

VILLAGE OF WESLEY CHAPEL
COUNCIL WORK SESSION MEETING MINUTES
March 16, 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, Hess and Ormiston

Others Present:

Village Clerk/Finance Officer: Cheryl Bennett

Planning/Zoning Administrator: Joshua Langen

Attorney: Keith Merritt

Concerned citizens: Ray Davis, Carol Mullis, Butch Plyler, Shirley Wilson, Stephen Keeney, Todd Elmore

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

Ormiston made a motion to adopt the agenda with these changes; Bradford seconded the motion.

The motion passed unanimously.

3. PUBLIC HEARING ON CUP FOR FIRE STATION AT 315
WAXHAW-INDIAN TRAIL ROAD SOUTH, WESLEY CHAPEL

Mayor Horvath noted that since the plans were just received tonight, we need to give everyone time to review them and re-schedule the public hearing. The Planning Board will also be reviewing the plans again. The Fire Department preferred we hold the Public Hearing on March 29, 2010. That date did not work for all Council members. A motion was made by Hess to hold the public hearing on April 3, 2010 at 3 pm at Wesley Chapel United Methodist Church; Bradford seconded the motion.

The motion passed unanimously.

The original public hearing was closed by the Mayor.

Butch Plyler reported their architect could not attend the public hearing on April 3, 2010. Brotton made a motion to rescind the motion to hold the public hearing on April 3, 2010 at 3 pm. Bradford seconded the motion.

The motion passed unanimously.

A motion was made by Brotton to hold the public hearing on April 12, 2010 at 7 pm at Wesley Chapel United Methodist Church; Ormiston seconded the motion.

The motion passed unanimously.

4. DISCUSSION AND POSSIBLE DECISION ON CUP FOR FIRE STATION

Mayor Horvath noted the settlement agreement had been signed by both parties and a copy will be sent to Council. Ormiston made a motion to suspend the rules; so approval of the agreement could be put on the agenda. Hess seconded the motion.

The motion passed unanimously.

Hess asked if the revised dates will be okay per the agreement; attorney Merritt and the Mayor noted that the agreement just says as scheduled, and doesn't say when the public hearing will be held. Ormiston made a motion to approve the agreement between the Village of Wesley Chapel and the Wesley Chapel Volunteer Fire Department. Brotton seconded the motion.

The motion passed unanimously.

5. DISCUSSION OF CENTRALINA COUNCIL OF GOVERNMENT REVIEW OF VILLAGE COMPENSATION AND BENEFITS

Bob Henderson, from Centralina Council of Governments (COG) described how he did the study. He started with job descriptions, duties, and surveyed jurisdictions by proximity and level of services rendered, and also looked at private salaries comparable for a parks technician and administrative assistant. He sent duties, responsibilities and pre-requisites for positions. He broke down salaries to hourly rates. Table/Chart 1 shows our actual salaries compared to the market ranges, and Table/Chart 2 shows our actual salaries compared to market average salaries. Table 3a and 3b shows positions compensated below the market minimum by annual salary and by hourly calculation. Table 4a and 4b compares our actual salaries compared to the market average for all positions by annual salaries and by hourly calculation, and Table 5 shows proposed salary ranges. Table 6 shows a scale of proposed salary ranges and percent changes. The position most difficult to get comps on was clerk/administrator. Table 7 compares our benefits to the other entities surveyed, and shows we are a little below the others. Mr. Henderson noted Section III has some strategies for salary adjustments, salary range creation and ways to re-evaluate compensation regularly; he sent a sample evaluation form to Bennett. He suggested at least getting the positions to the market minimums.

Hess asked how many towns were surveyed; he responded seven plus the private sectors which included dozens of entities in a published study. Hess asked demographically where do we fall? Henderson said he looked at population and service delivery; some of the small towns are compensated more because there are less people to do the work. Typically there is one finance person and one planner, and no more than one park person. Bradford asked why he included Pineville. Henderson said he is familiar with them, and they are actually a low service town. The tax rates for the other towns compared range from five cents in Marvin, to 2.5 cents in Mineral Springs and three cents in Weddington. Council thanked Mr. Henderson for his work.

6. COMMITTEE PRIORITIES

The Safety Committee meeting will be this Thursday at 7 pm.

All the committees, including Planning Board and excluding Welcome Committee, will be invited to the April 19, 2010 meeting. Council will continue to make a prioritized list of what ordinance areas they want reviewed for the May meeting.

7. PARKS AND REC UPDATE INCLUDING HOUSTON HOUSE DISCUSSION, WILDLIFE COMMISSION MEMORANDUM OF UNDERSTANDING, AND APPRAISAL

Bradford reported that Diana Bowler who is on the Board of Adjustment is very interested in a town festival. Bowler checked with other municipalities and found that October 2, 2010 is a good date for a festival since no others are scheduled for that date. Diana is working with the Parks and Rec Committee; a \$2,000 budget will probably be requested, the theme may relate to the history and heritage of the area; they will talk with Aston Properties regarding the parking, etc. Bennett asked attorney Merritt if we need to be observing open meetings rules if Bowler is working with the Committee; Bradford also noted Parks and Rec would like to work on this, but if Council wants an entirely separate Committee that is another option. Merritt said it shouldn't be a problem since there already is a Committee. Ormiston noted Denise Horvath would like to be a part of the festival committee. The Parks and Rec Committee will make the decisions, and people outside the committee will be doing the tasks involved.

Bradford noted she had talked to Russell Wong from the Wildlife Commission regarding the Memorandum of Understanding, and the language is still being worked on. It is a partnership wherein they would pay 75% of the fishing infrastructure, he will come look at the pond to see what is suggested. Items include stocking of fish and feeders as well as piers, you may choose what you receive. They receive funding through fishing licenses and tax on fishing tackle. They also do a "fish for fun" event the first week in June, and provide goodies for the kids. On the agreement under #2 "the town agrees..." it says to follow their recommendations, and she asked Mr. Wong about that, he said we could write in a dollar limit; under #9 the sport fish restoration program - it is a federal programs whose funds go through the state; she also asked about the mutually agreed section to enforce fishing licenses, since we don't have our own police force we would be limited in enforcement, he said we could change the language there, but they are primarily interested that we don't have rules that conflict with theirs such as the number of fish that can be caught. Ormiston asked if we need five large piers; Bradford noted it can be refigured. Ormiston asked we look at the size of them. Bradford noted it will take 1-2 years to get a pier here, once the MOU is signed, and the MOU does not obligate us financially; it is also subject to whether we go ahead with obtaining the pond. Hess noted the construction also shows equal manpower, backhoe and grader, so the cost will go up some. Mayor Horvath suggested we might get a donation from local landscapers. Bradford will work on the wording, have the attorney review it and bring the MOU back to

Council. Bennett asked how we know whether it is healthy to eat fish caught in the pond.

Bradford updated Council on Houston House, she provided two handouts which included an e-mail regarding documents including a land grant from King George III and other historic documents. Parks and Rec decided last night to go back to the Church and request more time; Julie Brown talked to the Church today and they provided an extension to late summer. Hess asked if they had prioritized Houston House; Bradford said they want to gauge community interest before they prioritize it. Julie Brown also provided Bradford a handout on a gardening program, "A Garden of Hope", and historic village events in Mint Hill. Bradford also noted Julie Brown found a bargain on six containers, actually storage sheds, which she thought could be used in a red box program; she wondered if the Village would reimburse her for them and store them. It was suggested that she see if there is room to store them at Optimist Park, there is not room at the town office.

Bradford reported other quotes on an appraisal for Dogwood Acres are not yet available. The meeting on the dam is at 1:30 pm tomorrow at the pond on Highway 84; Hess, DENR, and a couple of engineers will attend. Ormiston volunteered to get an estimate on an appraisal of Dogwood Acres and the house. Bradford obtained a floor plan of the Dogwood Acres house, it shows the garage is 27 x 27 feet, and the main room is 32 x 15 feet.

8. DISCUSSION OF CAPITAL IMPROVEMENT BUDGET

Mayor Horvath noted Bennett sent out information on other municipalities' recent loans and rates; and Hess was looking into other funding methods. Mayor Horvath asked if any council members would rule out a tax increase, as that would create new parameters. Ormiston said we have to keep it on the table to create a plan and how to get there. Hess said we have to keep the notion open, but voters make the final choice. Bennett will find out how much it would cost to hold a referendum, and when the earliest date would be. Hess noted the bond program with interest rebates expires January 1, 2011. Hess computed debt service and added it to the various scenarios on the spreadsheet; basically we would not be able to do anything in years 2-5. Mayor Horvath noted one penny of tax only equals about \$50,000 to \$60,000 of revenue. It was decided to meet April 1, 2010 at 6 pm at the town office, pizza will be provided.

9. REVIEW OF AREA OF CONSIDERATION

Langen handed out maps showing the current and proposed areas of consideration. Waxhaw did not like one area that we had added into our annexation area. We have not yet talked to the other towns. We had an agreement with Monroe that has expired; an agreement with Weddington which they violated, and one with Mineral Springs. The Mayor noted some parcels on the map are already in Weddington. Langen noted this came up because we have a pending change to the Rules of Procedure that refer to the ETJ area, and we want it changed to the area of consideration. Bennett noted the ETJ area was smaller than the area of consideration. We can include language in the Rules of

Procedure that refers to the present area of consideration. Carol Mullis reported she spoke to someone in the Villages of Wesley Chapel and in St. John's Forrest and they were both ready to annex but they were told their housing developments were not eligible to annex. Bennett advised she has spoken to persons in those developments and at the time there was an agreement with Monroe; now that it has lapsed she suggests they go to Council before they get 95% of their homeowners to file petitions and pay the \$30 fee. Bennett noted it would be nice to clean up the doughnut holes and complete annexations in Wesley Oaks and Silver Creek. Attorney Merritt advised that we can say that staff is willing to speak to residents regarding voluntary annexations. We can put in the newsletter references from the general statutes and the annexation policy on our website. Bradford noted we may want to add just because you are getting the newsletter doesn't mean you are a resident of the Village.

10. CONSIDER APPROVAL OF CHANGE TO COUNCIL RULES OF PROCEDURE – (RULE 32) DUE TO ADOPTION OF COMMITTEE POLICY
Bradford made a motion to replace “proposed ETJ area” with “area of consideration” in Rule 32 and adopt the amended Rule 32. Ormiston seconded the motion.

The motion passed unanimously.

Amended Rule 32 is as follows:

Rule 32. Committees and Boards

(a) Establishment and appointment. Refer to General Policy and Procedures for Committees.

(b) Open Meetings Law. Refer to General Policy and Procedures for Committees.

(c) Management of Committees. The Village Council is responsible for the management of all ad hoc and standing committees. Council shall determine the term length of standing committees. Council shall use the following policies and procedures regarding management and performance of committees: (These policies and procedures do not apply to Planning Board or Board of Adjustment.)

1. Any resident of Wesley Chapel or Wesley Chapel's area of consideration is eligible to serve on appointed committees. No person may be appointed, serve or in any way be associated with any committee if that person has unpaid financial obligations to the Village. Such obligations include past due taxes, privilege licenses, or other fees more than 60 days in arrears and any unpaid obligations to any agency of the Village, unless such obligations are under contestation. A person becomes eligible to serve once the Village Finance Officer or Village Clerk certifies that all financial obligations to the Village of Wesley Chapel have been satisfied.
2. Appointees must uphold Village policies pertaining to the committee on which he/she serves

3. Committee members must notify chairman in advance when he or she will be absent. Whenever any committee member incurs three unexcused absences, said member's failure to attend shall be reported by the presiding officer of the respective committee to the Village Council. Such unexcused absences may, by discussion of the committee and at the election of the chairman of the committee be deemed to constitute resignation on the part of the member, from such committee. Excused absences are defined as absences caused by events beyond one's control.
4. Upon resignation and acceptance, the vacancy shall be advertised. The Mayor can consider a replacement from the applications of persons who applied for the original vacancy on such committee.
5. All committee members will abide by the Wesley Chapel Ethics Policy. In the event an issue comes before a committee and a member of that committee has a financial, personal, or employment related interest in the outcome of the issue, that member should notify his/her fellow members that he/she has a potential conflict of interest and request that he/she be excused from voting.
6. Each committee shall turn in to the Village Council for approval, a budget for their projected initiatives. Budgets shall be kept on file by the Village Clerk and all committee financial activity shall be reported by the Village Finance Officer included in the monthly financial reports submitted to council. Request and approval for funds shall be submitted to Council based on budget cycle. Any expenditures within the approved budget must be approved by the Council liaison to that committee and be submitted to the Finance Officer for payment. Expenditures must follow the guidelines of the current Purchasing Policy. All unbudgeted expenses (with no prior discussion or beyond budget allocation) must be presented to Council before payment will be considered. Committees are not empowered to contractually obligate the Village financially, unless empowered by Council.
7. The Village Clerk will establish and maintain, updating as needed, a list of all committees to Mayor and Council Members with following data provided:
 1. Name of committee
 2. Brief function of each committee
 3. Motion or statute creating commission
 4. Number of members and terms of office
 5. Current members, addresses, email addresses, phone numbers, terms of office, numbers of terms served, and term expiration dates
 6. Regular meeting day, time and location

8. All applications received shall be retained for at least one (1) year.
9. All committees serve at the pleasure of Council.
10. Committee Responsibilities:
 - a. Elect chairperson and secretary for a term of up to three years.
 - b. Committees appointed for a specific purpose or to complete a specific task or project should not deal with matters outside of that specific charge.
 - c. Committees shall have a council liaison.
 - d. Committee conducts regularly scheduled meetings, open to the public, with actions recorded and notes taken.
 - e. Committee must submit to the Village Clerk approved written meeting minutes on a timely basis. Village Clerk to distribute minutes to Council.
 - f. Committees may make presentations to Council at Village meetings, as requested by Council.
 - g. It is the responsibility of the Council Liaison to ensure committee member decorum.

Bradford made a motion to replace “proposed ETJ area” with “area of consideration” in the General Policy and Procedures For Committees; Ormiston seconded the motion.

The motion passed unanimously.

The amended General Policy and Procedures For Committees is as follows:

Approved: Nov. 17, 2009, amended March 16, 2010

General Policy and Procedures For Committees

Council has a responsibility for the creation and management of all ad hoc and standing committees. Council shall determine the term length of standing committees. (This policy does not apply to Planning Board or Board of Adjustment.)

- A. Appointments are made to committees by the Mayor. Any resident of Wesley Chapel or the area of consideration is eligible to serve on appointed committees. No person may be appointed, serve or in any way be associated with any committee if that person has unpaid financial obligations to the Village. Such obligations include past due taxes, privilege licenses, or other fees more than 60 days in arrears and any unpaid citations issued by any agency of the Village, unless such obligations are under contestation. A person becomes eligible to serve once the Village Finance officer or Village Clerk certifies that all financial obligations to the Village of Wesley Chapel have been satisfied.

- B. Whenever any appointee shall incur three unexcused absences, said appointee's failure to attend shall be reported by the presiding officer of the respective committee. Such unexcused absences on the part of any appointee may, at the election of the Chairman of the Board, be deemed to constitute resignation on the part of the appointee, from such committee. Excused absences are defined as absences caused by events beyond one's control and are subject to approval by the committee on which the appointee is serving.

Upon such resignation and acceptance, the committee may recommend a replacement from the applications of person who applied for the last vacancy on such committee. Appointments are made by the Mayor.

- C. Appointees must uphold Village policies pertaining to the committee on which he/she serves.
- D. In the event an issue comes before a committee and a member of that committee has a financial, personal, or employment related interest in the outcome of the issue, that member should notify his/her fellow members that he/she has a potential conflict of interest and request that he/she be excused from voting. All committee members will abide by the Wesley Chapel Ethics Policy.
- E. Each year committees should turn in a budget for their projected initiatives. Budgets should be turned into the Village Administrator according to the budget calendar. Any expenditures within the approved budget must be approved by the Council liaison to that committee and be submitted to the Budget Officer for payment. Expenditures must follow the guidelines of the current Purchasing Policy. All unbudgeted expenses (with no prior discussion or beyond budget allocation) must be presented to Council before payment will be made. Committees are not empowered to contractually obligate the Village financially, unless empowered by Council.
- F. The Mayor and Council Members will have available to him/her a list of all Village appointments with following data provided:
 - 1. Name of committee
 - 2. Brief function of each committee
 - 3. Motion or statute creating commission
 - 4. Number of members and terms of office
 - 5. Current members, addresses, phone numbers, terms of office, numbers of terms served, and term expiration dates
 - 6. Regular meeting day, time and location
- G. All applications received shall be retained for at least one (1) year.
- H. All committees are ad hoc and serve at the pleasure of Council.

I. Committees

1. Elect chairperson and secretary for a term of up to three years.
2. Committees should be appointed for a specific purpose or to complete a specific task or project, and should not deal with matters outside of that specific charge.
3. Committees shall have a council liaison, and at that time determine the role of the committee.
4. Committee conducts regularly scheduled meetings, open to the public, with actions recorded and notes taken. Open meetings laws applies to all committees.
5. Committee must submit to the Village Clerk approved written meeting minutes on a timely basis. Clerk to distribute minutes to Council. Committees may present to Council at Village meetings, as necessary.
6. Request and Approval for funds shall be submitted to Council based on budget cycle.
7. It is the responsibility of the Council Liaison to ensure committee member decorum.

11. UPDATE ON SPRING 2010 NEWSLETTER

Ormiston is planning to have a rough draft of the newsletter by April 1, 2010; the newsletter will go out April 21 to provide notice of the May 3 community forum. A brief survey was discussed to gauge interest in a tax increase. Bennett will get figures together on square footage needs for a new town hall.

12. DISCUSSION OF GOOGLE OPTIC FIBER PILOT PROJECT

Hess is working on the application, he will add Duke Energy as a local utility provider, and the Master Plan has the percentage of telecommuters. Our village website can be added to the application. Hess will be the contact person, and he will update and submit the application.

13. OTHER BUSINESS

Bradford reported a citizen expressed concerns over the amount of trash along the streets and suggested her daughter's girl scout troop would collect trash. A long term solution is needed; Bradford suggested we try to get groups to rotate on cleaning the roadways. Ormiston said DOT has a program, and suggested contacting them to avoid duplicative efforts; she felt the roads here are dangerous for children. Prison inmates cleaned up along Highway 84 and Potter Road;

Ormiston will contact DOT regarding getting them out here. Council did not want to encourage children on Village roads collecting trash due to safety concerns.

Langen reported DOT will do a hydrological study on Mr. Kiker's land.

Ormiston reported Erin Kirkpatrick from Waxhaw wants a Resolution of Support for a library group to receive 501 (c) (3) certification; Ormiston will get the documentation.

14. COUNCIL COMMENTS- none

15. CLOSED SESSION PER NC GS 143-318.11(A) (6) TO DISCUSS INDIVIDUAL EMPLOYEE SALARIES

Bradford made a motion to go into closed session per NC GS 143-318.11(a) (6) to discuss individual employee salaries; Ormiston seconded the motion.

The motion passed unanimously.

Bennett and Langen and all citizens left at this point.

Council discussed the salaries in light of the COG salary study.

Hess made a motion to come out of closed session; Ormiston seconded the motion.

The motion passed unanimously.

16. POSSIBLE ACTION ON DECISIONS ARISING FROM CLOSED SESSION

Hess made a motion to raise the hourly salaries of the Clerk/Administrator from \$21.00 per hour to \$21.76 per hour, and Finance Officer hourly salaries from \$22.00 to \$23.34 per hour. Ormiston seconded the motion.

The motion passed unanimously.

Council would like to review the current personnel policy as well as the budget and its impact on the CIP before conducting an additional review. Mayor Horvath volunteered to ask Bennett to forward the personnel policy to Council. Council also requested performance appraisals be completed if they haven't been done within the year; Mayor Horvath committed to do that before the end of April.

17. 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