

VILLAGE OF WESLEY CHAPEL
COUNCIL MINUTES
6:00 PM, January 08, 2007
www.wesleychapelnc.com

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, Mayor Pro-tem Croffut, Council Members Mullis, and Horvath.
Council Member Pierce arrived at 6:30 pm.

Others Present: Cheryl Bennett, Interim Village Clerk/Tax Collector, arrived at 6:15 pm,
Justin Krieg – Planning and Zoning Administrator
George Sistrunk, Village Attorney
Concerned citizens

Meeting was called to order at 6:00 PM and a quorum was present.

1. Closed Session: MOTION TO CALL FOR CLOSED SESSION PER NC GS 143-318.11(a) (3) Attorney Client Privilege re: Adams vs. Village of Wesley Chapel

Rick Croffut made a motion to go into closed session per NC GS 143-318.11(a) (3) for Attorney Client privilege re: Adams vs. Village of Wesley Chapel. Mullis seconded the motion.

The motion was approved unanimously.

Attorney Lee Davis updated the Council regarding this lawsuit.

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2007.01.08 Council Minutes
Approved 02.12.07

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At 7:18 pm, Croffut made a motion to leave closed session. Pierce seconded the motion.

The motion was approved unanimously.

2. **PLEDGE OF ALLEGIANCE / INVOCATION**

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

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

Item 3.(b) Interim Clerk; Item 6 (c) Consider approval of Ordinance 2007-02; and Item 16 (b) Closed Session: **MOTION TO CALL FOR CLOSED SESSION PER NC GS 143-318.11(a) (3) Attorney Client Privilege re: Adams vs. Village of Wesley Chapel** were added to the agenda. Pierce made a motion to approve the agenda with these additions. Horvath seconded the motion.

The motion was approved unanimously.

3. b. Mayor Clinton noted she had sworn in Cheryl Bennett as the Interim Clerk/Tax Collector at the Planning Board meeting on January 4, 2007.

4. **INFORMAL PUBLIC COMMENTS** – There were no public comments.

5. **APPROVE MINUTES FOR:**

November 13, 2006 Council Meeting

November 21, 2006 Council Work Session

December 11, 2006 Council Meeting and Dec. 11 Closed Session

December 27, 2006 Special Closed Session Meeting

The minutes for the December 27, 2006 closed session were not ready yet. Pierce made a motion to approve the minutes for the November 13, 2006 Council Meeting, November 21, 2006 Council Work Session, December 11, 2006 Council Meeting and Dec. 11 Closed Session. Horvath seconded the motion.

The motion was approved unanimously.

6. **FINANCIAL STATEMENTS, TAX REPORT AND PLANNING UPDATE**

a. Review and approve the Village Financial Reports dated December 31, 2006 Submitted by Cheryl Bennett, Finance Officer. (*See Attachment A*) Mullis noted he is in the process of getting the Town Office sign. Mullis made a motion to approve the Dec. 31, 2006 financial statements. Pierce seconded the motion.

The motion was approved unanimously.

Bennett reported the Church had sent the village a letter requesting we increase our monthly payment to them from \$200 to \$350, the Church has noticed an increase in our meetings and in their utility bills. Horvath made a motion to increase our monthly payment to the Church from \$200 to \$350. Pierce seconded the motion.

The motion was approved unanimously.

Bennett reported on the quotes for the security system at the town hall office. ADT quoted a 3 year contract, \$600 to install, \$46 monthly. CPI, also a 3 year term (and we can move the system at no cost) quoted \$275 installation, and \$30 monthly with one way communication, and \$375 installation, and \$40 monthly for two way communication. Mullis made a motion to approve the contract with CPI Security, with two way communication monitoring. Brad seconded the motion. Pierce had concerns that we may not be in the same location three years.

The motion was approved 3-1, with Pierce voting nay.

Bennett reported we have two CD's coming due in January. One is land for parks, it is about \$20,582, we also received \$9,135 in June from Plyler Ridge Subdivision, which will be added to the CD. We also have a large CD, about \$381,000; which includes about \$214,000 dedicated for a town hall, and \$167,000 in general fund money. Bennett suggests splitting it into two CD's, and she will get quotes from Wachovia and First Charter; for a term about a year. Croffut made a motion that we split the CD's and look at a term about a year to reinvest. Mullis seconded the motion.

The motion was approved unanimously.

b. Tax Report Update December 31, 2006 (*See Attachment B*)

Bennett reported as of Dec. 31, there is about \$29,000 due for current year taxes, and prior year taxes range from \$456 in 2005, to \$2.38 in 1998 and 1999. Pierce made a motion to approve the report, Horvath seconded the motion.

The motion was approved unanimously.

c. Consider Approval of Ordinance 2007-02.

This is a budget amendment relating to the move of the office, the security system, the increase in phone and internet bills, the ETJ costs previously approved, and an unemployment insurance claim.

Ord. 2007-02

Budget Ordinance Amendment 2006/07 #2

BE IT ORDAINED by the Governing Board of the Village of Wesley Chapel, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2007:

Section 1. To amend the General Fund, the appropriations are to be changed as follows:

<u>Expenditures:</u>	Decrease	Increase
<u>General Govt. Salaries:</u>		
Unemployment Exp.		\$120
<u>Operating Expenditures:</u>		
Misc. town office		1,000
Elect. Communications		500

Contingency	\$4,320
<u>Planning & Zoning:</u>	
ETJ Costs	2,700

Section 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for their direction.

Adopted this 8 day of Jan., 2007.

Signed:

/s/ Cheryl Bennett
Village Clerk

/s/ Tracey Clinton
Mayor Tracey Clinton

Horvath made a motion to approve Ord. 2007-02; Pierce seconded the motion.

The motion was passed unanimously.

d. Approve Refund of Property Tax Overpayments for:

Wells Fargo Real Estate, 06-045-205, \$62.01

Perry, Bundy, Plyler, Long, 07-123-120, \$35.69.

Croffut made a motion to approve these two tax overpayment refunds.

Pierce seconded the motion.

The motion was passed unanimously.

e. Monthly Planning report by Justin Krieg.

Krieg reported that the Planning Board is looking into the Tree Ordinance surveys. Aston will come to the February meeting, and they expect the town hall land will be all graded and seeded by the end of February.

7. APPROVE MEETING SCHEDULE FOR 2007.

Bennett reported the meeting schedule shows Council meetings on the second Monday of the month, the Work Sessions on the third Tuesday of the month, the Planning Board on the 4th Monday of the month, and the Board of Adjustments on the 3rd Monday of the last month of the quarter; all meetings at 7 pm. Pierce made a motion to approve the meeting schedule; Mullis seconded the motion.

The motion was passed unanimously.

8. APPROVE RESOLUTION 2007-01 TO ENACT A TAX SHELTER OF EMPLOYEES' CONTRIBUTIONS PAYABLE AS MEMBERS OF THE

**NORTH CAROLINA LOCAL GOVERNMENTAL EMPLOYEES'
RETIREMENT SYSTEM.**

Bennett reported we had joined the Retirement system in October, and this will shelter the employees' contributions from tax. Mullis moved to approve Res. 2007-01, and Horvath seconded the motion.

The motion was approved unanimously.

**RESOLUTION 2007-01 TO ENACT A TAX SHELTER OF EMPLOYEES'
CONTRIBUTIONS PAYABLE AS MEMBERS OF THE NORTH CAROLINA
LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM**

**North Carolina Local Governmental Employees' Retirement System
Department of State Treasurer
Raleigh 27603-1385**

WHEREAS, the 1981 Session (1982 Regular Session) of the North Carolina General Assembly, by a duly ratified bill effective July 1, 1982, enacted North Carolina General Statute 128-30(b1), a copy of which is attached hereto, which under the conditions specified therein permits an employer participating in the North Carolina Local Governmental Employees' Retirement System to tax shelter the contributions payable to this System by its employees who are members of this System; and,

WHEREAS, this employer is an employer participating in the North Carolina Local Governmental Employees' Retirement System with respect to its eligible employees; and

WHEREAS, this employer deems it desirable to tax shelter the contributions payable by its employees as members of the North Carolina Local Governmental Employees' Retirement System.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE OF WESLEY CHAPEL, in regular session, that as of January 1, 2007, the Village of Wesley Chapel elects pursuant to the provisions of North Carolina General Statute 128-30(b1) to pick up and pay to the North Carolina Local Governmental Employees' Retirement System the contributions which would be otherwise payable to this System by its employees who are members of this System and to treat in all respects such contributions in the manner specified in said North Carolina General Statute 128-30(b1).

Upon motion of ___Mullis_____ and seconded by ___Horvath_____ The above resolution was introduced and adopted. The number voting in the affirmative was ___4___ and the number voting in the negative was ___0___.

Attest:

*/s/ Cheryl Bennett*_____

*/s/ Tracey Clinton*_____

Page 2 of Resolution:

North Carolina General Statute 128-30 (b1)

“(b1) Pick Up of Employee Contributions. – Anything within this section to the contrary notwithstanding, effective July 1, 1982, an employer, pursuant to the provisions of Section 414(h) (2) of the Internal Revenue Code of 1954 as amended, may elect to pick up and pay the contributions which would be payable by the employees as members under subsection (b) of this section with respect to the service of employees after June 30, 1982.

The members’ contributions picked up by an employer shall be designated for all purposes of the Retirement System as member contributions, except for the determination of tax upon a distribution from the System. These contributions shall be credited to the annuity savings fund and accumulated within the fund in a member’s account which shall be separately established for the purpose of accounting for picked-up contributions.

Member contributions picked up by an employer shall be payable from the same source of funds used for the payment of compensation to a member. A deduction shall be made from a member’s compensation equal to the amount of his contributions picked up by his employer. This deduction, however, shall not reduce his compensation as defined in subdivision (7a) of G.S. 128-21. Picked-up contributions shall be transmitted to the System monthly for the preceding month by means of a warrant drawn by the employer and payable to the Local Governmental Employees’ Retirement System and shall be accompanied by a schedule of the picked-up contributions on such forms as may be prescribed. In the case of a failure to fulfill these conditions the provisions of subsection (f) (3) of this section shall apply.”

9. PRESENTATION BY MASTER PLAN COMMITTEE

The Master Plan Committee was introduced; Chris Mangano- Chairman, Secretary Ashleigh Mock, Mike DeJulian, Dick Raby, and Brenda Cherry were present; Elaine Rosoff and David Boyce were not present. Mangano noted the Committee has been meeting for more than two months, and have looked at similar town plans. On Dec. 18 two Professors from the College of Architecture and City Planning from UNCC, David Walters and Ken Shelton, who have extensive credentials, came and met with the Committee, and proposed a timetable. They hope to be finished by April of next year. The plan will look at public safety, transportation, traffic, village services and more; they will survey village residents as part of this, one written, one visual. The Committee will focus groups, and get together the major stakeholders. At Mineral Springs they spent about \$10,000 and got half of what we are looking for, Indian Trail paid \$100,000 and got similar documents to what we are looking for. The Committee recommends UNCC at \$20,000 to assist the Committee in coming up with the Master Plan. Horvath inquired as to the checkpoints and reports to Council, he would prefer quarterly, and would like to see the surveys ahead of time. Mullis noted the last survey was by a neutral person. Mangano said he felt Mineral Springs went into the process knowing what they wanted, and got it; there is a strong emphasis on the survey and UNCC is a neutral party. Mullis

would like to see the minutes of the committee on the website. Horvath asked if they would look at the current land use plan, and look at demographics; Mock said yes, demographic would be analyzed. Mullis noted a lot of time was devoted to the update of the land use plan. Raby noted we want to go beyond the legal requirements and involve many people; he acknowledged a lot of work has been done by Mock. Mayor Clinton reported we checked and don't have to go through the RFP process since this is a service contract. Krieg noted there is enough in the budget to cover the \$20,000, he feels this is a bargain, and we will still have additional funds for other consultants if we should so need. Cherry noted the professors are professionals also. Mullis noted MUMPO has a lot of demographic information. Raby inquired as to what the school system uses; it is ORAD, but it has been inaccurate in its predictions; information is on the UCPS website. Croffut made a motion to enter into an agreement with UNCC for \$20,000. Horvath seconded the motion.

The motion was approved unanimously.

10. CHANGE TO WESLEY OAKS ANNEXATION REQUEST

Mayor Clinton noted we had heard from Wesley Oaks regarding an annexation request, but since then Centex has pulled their lots out. Maher from Wesley Oaks wants to see if they can come in without the Centex lots, but they need to bring us a map with the lots they do have. Croffut made a motion to table this to next month. Pierce seconded the motion.

The motion was approved unanimously.

11. UPDATE ON EXTRA-TERRITORIAL JURISDICTION

i. DISCUSS PUBLIC HEARING AND FORMAT FOR Q&A

Horvath had an outline to be used at the Public Hearing. Mayor Clinton noted the meeting is on January 16, 2007 at Wesley Chapel Elem. School Gym, starting at 6:30 pm. The three public hearings start at 7:30 pm. It will probably run to 10 pm.

ii. REVIEW AND APPROVE DRAFT OF GUEST COLUMN ON ETJ

Clinton reported that Horvath drafted the column, and if Council has any changes, or does not want to be part of it, let her know.

iii. REVIEW OF PUBLIC NOTIFICATION

Krieg noted we purchased 16 public hearing signs, and placed them at appropriate locations; he has gotten quite a few phone calls on them. We also took out two half page ads on the 4th and 7th, they included a map and text. The mailing was done in the appropriate time frame, and property owners outside of the local newspaper area were mailed to. Sistrunk suggested a time limit and policy on public comments.

12. UPDATE AND ADOPT FEE SCHEDULE

Krieg has one change to the fee schedule; it adds administrative subdivision fees at \$50, and sets the fee schedule effective January 2007. He will look at the engineering fees in

the future. Mullis made a motion to approve the change to the fee schedule; Horvath seconded the motion.

The motion was approved unanimously.

13. UPDATE ON CLERK/TAX COLLECTOR REPLACEMENT

Our Clerk/Tax Collector resigned in December, and we have an ad in the E-J and County Edge, and it will be put in the Clerk Listserv. Council would like to interview the candidates.

14. ANNOUNCEMENTS – Aston Properties will address Council in February.

15. OTHER BUSINESS

Check your schedules for the Advance – we will contact the Planning Board too, we are looking at March 23-24. We have three Annexations pending, these will be put on the Feb. agenda too.

Discussion was held regarding the time limits for speakers at the January 16, 2007 ETJ public hearings. Pierce made a motion that there be a three minute time limit per person per hearing, if the speaker is speaking on behalf of a group the time limit is five minutes, the first hearing will be one hour, the second one hour, and the third one half hour, and this time does not include staff comment time. Horvath seconded the motion. Pierce amended the motion to include that equal time be allotted for and against ETJ. Croffut seconded the amended motion. The original motion was approved unanimously. The amended motion was approved unanimously.

Pierce brought a form for newsletter ads; the rate is \$40 for standard business card size ads, and \$70 for double size ads. Copies will be given to the Welcome Committee and to privilege license holders. Pierce will send the Clerk the cover letter.

Croffut thanked the Master Plan Committee for their hard work.

16. b. CLOSED SESSION: MOTION TO CALL FOR CLOSED SESSION PER NC GS 143-318.11(A) (3) ATTORNEY CLIENT PRIVILEGE RE: ADAMS VS. VILLAGE OF WESLEY CHAPEL

Pierce made a motion to have a five minute recess and then go into closed session per NC GS 143-318.11(a) (3) attorney client privilege re: Adams vs. Village of Wesley Chapel. Horvath seconded the motion.

The motion was approved unanimously.

This issue was discussed.

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Approved 02.12.07

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Approved 02.12.07

Croffut made a motion to come out of closed session. Pierce seconded the motion.

The motion was approved unanimously.

17. ADJOURNMENT

Croffut made a motion to adjourn the meeting. Pierce seconded the motion.

The motion was approved unanimously. The meeting adjourned at 9:15 pm.

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Respectfully submitted,

Cheryl Bennett, Int. Clerk/Tax Collector

Mayor Tracey Clinton