

VILLAGE OF WESLEY CHAPEL
COUNCIL Work Session MEETING MINUTES
October 21, 2008 – 7:00 P. M.

The Council of the Village of Wesley Chapel, North Carolina, met in the Fellowship Hall of the Wesley Chapel United Methodist Church at 120 Potter Road South, Wesley Chapel, North Carolina, with Mayor Tracey Clinton presiding.

Present: Mayor Clinton, Council Members Bradford, Horvath
Absent: Mayor Pro-tem Croffut, Council Member Pierce, Attorney Sistrunk

Others Present:

Village Clerk/Finance Officer: Cheryl Bennett

Planning/Zoning Administrator: Joshua Langen

Concerned citizens: Carol Mullis, Elizabeth, Russ and Jackson Lee

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

1. PLEDGE OF ALLEGIANCE / INVOCATION

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

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

Bradford made a motion to approve the agenda; Horvath seconded the motion.
The motion passed unanimously.

3. APPOINTMENT OF MEMBERS FOR PARKS & REC. AND
DOWNTOWN COMMITTEE

Mayor Clinton expressed hope that applicants not chosen for the committees will still get involved and attend meetings. The members appointed to Parks & Rec. are Julie Brown, Lisa Hall, Marnie Holland, Scott Ives, John Lepke, Melissa Mauro and Tim Spilde. Appointed to the Downtown Committee were Kerry Bowler, Jim Hardman, Todd Hess, Elizabeth Lee, Robin Schettini-Nolan, Pat Stitt and Ray Tavares. Sondra Bradford will be the Council liaison to the Parks & Rec. Committee; Brad Horvath will be the Council liaison to the Downtown Committee. Bennett will work together with them to coordinate dates for the first meetings.

4. MOTION TO APPOINT ATTORNEY FOR BOA APPEAL HEARING

The only available attorney for the October 30 hearing that George Sistrunk could find was Bill Sturges, at a rate of \$345 per hour. Mayor Clinton talked to Butch Byrum Chairman of the Board of Adjustment and he was comfortable with the appointment of Sturges. Bradford made a motion to appoint Sturges as the Board of Adjustment attorney for the appeal hearing; Horvath seconded the motion.

The motion passed unanimously.

5. FORMAL STATEMENT OF COUNCIL COMMENTS REGARDING THE COUNTY LAND USE PLANNING STUDY

The County will be adopting their land use study soon. Mayor Clinton and Council Member Bradford attended a public input session on September 29; unfortunately there were not a lot of people in attendance to give feedback. Mayor Clinton would like to send them a formal statement of Council's comments as feedback. Mayor Clinton noted they have a red dot showing future commercial center near our current commercial center, and they show medium density on our eastern side (1-2.5 dwelling units per acre). Our planner sent a comment regarding the red dot to Dick Black at Union County, but did not get a response. Mayor Clinton said we had asked them to take it off earlier; it had come off, but came back. Mr. Black said it came back because it was identified in an economic study as a place where economic activity was going on. Mayor Clinton felt it shouldn't be identified in a County study, because it is not where County commercial is intended, it is only the Village commercial area. Langen suggested a blue dot indicating office area, but Mayor Clinton felt we don't want another governmental entity approving office near our downtown without a joint zoning agreement. Horvath noted he gave feedback at the Weddington High School meeting that we don't want commercial sprawl. Bradford said she would like to see the dot changed throughout the County to indicate town commercial when appropriate. Council consensus was to ask that the dot be changed to indicate existing commercial controlled by the town. Bradford noted she would like to see more parks in the western part of the County, possibly joint agreements, and she hoped they are concurrently looking at their table of uses since it reflects a more rural feel, and they are indicating pockets of more density. Horvath noted greenways are not shown either. Council went through the goals the County had written up, and offered the following comments.

“Goal A-2 – Identify areas best suited for economic development and make land use and infrastructure decisions to encourage development in those identified areas.” Since the map includes municipal commercial areas, they should either take off those areas or add to this goal “municipal governed areas”.

“Goal B-5 – Provide a variety of active and passive recreational opportunities at conveniently located sites throughout the County.” Bradford said this related to her comment; again greenways are not shown on the map.

“Goal C-1 – Provide and maintain accessible public utility systems capable of accommodating and helping to direct future growth. Explore construction of additional county wastewater treatment capacity.” Council would like to see existing residences have access to utilities when they become available, not just new residences.

“Goal C-4 - Explore mechanisms to allocate and reserve water/sewer capacity for future economic development uses.” Horvath said he had a problem with this;

they allocate for new, but meanwhile there is an impact on existing small businesses and homes with existing landscaping.

Bradford noted they don't go into other public facilities, such as electricity and natural gas, and they should also be part of the planning process.

Council felt a goal should be added to see that new development pays their fair share regarding infrastructure, i.e. gas, electric, schools, roads etc.

“Goal E-1 – Identify areas of common interest and agreement among the County and its municipalities to develop and pursue initiatives.” Mayor Clinton felt this should be to develop a future land use map and have County and towns agree on the goals.

“Goal F-1 – Encourage a supply of housing that can accommodate diverse incomes and needs. Promote an affordable range of opportunities.” Council added where appropriate, and in harmony with surrounding land uses; and encourage joint zoning agreements with the County and municipalities.

“Goal G-1 – Continue efforts to support provision and expansion of bus transit service in the central and western parts of the County; and Goal G-2 – Identify a corridor for possible future rail service in the central and northwestern parts of the county, with interim use as trails.” Council suggested this should be where appropriate, not just west and central.

“Goal G-3 – Plan for land uses in and near the corridor for the proposed Monroe Bypass that support County goals.” Council suggested that municipal goals be included.

Council suggested adding to Transportation goals 1. to identify and gain support from municipalities for identification of major thoroughfare routes and funding; and 2. to make sure new development properly designs and funds their fair share of roads. Also it is important to make sure ordinances and land use plans are updated to reflect goals in a timely manner.

“Goal H-2 – Identify on the Land Use Plan those areas that are best suited for economic development land uses, those areas that are environmentally sensitive, those areas where agricultural uses are to be protected, those areas where new school facilities will be needed.” Council suggested adding parks, greenway and open space opportunities.

“Goal H-3 – Adjust Land Use Plan designations in and near the corridor for the new Monroe Bypass to achieve development patterns that meet County goals.” Add municipal goals.

Langen noted they haven't mentioned the elderly, pedestrians and accessibility to a wide range of people; it is all still automobile oriented.

Mayor Clinton suggested there be a conservation push to preserve land throughout the County, not just in the area of the County currently being developed.

Mayor Clinton will put the comments in a word document, and get it to Council for approval at the next meeting.

6. UPDATE ON MAYORS/COMMISSIONERS' MEETING

Horvath said the topic was mostly about the water allocation policy; water capacity is tied to sewer capacity. Regarding the sewer moratorium, there was discussion on talking to Mecklenburg for more capacity and the Monroe expansion. Bigger water pipes are needed. The Sheriff was there regarding leash laws, he said there was already a County animal control ordinance, the municipalities need to adopt it. The towns could adopt the ordinance; the County will be amending the ordinance soon. A leash law would be harder to enforce, and he would need more staff. Most of the western towns were represented and three County Commissioners, Baucom, Mills and Openshaw attended. Discussion was held on Union County is served by MUMPO and the Rocky River Group; and the possibility of pulling them together. The County rep only attended one MUMPO meeting this year.

7. REVIEW AND APPROVE IDENTITY THEFT/RED FLAG RULES POLICY

Bennett said new Federal Trade Commission requirements require adoption of identity theft prevention programs by November 1. This really applies to municipalities with utility accounts. Covered accounts are where the town acts as a creditor, and we really don't have any creditor accounts. The only place where we might obtain sensitive information is in privilege licenses. Bennett created the policy and it includes identifying breaches and how we would handle those situations. Horvath made a motion to approve the Identity Theft / Red Flag Rules Policy, incorporated herein. Bradford seconded the motion.

The motion passed unanimously.

Identity Theft / Red Flag Rules Policy

The Federal Trade Commission (FTC) has required that all financial institutions and creditors who establish or maintain "covered accounts" containing customer "identifying information" as defined by the Fair and Accurate Credit Transactions Act (FACTA) of 2003 establish identity theft protection programs by November 1, 2008. The Village of Wesley Chapel desires to comply with these Federal regulations by formally adopting a policy concerning the protection of information.

The Village of Wesley Chapel does not have any utility accounts, nor other accounts whereby the Village would act as a creditor. Covered accounts would include: An account that a financial institution or creditor offers or maintains, primarily for personal, family or household purposes, that involves or is designed to

permit multiple payments or transactions; or any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation or litigation risks.

The Village does impose a privilege license tax for the privilege of conducting business in the Town. Records kept may include the following identifying information: a person's name and social security or taxpayer identification number, depending on the type of business (sole proprietorship or partnership). However, no accounts are established by the Town for the customer upon payment of the fees, and the Village does not act as a creditor since the customer is paying a tax rather than a fee.

The regulations of the FACTA do not apply, but since the Town does obtain information that could potentially be used to steal a person's identity the following guidelines would be used in the handling of all Privilege License account information.

- (a) Employees who have access to sensitive and confidential information are required to create, handle, maintain, and dispose of such information with prudent care in order to ensure proper security. Access to sensitive and confidential information will be limited and only provided in order for authorized employees and contractual third parties to perform essential tasks for Village business.
- (b) The following procedures should be followed while creating, handling, maintaining, storing, and disposing of sensitive information.
 1. Enter information directly to a final destination (i.e. computer system) and refrain from documenting the information in other areas.
 2. Sensitive information should not be included on e-mails.
 3. Sensitive information should not be included on printed reports except as needed for the performance of essential tasks.
 4. Maintain documents that contain sensitive information in a secured area and limit access to the area.
 5. If possible, utilize encryption to secure information in the database or storage system.
 6. Do not leave a computer unattended if sensitive information could be accessed by unauthorized individuals. While away from the computer, log off or lock the workstation.
 7. Do not store files with sensitive information on laptops or on flash drives unless the information and the device can be secured and not accessible to unauthorized individuals.

8. Take reasonable measures when destroying sensitive data that will prohibit the information from being read or reconstructed. Documents with sensitive data should be shredded by the individual who has authorized access to the data or by another employee while in the presence of the authorized employee. The Village may enter into a written contract with a third party in the business of record destruction to destroy sensitive information in a manner consistent with this policy.

(c) In order to protect sensitive and confidential information, the Village will only release sensitive information to the account holder or individual(s) who own the information upon confirmation of personal identifying information or a valid picture ID. The confirmed account holder or individual may authorize the release of sensitive information to a third party. Confidential information will only be released in accordance with state statute. The only exception will be the release of specified information pursuant to a court order, warrant, subpoena or other requirement by law.

Sensitive and Confidential Information Breach Response Plan

(a) Step 1. Identify that a breach of sensitive or confidential information has occurred.

1. Physical Breach - The following are indications that there has been unauthorized access to sensitive and confidential information via a physical breach. Other activities may occur that are also physical breaches that are not included in the listing.

- a. Evidence of lock tampering on file cabinets or office doors
- b. Evidence of unauthorized entry in an area where sensitive and confidential information is stored
- c. Missing files or documents that contain sensitive information

2. Technology Breach - The following are indications that there has been unauthorized access to sensitive and confidential information via a technology breach. Other activities may occur that are also technological breaches that are not included in the listing.

- a. Unknown or unauthorized name in the computer logon window
- b. Disconnected computer cables or power cables
- c. Missing computer equipment (desktop, laptop)
- d. Evidence that electronic files have been accessed by unknown or unauthorized individuals or are missing
- e. Devices or media attached to the computer that are not known or authorized
- f. Unusual programs running, icons, or windows that appear that are not known and are not part of the normal work process
- g. Any other suspicious activity which indicates an attempt to use technology without approval

(b) Step 2. Notify the appropriate internal and external contacts.

Internal notification – Any employee who becomes aware of a suspected or actual security breach must notify their immediate supervisor. The immediate supervisor will notify department management who is responsible for further investigation and notification.

External notification – The Village is required to notify affected individuals of actual security breaches. Each suspected breach will be reviewed by the department where the breach occurred and then with the Village Administrator to determine the appropriate action that will include the following:

- a. Notify the affected individuals without unreasonable delay providing information in general terms about the incident, the type of sensitive information that was subject to the unauthorized access, the actions that the Village will take to protect the information from further access, a telephone number that the person may call for further information and assistance, and advice that directs the person to remain vigilant by reviewing account statements and monitoring free credit reports.
- b. Providing affected individuals with information about how to alert credit agencies to potential fraud and identity theft.
- c. Notice to affected individuals may be provided by one or more of the following methods:
 - i. Written notice
 - ii. Telephone notice provided the contact is made directly with the affected persons and appropriately documented by the Village.
- d. If a security breach involves more than 1,000 persons, the Village will provide written notice of the timing, distribution, and content of the notice to the Consumer Protection Division of the North Carolina Attorney General’s Office, as well as to all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis, as defined in 15 U.S. C. 1681a(p).
- e. Notice may be delayed if law enforcement informs the Village that disclosure of the breach would impede a criminal investigation or jeopardize national security. Such request by law enforcement must be documented in writing.

This policy will be reviewed yearly by the Village Administrator or designee and recommended updates that reflect changes in accounts and services, or its relationship with customers, will be brought back to the Council for approval.

Adopted this the 21st day of October, 2008

Tracey Clinton, Mayor
SEAL

Cheryl Bennett, Clerk

8. OTHER BUSINESS

Bradford gave a synopsis of the Parks and Rec Survey she made at the anniversary celebration. The scoring methodology gave 3 points to the first priority, 2 points to the second priority, and 1 to the third priority. If something was listed in the other category, she gave a score of 4 to the first priority option, etc. She had 112 responses; with rankings parks got 279 points, bike lanes got 150 points, and greenways got 185.5 points. Other got 31 points. Top ranked desired amenities are walking trails, restrooms, playgrounds, tables/shelters, and bike trails. Bradford suggested a joint meeting with Planning Board regarding goals, possibly the November work session.

9. COUNCIL COMMENTS - none

10. ADJOURNMENT

Bradford made a motion to adjourn; Horvath seconded the motion.
The motion was approved unanimously.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Tracey Clinton