

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
WESLEY CHAPEL UNITED METHODIST CHURCH
120 Potter Road, Wesley Chapel, NC 28110
August 17, 2010 – 7:00 P. M.

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

Present: Mayor Horvath, Mayor Pro-tem Bradford; Council Members Brotton and Ormiston

Absent: Council Member Hess

Others Present:

Village Clerk/Finance Officer: Cheryl Bennett

Planning/Zoning Administrator: Joshua Langen

Concerned citizens: Carol Mullis, Chuck and Gayla Adams, Butch & Becky Plyler, Todd Bennington, Bill Lee, Jeannine Kenary, Julie Brown

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

1. PLEDGE OF ALLEGIANCE / INVOCATION

Mayor Horvath led the Pledge of Allegiance and Mayor Pro-tem Bradford gave the invocation. Item 8 in the agenda was amended to “Appointment of Members to Committees”. Ormiston made a motion to adopt the amended agenda; Bradford seconded the motion.

The motion passed unanimously.

2. UNION COUNTY TAX ADMINISTRATOR – SETTLEMENT OF 2009 TAXES AND CHARGE WITH COLLECTION OF 2010 TAXES

John Petoskey, Union County Tax Administrator, reported collections were up two tenths of one per cent over last year county wide, and there were about 3,000 garnishments countywide. He explained that releases may be to correct value, or may be a re-bill, or correction of location. The small payments write-off are accounts where the total tax bill for all taxes including county are less than five dollars.

The 2009/2010 tax settlement showed the tax collector charged with taxes and late list penalties of \$141,447.75, and interest costs and fees of \$220.26. Credits to the collector included \$139,189.37 deposited to the credit of the taxing unit; \$241.24 in releases; \$2003.47 in liens against real property; \$228.86 for the amount of taxes determined to be insolvent, and \$5.07 in under/over payments and minimum bill write-offs.

Settlement for 2008 taxes showed the charge of \$3,143.17 in delinquent taxes due, and \$202.95 in interest, costs and fees collected. Credits were \$2,436.88 in

sums deposited to the credit of the Village, and \$909.24 in liens against real property. Bradford made a motion to approve the tax settlements presented by Mr. Petoskey; Brotton seconded the motion.

The motion passed unanimously.

The Order of Collection / Tax Charge for fiscal year 2010-2011 was presented, showing \$139,577.13 in general tax, \$32.20 in late list penalty for a total of \$139,609.33. Mr. Petoskey noted it does not include the value of public service companies which is determined by the state, nor does it include motor vehicle taxes. The bills will be going out August 27, 2010. The charge for collection is 1.5%, the same rate we are charged for motor vehicle tax collection. Ormiston made a motion to approve the tax charge for fiscal year 2010-2011; Bradford seconded the motion.

The motion passed unanimously.

3. DISCUSSION AND POSSIBLE DECISION ON NEW LEASE AGREEMENT

The landlord proposed a new rental agreement with rent going up from \$950 to \$1,150 per month. Ormiston made a motion to request Bennett negotiate with him for a monthly rent of \$1,050. Bradford seconded the motion.

The motion passed unanimously.

4. DISCUSSION ON MEETING PROTOCOL (PART 2)

Mayor Horvath stressed the importance of treating each other and citizens with respect; try to stay to the facts and agree to disagree. He noted that Rule 7 of the Council Rules of Procedure the Mayor may “determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground”.

5. CALL FOR PUBLIC HEARING ON CHANGES TO ZONING ORDINANCE FOR SIGNS (ARTICLE 2 AND 8); BUILDING HEIGHT DEFINITION (ARTICLE 2) AND PLANNING BOARD (ARTICLE 15)

Ormiston noted a correction should be made on the last line of the Building Height article from 27 feet to 32 feet.

Article 2 Signs Definitions was discussed at length. Ormiston noted “Sign, Illuminated” could be eliminated, and “Sign, Externally Illuminated” and “Sign, Internally Illuminated” could be grouped together. She questioned “ee. Sign, Permit” because it didn’t include removal of a sign; however Section 8.2(b) includes removal of a sign. “Removal” will be deleted from Section 8.2(b).

Ormiston noted definitions are needed for items in Section 8.10 including inflatable signs, announcement signs and fund-raising and general community interest signs. She suggested the spacing be fixed in Section 8.11 to make it easier to read. Alternating roman numerals and letters would be helpful also. In Section 8.3(c) campaign signs will be added after political signs.

Bradford inquired why “fraternal, religious or civic organization” was deleted from the first paragraph of sign definitions. Langen said it was because we wanted to regulate them. The definition for “Sign, Advertising” is very general;

Langen will see if this term is used elsewhere in the ordinance and if not, it will be deleted. Bradford asked what the distinction is between “Sign, Official” and “Sign, emergency, Safety, Warning or Traffic”; Langen will review and see if there is a reason to keep them separate. In the last line of “Sign, Official”, “government” will be changed to “official”. Bradford asked if provision had been made for park signs. Langen said he will check on it, but official signs will be allowed without a permit. The list of signs will have to be re-alphabetized. Bradford inquired about “Sign, Vehicular”; Langen will clarify the last sentence to show that magnetic signs are allowed. Bradford asked about Section 8.1; wording will be changed on aesthetic quality and to reference the future land use plan. In Section 8.3(a) she suggested the wording be changed from “warning” signs and “no” Trespassing signs” to “Public Interest Signs”. In Section 8.3(b) she suggested parentheses be added to make it clearer which is permitted and which is the exception.

Since it is confusing as to which signs are prohibited and which are allowed, Ormiston and Bradford suggested a table be added. Langen will do so; the Mayor requested the Planning Board look at the changes, so this precludes calling for a public hearing at this point.

Brotton had a question on permanent vs. non-permanent signs, would a permanent sign be mechanically affixed to a car; perhaps instead the materials used should be specified. Langen noted he had received complaints about large tent signs in a truck that were a political sign. Bradford asked what a feather sign is (Section 8.10(a); Langen was not sure and will see if it needs to be defined. Bradford asked for basic guidelines to be added back in Section 8.12(b), instead of just referring to the conditional use permit. Mayor Horvath also noted Section 8.3(h) refers to permanent shopping center monument signs.

Ormiston made a motion to call for a public hearing on these amendments conditional on Planning Board reviewing the changes, here at Wesley Chapel United Methodist Church, at 7 pm on September 21, 2010. Bradford seconded the motion.

The motion passed unanimously.

6. MID YEAR REVIEW OF PRIORITIES FROM ADVANCE

This item was tabled to the next meeting since Hess was not present.

7. REVIEW AND POSSIBLE APPROVAL OF CHARTER FOR TOWN HALL COMMITTEE; DISCUSS REQUEST FOR PARTICIPATION BY ASTON PROPERTIES

Ormiston wrote a draft charter, but asked if we are using Troy Luttmann’s drawing or designing anew. We will need a project manager or liaison; she contacted two towns not in North Carolina, both set up committees, one used a committee chairman who was a builder, and the other used a construction manager at risk. The idea of having a project manager or forming a committee was discussed. Brotton suggested we look internally first to see if we have willing, talented individuals before hiring someone. Discussion was held of whether we are looking for a new design or using the existing design. Ormiston suggested we

form a committee and have them complete the charter. Mayor Horvath agreed, and encouraged Todd Bennington and Bill Lee to apply. A plan will be designed for the rest of the six acres; possibly there will be a liaison to the Parks and Rec committee for amenities. The \$1.25 million is for the building, site work and landscaping; not for the entire site. Bill Lee noted we need to determine the building orientation; the circle is not yet built and we need assurance from Aston that it will be completed. Bradford asked about where the land dips down, will that fall under Parks and Rec or Town Hall; it will depend on what we find out when the engineer gets out there. She noted Parks and Rec needs to decide whether they want to develop it and will need engineering costs. Mayor Horvath noted the liaison between the committees will help that; from an elevation standpoint we do want to tie into Aston Properties. Langen noted we will need to study the entire six acres from a drainage point of view.

A non-voting member will be added to the Committee for someone from Aston Properties. Bill Lee suggested writing a detailed RFP, tell them the Luttman plan is for guidance, and ask how they would address orientation, drainage, etc., you will be getting free advice from five or six firms. Jeannine Kenary asked about the dirt and detention pond; Mayor Horvath noted they put in fill at no cost to the town. Bill Lee declined to be on the committee. Todd Bennington said he would look at the committee documents. Ormiston suggested the Committee chairman should have a technical background.

8. APPOINTMENT OF MEMBERS TO COMMITTEES

Gayla Adams, Jeannine Kenary and Butch Plyler had applied for the Town Hall Building Committee. Gayla Adams said she doesn't have a building background, but has a strong interest and could work with the charter or as a liaison. Jeannine Kenary said she was very interested; she acted as a general contractor on her own house. Butch Plyler said he could participate on the committee, but had no desire to chair it; over forty years had participated in a lot of construction. Nancy Schneeberger had expressed interest, but Council did not think staff should be on the committee. Mayor Horvath appointed Gayla Adams, Jeannine Kenary and Butch Plyler to the Town Hall Building Committee. The first meeting will be August 30, 2010 here at the Church at 7 pm. Brotton will be the Council Liaison.

A short break was held.

Mayor Horvath appointed Karen Wylde and Sharon Maniero to the Fall Heritage Festival Committee, and moved Mike Giamio from a full position to an alternate. He noted Andy Combs resigned from the Safety Committee. The Mayor moved Chauncey Bowers to a full member status, and Carol Mullis was appointed as an alternate member, both on the Safety Committee. Mike Giamio resigned from the Parks and Rec Committee, and Mayor Horvath moved Regina Hilbert from alternate to full member.

9. DISCUSSION OF RFP GUIDANCE FOR TOWN HALL PROJECT

Bennett noted there are a lot of legal and financial requirements involved with a building project, and would like to be involved with the Town Hall Building Committee to make sure we comply. She noted we need to adopt a percentage goal for minority participation. The State percentage goal is 10 per cent; if you receive a State grant you would use that amount. Ormiston made a motion to call for a public hearing on September 21, 2010 at 7 pm at Wesley Chapel United Methodist Church at 120 Potter Road to determine minority business participation goals in construction projects. Bradford seconded the motion.

The motion passed unanimously.

10. DISCUSSION OF VILLAGE SEAL CONTEST

Ormiston suggested we might want to let residents know of our need for a seal by doing flyers instead of a contest, or hire someone to do a seal.

11. PARKS AND REC UPDATE

Bradford reported John Lepke is working on a methodology for a site selection; (they are looking at four acres or more) to score all sites based on objective criteria. He will present it to council and then assign Parks and Rec Committee members properties to score.

12. FESTIVAL 2010 UPDATE INCLUDING REQUEST FOR OFF DUTY OFFICERS AND APPOINTMENT OF TWO MEMBERS

Bradford said twenty businesses have responded, and we have three premier sponsors so far. They are working on a pet contest, and gold rush games. The committee is looking for vendors and will work with the Union County Health Department regarding food vendors. Brotton made a motion to approve the expenditure for four officers for up to nine hours each for October 2, 2010; Ormiston seconded the motion.

The motion passed unanimously.

13. DISCUSSION OF UNION COUNTY NEIGHBORHOOD LEADERS FORUM

Ormiston said she will get with Roger Fish to see about possibly hosting a forum with Weddington and Marvin. The group will be a resource for HOA's. Ormiston will get the proposed date and check with the other towns.

14. DISCUSSION AND POSSIBLE ACTION ON POSSIBLE RESOLUTIONS:

- RESOLUTION IN SUPPORT OF ARIZONA SENATE BILL 1070
- RESOLUTION AGAINST CASH INCENTIVES ISSUED OR OFFERED BY LOCAL GOVERNMENTAL AGENCIES FOR BUSINESS RELOCATION OR EXPANSION
- RESOLUTION OPPOSING FEDERALLY MANDATED COLLECTIVE BARGAINING

Brotton said he supported the Arizona bill and the resolution against federally mandated collective bargaining. Bradford said she thought the cash incentives item was more a county issue.

Bradford made a motion to take no position on the Arizona bill at this time. The motion died for lack of a second.

Brotton made a motion to support Arizona Senate Bill 1070; Ormiston seconded the motion.

The motion passed 3-0, with Bradford commenting she hadn't gotten information from citizens, although she supported it personally.

Ormiston made a motion to support the Resolution Against Cash Incentives Issued Or Offered By Local Governmental Agencies For Business Relocation Or Expansion; Brotton seconded the motion.

The motion passed 2-1 with Bradford voting nay. Bradford commented this should be left to the County level. Brotton said he thought they need to see support from the local level.

Brotton made a motion to adamantly support the Resolution Opposing Federally Mandated Collective Bargaining; Ormiston seconded the motion.

The motion passed unanimously.

15. DISCUSSION AND POSSIBLE CHANGE TO COMMITTEE POLICY REGARDING MEMBERS' POSITIONS ON ISSUES AND DISCLAIMER TO BE USED IN ANY PUBLICATION THEREOF

Mayor Horvath said it would add clarity to add a disclosure on material published by a Committee or Board member. Bradford expressed concern that adding this wouldn't have any real impact, there were several anonymous flyers, it will lead to more anonymous flyers, or people can have their neighbors print them. It could also inhibit willingness to be a part of a committee she felt. Bradford also said people have an amendment right to put out their opinion, she felt like Marnie Holland had been targeted for putting out a flyer; she preferred a name being on the flyer so that people would know who to contact. Brotton said he supported it but didn't want to see retaliation either, if it was put in place there should not be disciplinary action. Bradford said if you have a disclosure statement saying you are a member of a committee, it may give the publication more weight. Ormiston said it doesn't prohibit anyone from speaking on any subject; it is not retroactive, it's moving forward to make sure information is accurate and supported, as well as hold people accountable for their actions. Ultimately members could be removed for not following this or any rules; it would fall under the same process as breaking other policies. Mayor Horvath said when you are on a committee and put out information people assume it is true. Brotton suggested the wording be something like "This material does not necessarily represent the opinion of the Committee or Council. This material only represents my personal opinion." Ormiston will look for other verbiage for a disclaimer.

16. OTHER BUSINESS

The PARTF workshop is September 1, Bennett will attend.

Mayor Horvath noted Alan Winslow is getting his Eagle Scout award, and he was impressed with his achievement.

Ormiston noted Al Sharpe at COG is retiring; COG is also looking at new ways to cost services.

17. COUNCIL COMMENTS - none

18. CLOSED SESSION PER NC GS 143-318. 11(a)(5) TO ESTABLISH OR INSTRUCT THE STAFF OR AGENT CONCERNING THE POSITION TO BE TAKEN IN NEGOTIATING THE PRICE AND OTHER MATERIAL TERMS OF A PROPOSED CONTRACT FOR THE ACQUISITION OF REAL PROPERTY LOCATED AT 121 LESTER DAVIS ROAD, WESLEY CHAPEL, NC

Bradford made a motion to go into closed session per NC GS 143-318. 11(a)(5) to establish or instruct the staff or agent concerning the position to be taken in negotiating the price and other material terms of a proposed contract for the acquisition of real property located at 121 Lester Davis Road, Wesley Chapel, NC. Ormiston seconded the motion.

The motion passed unanimously.

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2010.08.17 Minutes

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Bradford made a motion to leave closed session; Ormiston seconded the motion.
The motion passed unanimously.

19. ADJOURNMENT

Bradford made a motion to adjourn; Ormiston seconded the motion.
The motion passed unanimously.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath