council Member Plyler seconded the motion.

The motion was voted on; with two yeas (Kenary and Plyler), and two nays (Como and Rosoff). Mayor Horvath broke the tie by voting yea, stating he thought in the end it would be more cost effective to rent the bobcat; so the motion passed 3-2.

15. GRAVEL PURCHASE

Mayor Pro Tem Como said if he can move more gravel and gets more volunteers, he would need to purchase more gravel. He motioned to approve a maximum of \$1,500 for gravel with the next bobcat rental. Council Member Rosoff seconded the motion.

The motion passed unanimously.

16. REVISE PURCHASING POLICIES

Council Member Kenary motioned to approve the proposed changes to the purchasing policies; Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

The revised purchasing policy is as follows:

Purchasing Policies (Revised 4-17-12; 07-22-14; 07-13-2015)

Council or Staff Travel – attendance at a seminar involving a fee or travel expense shall be approved by Council. Staff attendance at local meetings only involving travel shall be approved by the Mayor and notification made to Council.

Purchases over \$500 - Village of Wesley Chapel Council members and employees shall present to the Council for prior approval for any single purchases for goods and services expected to exceed five hundred dollars (\$500). This limit shall also apply to purchases of goods and services of lesser amounts when the sum of several purchases needed or necessary to complete a single project is \$500 or more. This limit shall also apply to contracts or similar commitments where the agreed upon amount will exceed \$500 in a fiscal year.

Purchases over \$1,000 - For any expenditures in excess of \$1,000 three bids should be obtained and presented to Council. Purchase orders should be approved by the Finance Officer for any expenditures over \$1,000 and the Finance Officer will pre-audit the expenditure to ensure there is an appropriation for the expenditure, and sufficient funds remain in the account to pay the obligation.

Council shall by motion approve the vendor, amount and any other terms of the purchase including quantity and what line item the funds are coming from.

Purchases over \$5,000 – RFP or RFQ shall be presented to Council for approval and reviewed by Finance Officer and Attorney before bids are obtained. The RFP or RFQ shall be posted on the village website, sent to appropriate trade organizations if possible, and at least three written bids obtained. References on the low bidder must be documented including checking Better Business Bureau website. Purchases of services in excess of \$5,000 must be documented by a contract approved by the attorney.

Contracts – an authorized representative of the Village must sign all contracts executed on behalf of the Village. Specifically, the Mayor or Council Member must sign for the contract to be valid. Prior to signing, the authorized representative must determine that the contract has been reviewed by the attorney, approved by Council, and that the Finance Officer has signed to verify that funds are available in the budget. The authorized representative should verify that all terms and conditions including rates, dates the service or goods are to be provided, payment terms, an

insurance certificate and any other essential information is in place, and that the vendor holds a current Village privilege license if applicable. Upon execution of the contract by all parties, a copy must be placed on file with the Village Clerk and Finance Officer.

Exceptions to Prior Approval of Purchases by the Village Council

1. When an emergency repair or replacement is necessary to maintain the safety of the public or to protect the asset of the village from further damage every effort shall be made to make the emergency repair as soon as possible. In that case a report and full explanation of the nature of the emergency must be presented to the council at the next regular meeting.
2. Expenditures applicable to contracts where the payments represent the predetermined contract amounts such as landscaping, sheriff deputy and any other similar contracts. However this **exception does not** apply to goods or services not covered within the terms of the contract that is in effect at the time. Any costs that exceed the existing contract are considered to be over and above the contract and must be approved by the Council as any other purchase of goods or services.
3. Payments for utility bills, legal fees, election fees, insurance, postage, engineering fees (not related to a capital project), training and dues as specified in the budget

Council Member Kenary motioned that for National Night Out we can spend up to the budgeted amounts on what is deemed necessary. Council Member Plyler seconded the motion.

The motion passed unanimously.

17. RETURN TO TWO MEETINGS PER MONTH

Mayor Pro Tem Como motioned to return to two meetings per month. The motion died for lack of a second.

Council Member Kenary motioned to continue with one meeting per month until the new Council is seated. Council Member Plyler seconded the motion.

The motion passed 3-1 with Como voting nay.

18. CONSIDER CHANGE IN COUNCIL MEETING PACKETS TIMING

Mayor Pro Tem Como motioned to have council meeting packets go out one week before the meeting. The motion died for lack of a second.

19. A. PLANNING BOARD APPOINTMENTS/RESIGNATIONS

Mayor Horvath reported Jeff Davis decided not to request re-appointment, and he accepted the resignations of Jeff Davis, Steve Keeney, and John Bowen from Planning Board. The three alternates wish to move up to regular seats. Council Member Kenary motioned to accept the resignations and to appoint the three alternates to regular positions on Planning Board. Council Member Rosoff seconded the motion. Council Member Plyler noted it has been two years since the Planning Board has received training; Council Member Rosoff also noted we don't get a real answer as to how they make their decisions.

The motion passed unanimously.

Mayor Horvath noted the terms for the regular members will not change; Sandra Ells and David Boyce will have terms that end June 30, 2017, and John Souza Sr.'s term will end June 30, 2016.

Council Member Plyler motioned that Planning Board members get training at the next meeting and that it is mandatory before a new member comes on the board that they have training within six weeks of being appointed. Council Member Kenary seconded the motion.

The motion passed unanimously.

It was suggested it might be added to the Planning Board rules of procedure.

Council Member Plyler motioned that when Council members are elected, they shall have their training no later than February. Council Member Rosoff seconded the motion. Discussion was held.

The vote was two yeas (Plyler and Rosoff), and two nays (Como and Kenary). The Mayor broke the tie by voting nay, noting you cannot mandate it for elected officials, but it is strongly recommended. The motion failed, 2-3.

B. YOUTH COUNCIL APPOINTMENTS

Mayor Horvath appointed the three Youth Council Committee applicants to the Committee; Sophia Maupin, Cody Ketchem, and Danielle Acker.

20. COMMITTEE DIRECTION/UPDATE PROCESS

This item was delayed until we have a new Council and liaisons.

21. REVIEW/PRIORITIZE PLANNING BOARD SURVEY QUESTIONS

Consensus was to send the questions back to Planning Board for them to prioritize and submit ten questions.

22. UPDATE ON SURVEY; POTENTIAL THIRD PARTY COORDINATORS

Consensus was to use a third party to assist with the survey; this will be re-visited next month.

23. PLANNING AND ZONING POSITION DISCUSSION

Council Member Plyler said we should have a full time planner and someone who can stand their ground. Mayor Pro Tem Como noted no one has come to the podium and said they cannot get an appointment with the planner. Council Member Rosoff had some concerns and wanted to know about everyone who has come in and talked to the planner asking to do something. She said the laws should make our lives easier, but they seem to be more of an obstacle than a benefit. Mayor Pro Tem Como noted he talked about a sign with the planner, and it could not be done because it did not meet the ordinance, but that is because of the code. Council Member Kenary suggested if there is an ordinance that is preventing progress, then he must follow it, but he can let us know it is a problem. Mayor Horvath was not convinced a full time planner will get things done; if we want information we need to tell him what we want. After some discussion, Mayor Horvath offered to be a conduit to give requests to Bill so Council Members should send their requests to the Mayor within ten days.

24. COMMUNITY DEVELOPMENT BLOCK GRANT

A request was received from Union County to enter into a cooperative agreement for a federal grant. It will probably not benefit Wesley Chapel, but would benefit the County as a whole. The

2015.07.13 minutes

County will make the decisions on how and where to spend the funds. After much discussion, consensus was not to enter into the agreement.

25. OTHER BUSINESS

Mayor Horvath noted that Mike Giaimo offered to do communication sessions with Council this weekend; we would have to call for special meetings. All Council members could not attend, and it was decided to wait since a new Council will be coming in December.

26. COUNCIL COMMENTS - none

27. ADJOURNMENT

Council Member Kenary motioned to adjourn; Council Member Rosoff seconded the motion. The motion passed unanimously.

The meeting ended at approximately 11:00 p.m.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath