

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
November 8, 2010 – 7:00 P. M.

The Council of the Village 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, Hess and Ormiston

Others Present:

Village Clerk/Finance Officer: Cheryl Bennett

Planning/Zoning Administrator: Joshua Langen

Village Attorney: George Sistrunk

Concerned citizens: Carol Mullis, Ray Davis, John Dickerson, Julie Brown, David Boyce

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.

2. ADDITIONS, DELETIONS, AND/OR ADOPTION OF AGENDA
Item 11 “DISCUSSION AND POSSIBLE CHANGE TO COMMITTEE POLICY REGARDING PUBLICATIONS AND/OR USE OF A DISCLAIMER OR CODE OF CONDUCT” and Item 12. “DISCUSSION AND POSSIBLE CHANGE TO ETHICS POLICY TO ADD COMMITTEES” were tabled.
Bradford made a motion to adopt the agenda with those changes; Ormiston seconded the motion.

The motion passed unanimously.

3. INFORMAL PUBLIC COMMENTS - none

4. APPROVE MINUTES FOR:

Closed Minutes Council Meeting August 9, 2010, Item 4

Closed Minutes Council Meeting August 9, 2010, Item 18

Closed Minutes Council Meeting August 17, 2010, Item 18

Closed Minutes Council Meeting September 13, 2010, Item 16

Council Meeting October 11, 2010

Council Meeting October 19, 2010

Corrections were made to the October 11, 2010 minutes to show Mayor Pro-tem Bradford arrived during Item 8 and to correct the wording of the first sentences of Item 9, “Bradford said she called Frayda Bluestein at the School of Government.

The NCLM suggested she get input from Fleming Bell.” Brotton made a motion to approve the Closed Minutes of Council Meeting August 9, 2010, Item 4; Closed Minutes of Council Meeting August 9, 2010, Item 18; Closed Minutes of Council Meeting August 17, 2010, Item 18; Closed Minutes of Council Meeting September 13, 2010, Item 16; Council Meeting October 11, 2010 and Council Meeting October 19, 2010 with the above corrections. Ormiston seconded the motion.

The motion passed unanimously.

5. STAFF REPORTS

- a. Review and approve the Village Financial Reports dated October 31, 2010, submitted by Cheryl Bennett, Finance Officer

Bennett reported October revenues are \$12,621, and expenditures are \$19,094. Our cash balance is \$2,184,096. The tax collection rate is up to 99.7% for 2008, and 98.84% for 2009. Bradford made a motion to approve the October financial reports; Hess seconded the motion.

The motion passed unanimously.

October 2010 Budget Report

	<u>Oct 10</u>	<u>Jul - Oct 10</u>	<u>Budget</u>	<u>% of Budget</u>
Revenue				
Fees and Licenses				
Payment for Streets	0.00	50,000.00	50,000.00	100.0%
National Night Out-raffle,cont	0.00	369.00	0.00	100.0%
Contribution for parks and rec	0.00	0.00	0.00	0.0%
Fall Festival donations	1,300.00	7,635.00	6,000.00	127.25%
Cable Franchise (from Time Warn	0.00	3,009.00	13,200.00	22.8%
Engineering Fees Reimbursement	0.00	645.00	10,000.00	6.45%
Zoning Permit	660.00	1,660.00	7,000.00	23.71%
Privilege Licenses	153.70	22,641.05	24,000.00	94.34%
Annexation Exp Reimbursed	0.00	0.00	180.00	0.0%
Misc. Fees	0.00	1.80	140.00	1.29%
Total Fees and Licenses	<u>2,113.70</u>	<u>85,960.85</u>	<u>110,520.00</u>	<u>77.78%</u>
Interest Earned	123.93	7,363.51	14,000.00	52.6%
Property Tax Income				
Current Year Property Tax	6,749.05	7,275.29	135,274.00	5.38%
Delinquent Taxes	120.09	1,057.31	1,200.00	88.11%
Interest/Ad Fee on Taxes	25.73	73.54	294.00	25.01%
Utility Ad Valorem	0.00	0.00	1,000.00	0.0%
Vehicle Registration	690.05	2,047.75	7,962.00	25.72%

Total Property Tax Income	7,584.92	10,453.89	145,730.00	7.17%
Revenue Sharing				
Alcoholic Beverage Tax	0.00	0.00	25,000.00	0.0%
Cable (from State)	0.00	793.21	80,000.00	0.99%
Excise Tax (Piped Natural Gas)	0.00	-494.00	16,000.00	-3.09%
Franchise Tax (Electric Power)	0.00	2,981.00	140,000.00	2.13%
Sales & Use Taxes	2,798.00	3,205.66	32,000.00	10.02%
Telecommunications Tax	0.00	-49.00	13,000.00	-0.38%
Total Revenue Sharing	<u>2,798.00</u>	<u>6,436.87</u>	<u>306,000.00</u>	<u>2.1%</u>
Total Revenue	12,620.55	110,215.12	576,250.00	19.13%
Expense				
Operating Expenditures				
Bank Charges	21.11	128.89	600.00	21.48%
Contingency	0.00	0.00	24,000.00	0.0%
Advertising - Clerk	0.00	24.88	1,000.00	2.49%
Annexation Expense	0.00	0.00	800.00	0.0%
Annual Retreat	0.00	0.00	2,000.00	0.0%
Books & Literature	0.00	29.00	400.00	7.25%
Dues and Subscriptions	0.00	6,975.00	12,000.00	58.13%
Election Expense	0.00	1,268.75	9,200.00	13.79%
Electronic Commun (Tele/RR)	221.58	1,349.62	4,000.00	33.74%
Insurance - Liability	0.00	9,323.50	9,421.00	98.97%
Insurance - Workmen's Comp	0.00	500.00	600.00	83.33%
Land Maintenance	0.00	0.00	3,000.00	0.0%
Town office Maint.	119.85	347.45	985.00	35.27%
Misc town office	38.48	48.95	1,700.00	2.88%
Newsletter	0.00	0.00	1,200.00	0.0%
Office Expense	45.55	491.09	4,000.00	12.28%
Postage and Delivery	0.00	1,232.00	1,300.00	94.77%
Rent	1,400.00	5,500.00	20,000.00	27.5%
Seminars	250.00	345.00	1,500.00	23.0%
Tax Collection Fee	113.84	156.55	2,620.00	5.98%
Travel & Entertainment	611.61	1,120.83	2,500.00	44.83%
Utilities- Temp. Town Hall	141.33	734.39	3,000.00	24.48%
Welcome Committee	0.00	0.00	1,000.00	0.0%
Total Operating Expenditures	<u>2,963.35</u>	<u>29,575.90</u>	<u>106,826.00</u>	<u>27.69%</u>
Gen. Govt. Salaries				
Admin. Assistant	345.00	1,597.50	4,680.00	34.14%

Allowance for Salary Adjustment	0.00	0.00	5,984.00	0.0%
Mayor	0.00	1,200.00	4,800.00	25.0%
Mayor Protem	0.00	750.00	3,000.00	25.0%
Council Salary	0.00	1,800.00	7,200.00	25.0%
Clerk Salary	3,725.00	13,681.25	46,800.00	29.23%
Finance Officer Salary	807.70	3,230.80	10,500.00	30.77%
Payroll Taxes	731.76	3,035.76	10,938.00	27.75%
Payroll exp - Unemployment	0.00	0.00	1,000.00	0.0%
Fringe Benefits - Insurance	1,291.96	3,226.96	15,648.00	20.62%
Fringe Benefits - Retirement	<u>542.01</u>	<u>2,332.54</u>	<u>6,942.00</u>	<u>33.6%</u>
Total Gen. Govt. Salaries	7,443.43	30,854.81	117,492.00	26.26%
Planning & Zoning				
P/Z Seminars	0.00	199.00	900.00	22.11%
P/Z Travel	298.57	620.05	900.00	68.89%
P/Z Dues,Subscriptions	0.00	350.00	800.00	43.75%
Administration (COG)	0.00	0.00	2,000.00	0.0%
P/Z Admin. Salary	3,923.08	16,658.74	51,000.00	32.66%
Planning & Zoning Board Salary	756.00	756.00	4,032.00	18.75%
Advertising	0.00	94.52	2,000.00	4.73%
P/Z Office Expense	15.99	129.55	1,200.00	10.8%
Planning/Zoning Expense	<u>0.00</u>	<u>0.00</u>	<u>1,000.00</u>	<u>0.0%</u>
Total Planning & Zoning	4,993.64	18,807.86	63,832.00	29.47%
Professional Fees				
Department of Transportation	0.00	50,000.00	50,000.00	100.0%
Codification	0.00	0.00	30,000.00	0.0%
Audit Fees	0.00	0.00	3,500.00	0.0%
Engr. Consulting	0.00	870.00	12,000.00	7.25%
Legal Fees	1,260.00	4,680.00	48,000.00	9.75%
Security	<u>0.00</u>	<u>0.00</u>	<u>1,000.00</u>	<u>0.0%</u>
Total Professional Fees	1,260.00	55,550.00	144,500.00	38.44%
Parks & Recreation				
Materials & Supplies	0.00	0.00	3,500.00	0.0%
Maintenance/Grounds	0.00	0.00	3,575.00	0.0%
Events	2,013.60	6,543.35	9,000.00	72.7%
Insurance	0.00	0.00	2,000.00	0.0%
Office Expense	0.00	0.00	1,250.00	0.0%
Professional Fees	400.00	23,075.00	22,675.00	101.76%
Dues & Subscriptions	<u>0.00</u>	<u>0.00</u>	<u>1,000.00</u>	<u>0.0%</u>
Total Parks & Recreation	2,413.60	29,618.35	43,000.00	68.88%

Public Safety	19.66	369.76	37,600.00	0.98%
Capital Outlay				
Reserve for Capital Outlay	0.00	0.00	55,000.00	0.0%
Computer Equip.	0.00	0.00	5,000.00	0.0%
Furniture & Equipment	0.00	0.00	2,000.00	0.0%
Software	0.00	0.00	1,000.00	0.0%
Total Capital Outlay	<u>0.00</u>	<u>0.00</u>	<u>63,000.00</u>	<u>0.0%</u>
Total Expense	<u>19,093.68</u>	<u>164,776.68</u>	<u>576,250.00</u>	<u>28.6%</u>
Net Excess of Rev. over Exp.	<u><u>-6,473.13</u></u>	<u><u>-54,561.56</u></u>	<u><u>0.00</u></u>	<u><u>100.0%</u></u>

Balance Sheet
October 31, 2010

ASSETS

Current Assets

Checking/Savings

Target Gift Card for NNO	214.94
Fifth Third Bank Checking	45,018.00
Fifth Third Bank Money Market	994,471.93
CD Ded land 5th3rd 11.3.10	81,881.54
Citizens South CD Bldg 12.3.10	242,743.49
BB&T CD 10.23.2011-.4%	317,480.21
BB&T CD 04.21.11. .568	502,235.40
Petty Cash Fund	<u>50.00</u>
Total Checking/Savings	<u>2,184,095.51</u>
Misc. Fees Receivable	<u>282.50</u>

Other Current Assets

Prepaid Exp.	850.00
Property Tax Rec.	5,173.00
Allow. for Doubtful Accounts	<u>-1,451.00</u>
Total Sales Taxes to be Received	<u>724.61</u>

Total Other Current Assets	<u>5,296.61</u>
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Total Current Assets	2,189,674.62
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Fixed Assets

Land	55,757.91
Office Equipment	13,569.26
Accumulated Deprec.	<u>-13,569.26</u>
Total Fixed Assets	55,757.91

TOTAL ASSETS	<u><u>2,245,432.53</u></u>
 LIABILITIES & FUND BALANCE	
Other Current Liabilities	
Escrow from Developers	45,076.00
Deferred Revenue	3,722.20
Payroll Liabilities	<u>0.67</u>
Total Other Current Liabilities	48,798.87
 Fund Balance	
Fund Bal. inv. in Fixed Assets	55,757.91
Fund Balance	1,788,450.74
Reserved for Parks & Recreation	164,243.08
Unres., Designated for Town Hall	242,743.49
Excess of Rev. over Exp.	<u>-54,561.56</u>
Total Fund Balance	<u>2,196,633.66</u>
 TOTAL LIABILITIES & FUND BALANCE	 <u><u>2,245,432.53</u></u>

b. Review and approval of Budget Amendment to set up Capital Improvement Funds

Bennett noted some expenditures are beginning to be made on the town hall and park projects and appropriations are needed to fund them. Discussion was held on whether we should set up the full amounts in the capital improvement plan, or move the amount of the certificates of deposit. The town hall certificate of deposit matures in December and interest will be credited to it at that time. Bennett will research whether we should make annual or project appropriations. Bradford made a motion to approve Budget Ordinance 2010/11 Amendment #3, included herein. Ormiston seconded the motion.

The motion passed unanimously.

**Ord. 2010.06
Budget Ordinance 2010/11 #3**

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, 2011:

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

	Decrease	Increase
<u>Revenues:</u>		
<u>Town Hall Building Project</u>		
Fund Balance –Designated for Town Hall		\$20,000

Park Project

Fund Balance Reserved for Parks & Recreation \$20,000

Expenditures:

Town Hall Building Project

Professional Fees \$ 20,000

Park Project

Professional Fees \$20,000

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 8th day of November, 2010.

Attest:

Cheryl Bennett, Clerk

Mayor Brad Horvath

c. Presentation of Planning and Zoning Report by Joshua Langen, In October/November eleven permits were issued – five were for signs. Langen reported he is working on the following text amendments: definition ambiguities, retention of existing vegetation, traffic management standards, marginal access, and grass height. Mayor Pro-tem Bradford asked that he send her a copy of the “retention of existing vegetation” language and noted that Parks and Rec will need Langen’s help in drawing park amenity layouts.

6. DISCUSSION WITH DAVID BOYCE AND CONSIDER NOMINATION TO BOARD OF ADJUSTMENTS ALTERNATE SEAT
This item was done after item 7 because Mr. Boyce was not yet present.

7. CALL FOR PUBLIC HEARING ON DECEMBER 13, 2010 AT 7 PM AT WESLEY CHAPEL UNITED METHODIST CHURCH REGARDING CHANGES TO ZONING ORDINANCE FOR:

- A. ADD ARTICLE 15 – PLANNING BOARD
- B. CHANGES TO ARTICLE 5 TABLE OF USES FOR RECREATION FACILITIES
- C. CHANGES TO ARTICLE 2 DEFINITIONS FOR: RECREATION / PARK RELATED DEFINITIONS; BUILDING HEIGHT; SIGNS; AND AGRICULTURAL PLANT PRODUCTS
- D. CHANGES TO ARTICLE 9.1.9 OFF-STREET PARKING FOR RECREATION USES
- E. RE-WRITE OF ARTICLE 8 SIGNS
- F. CHANGES TO ARTICLE 4.7.3 TEMPORARY USES

Langen noted the text highlighted in blue are the changes he made post- Planning Board meeting upon reviewing the text. He felt they were minor changes and had

e-mailed them to Planning Board without any return comments, but if Council preferred they could send it back to Planning Board.

On Article 2 changes, Ormiston noted the NAICS codes will be changed in 2012 and asked that he note which version of the codes had been used. Council wanted to know why Planning Board had not recommended the change for building height and asked that this be researched and put on the next agenda. Regarding all Article 2 definitions, Langen said he talked to COG and they suggested you add language saying that if your use is not listed it is prohibited and the applicant could ask for a text amendment or apply for a CUP for non-residential districts. Langen suggested adding language to definitions like "or not limited to..." instead of taking out phrases like "such as...". Brotton noted you can't come up with all the exclusions, and should just leave it as is. Hess suggested we drop the examples and adopt the exclusionary language you want. Mayor Horvath said the gist is that the ordinary person should be able to look at the ordinance and know what they can do.

Temporary Uses were discussed; there was a question on what a turkey shoot is and whether it is allowable with the gun ordinance (it is a target shooting event).

Brotton made a motion to call for a public hearing on December 13, 2010 at 7 pm at Wesley Chapel United Methodist Church regarding changes to zoning ordinance for:

- A. Add Article 15 – Planning Board
- B. Changes To Article 5 Table Of Uses For Recreation Facilities
- C. Changes To Article 2 Definitions For: Recreation / Park Related Definitions; Building Height; Signs; And Agricultural Plant Products
- D. Changes To Article 9.1.9 Off-Street Parking For Recreation Uses
- E. Re-Write Of Article 8 Signs
- F. Changes To Article 4.7.3 Temporary Uses

Bradford seconded the motion.

The motion passed unanimously.

6. DISCUSSION WITH DAVID BOYCE AND CONSIDER NOMINATION TO BOARD OF ADJUSTMENTS ALTERNATE SEAT

David Boyce introduced himself, he is a Union County native, has been in Wesley Chapel since 1985, and is a father of six. Bradford asked him about a situation where you have to act impartially, and he noted he served four years on the Mineral Springs United Methodist Church Mission Committee and had to balance needs here and abroad. He said he loves the community and wants to instill a sense of service in his children. In answer to a question about getting up to speed on issues he noted his employment involves research, so he would use similar tools. Mayor Horvath asked if he would have any potential conflict with bidding on jobs, and Mr. Boyce noted the majority of his work is outside the Charlotte area. Bradford made a motion to appoint David Boyce as an alternate to the Board of Adjustment; Brotton seconded the motion.

The motion passed unanimously.

8. TOWN HALL COMMITTEE UPDATE

Brotton noted the land survey was completed (certified perimeter and one foot topography); and we have both a paper copy and the auto cad file. Copies will be sent to Council. The Request for Qualifications for architects resulted in twenty-nine proposals being received. They will be reviewed and each member will determine their top three; recommendations will be brought to Council in December. Committee members went to local town halls and looked at space use, architecture and generated a spreadsheet with information as well as photographs including interior and exteriors, road access, etc. Brotton noted he referenced the Downtown Resolution on what a town hall should incorporate. The procedure for choosing an architect was discussed; on December 13, 2010 Council will do a preliminary review of the top five (back-up should be received by Council by December 8, 2010). On December 21, 2010 Council will interview the top three. Since we cannot ask about fees in the interviews, we can prepare for that by getting an idea of what other architect fees have been ahead of time. Fee negotiation will take place with the top firm in open session.

9. PARK AND REC COMMITTEE UPDATE

Mayor Horvath reported the PARTF funds went back into the grant pool for next year and we can re-apply for a grant. They said we did a good job on last year's grant application. Bradford reported she spoke to Lindsey Dunevant who was her grant contact and he encouraged us to reapply. Mayor Horvath noted on the Parks and Rec analysis the parcels will come to Council in ranked order with full disclosure on where the properties are before any decisions are made on the path forward. Bradford said three or four properties were assigned to each Committee member and they looked at which amenities would fit on each parcel. At the November 15, 2010 meeting each member will assign scores to each property. They will schedule an extra meeting to assign costs to the amenities. They know the starting price for each parcel and if the owner is willing to subdivide. They will consider the parcels regardless of cost. The top group will come to Council and they may ask Langen's help with layouts. At the December 13, 2010 meeting they will have price estimates for Council (the information will be available to Council by December 8, 21010). Hopefully council can make a decision at the December work session.

Mayor Horvath noted information on federal grants of all types is available in the Fundbook; a complementary copy of the October issue is available, and there is a proposal to share the cost 50/50 with the fire department.

10. DISCUSSION AND POSSIBLE VOTE ON RENEWAL OF CATAWBA LANDS CONSERVANCY MEMBERSHIP

The Conservancy sent information to Council; they have experience with clean water management grants and will review available sites. They do not have any current projects in Wesley Chapel. Hess made a motion to contribute \$500 for a membership to the Catawba Lands Conservancy; Ormiston seconded the motion.

The motion passed unanimously.

11. DISCUSSION AND POSSIBLE CHANGE TO COMMITTEE POLICY REGARDING PUBLICATIONS AND / OR USE OF A DISCLAIMER OR CODE OF CONDUCT

Tabled.

12. DISCUSSION AND POSSIBLE CHANGE TO ETHICS POLICY TO ADD COMMITTEES

Tabled.

13. RECAP OF OCTOBER MEETING OF WESTERN UNION COUNTY MUNICIPALITIES COALITION (WUCMC)

A. DISCUSSION AND POSSIBLE VOTE ON PURSUING ANNEXATION / SPHERE OF INFLUENCE AGREEMENTS WITH NEIGHBORING TOWNS

B. DISCUSSION AND POSSIBLE VOTE ON ENDORSEMENT OF 1999 UNION COUNTY LIBRARY PLAN

The October 7, 2010 meeting focused on annexation and the library issue. Since then both Waxhaw and Weddington have backed off the library issue. There has been a lot of discussion in the State on taking away the right to voluntary and involuntary annexation. The WUCMC discussed pursuing annexation agreements. Bennett noted we do not have a lot of services to offer to induce residents to annex; but the threat of annexation by Monroe, Waxhaw, and Indian Trail is the primary reason why residents do annex. Annexation agreements would take away that incentive; Brotton agreed with this. Council decided to go ahead and have Langen work with the other towns' planners on suggested boundaries, and suggested he be aggressive on the boundaries.

14. FEEDBACK ON VILLAGE SEAL PROPOSALS

Ormiston preferred the seal where there are three picture sections; and suggested a dome or town hall in the background be added. Mayor Horvath said he had suggested a school. Bradford preferred the asymmetrical look. It was decided to wait until we get more input from the town hall and park designs.

15. UPDATE ON HAMPTON MEADOWS ROADS

Mayor Horvath said DOT has started patching the Hampton Meadows roads and they have been assigned state road numbers and are in the State system. The major work will be done in the spring.

16. OTHER BUSINESS

Ormiston noted COG is focusing on transportation meetings; Langen is going to one next Monday in the University area, and there is a NC DOT meeting in Greensboro the same day. Ormiston and Brotton will attend the meeting in Charlotte next Wednesday on regionalism. Brotton will attend the MUMPO meeting next Wednesday.

17. COUNCIL COMMENTS

The November work session was moved to Monday November 29, 2010. The Christmas luncheon will be at Hickory Tavern and possible dates will be circulated to Council and Staff. Bradford noted we received a thank you note from Elaine Rosoff. Brotton reminded everyone to thank a veteran.

18. ADJOURNMENT

Brotton made a motion to adjourn; Bradford seconded the motion.

The motion was approved unanimously.

The meeting was adjourned.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath