

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
WESLEY CHAPEL UNITED METHODIST CHURCH
120 Potter Road, Wesley Chapel, NC 28110
June 21, 2011 – 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 and Zoning Administrator Joshua Langen

Concerned citizens: Chuck and Gayla Adams, Julie Brown, Dan deMattos, Carol Mullis, John Grexa

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

Brotton made a motion to adopt the agenda with the addition of “Discussion of Committee Charters”. Bradford seconded the motion.

The motion passed unanimously.

3. PROCESS FOR ZONING VIOLATION ENFORCEMENT

Joshua Langen outlined his process for zoning violation enforcement. He logs the complaint and only assigns a case number if upon investigation he finds it is a violation. He will send a letter within a week, and a follow up notice one week later if no contact has been made or if no progress is being made. The third letter is sent one week later, both the second and third letters include language regarding fines and ability to avoid fine by bringing property into compliance. A citation number would be assigned one week later, and a letter sent from the attorney notifying the owner of the citation beginning the second Monday from the mailing date of the letter. At the end of the two week fining period the Sheriff would be requested to deliver a notification, and one week later the attorney would initiate legal proceedings. Langen will also be taking pictures of the violation. Since Josh doesn't have permission to trespass on the property he will see if the deputy can deliver the violation letter; and he will check with the

attorney. Ormiston said for HOA's it is 14 days between letters and they don't have to be certified mail. Brotton suggested using the violation number for the citation number, and creating a standardized form with check offs as to which notice the letter is, as well as showing what is in violation and the amount of fine and the time frame in days. He requested adding wording that the resident could call in to set up an agreement to resolve the problem. If the resident is in breach of an agreement to clean up the property, we could impose the fine retroactively. Mayor Horvath asked Langen to check with neighboring towns on their process. Carol Mullis noted in the past appeals went to the BOA. Langen said he likes to try to work with the people, if they disagree there is a violation, they can go to the BOA; he does include details of what the violation is in the letter.

4. CONSIDER APPROVAL OF TEXT AMENDMENT TO ZONING ORDINANCE FOR ARTICLE 9 OFF-STREET PARKING

Langen reported he added to 9.1.4(b) on cooperative parking "with dissimilar hours of operation" and that remote parking can be used for no more than 50% of the remainder of parking spaces required after assignment of cooperative parking. Text at 9.1.9 includes one space for 1,000 square feet of active recreation, and 2,000 square feet of passive recreation, whichever is greater. Bradford asked for a definition of amphitheater seating as the text refers to fixed seats and an amphitheater may be more casual. Langen said he checked with Haden Stanziale, they said the grassy amphitheater at Dogwood Park would accommodate 200 to 250 people, with one parking space per 100 square feet of area for assembly it would require 156 parking spots. Bradford suggested one space per 200 square feet instead of 100 square feet. Since we are not sure how often the amphitheater would be used, we might have a trigger of something like more than eight uses per year would require permanent parking instead of a temporary use permit. John Grexa noted Planning Board was looking at other parks and uses for the ordinance language, and wanted to cover all possibilities. Ten by ten feet is a pretty large space for a family of four. Brotton asked if we have a maximum capacity for an amphitheatre. Bradford asked if we could have unpaved parking for 50% of the recreation parking spots. Grexa noted also that more than one event may go on at one time and some people might be coming one per car to bike or hike. Mayor Horvath said one space for thirty-six square feet seemed too stringent, and one space per hundred square feet sounds right. Ormiston agreed, and noted the ordinance pertained to the entire village not only to Dogwood Park. Langen said we might need to scale back the amphitheater. Bradford said the Village is saying the amphitheater fits more people than Haden Stanziale, and she was trying to reconcile it. Brotton said if there is a maximum occupancy of an amphitheater, we could base parking on that. The Clerk will check with the fire marshal to see if they have standards for outside occupancy. Bradford asked what the planner's list serv might say on parking for a 125 x 125 area. Julie Brown said Crossroads Park in Indian Trail has a similar size amphitheater, and we could check with them. Langen noted in Wesley Chapel we don't have on-street parking capabilities like the other towns have. Brotton said being rural we have

more cars, you can't easily walk to the park. Langen will do more research on this.

5. PROCESS FOR EMPLOYEE REVIEWS

Mayor Horvath sent out evaluation forms and used the job descriptions to create the criteria. Bradford asked if there was solicited or unsolicited feedback from residents and committees. The Mayor said unsolicited, the liaison to committees can provide input. Dan DeMattos asked about setting goals such as making the processes smoother or more error free or saving town money. The Mayor said they were incorporated in some areas, Brotton said we have to make sure it is measurable and make sure the employee has the power to control the area if they are to be accountable. The Mayor asked for Council and staff for input on performance goals.

6. REVIEW AND CONSIDER APPROVAL OF 2011-2012 BUDGET AND ORDINANCE 2011-10

Bennett reported she added a half year deputy at \$36,102 with \$10,000 revenue coming from the shopping centers. Bradford asked about contingency; it is limited to no more than 5% of all other expenditures, and is for emergencies. Bradford made a motion to approve the 2011-2012 budget and the budget ordinance 2011-10, both incorporated herein. Ormiston seconded the motion.

The motion passed unanimously.

| | | <u>Proposed 2011-2012 Budget</u> | |
|----------------------------------|---------------|----------------------------------|---------------|
| General Fund | | | |
| Revenue | | | |
| Appropriated Fund Balance | 437,686 | | |
| Fees and Licenses | | | |
| Newsletter/Deputy Sponsor | 12,000 | | |
| National Night Out-raffle,cont | 500 | | |
| Contribution for parks and rec | 0 | Tax rate | 0.0165 |
| Fall Festival donations | 3,000 | | |
| Cable Franchise (from Time Warn | 12,000 | Prop value | \$849,804,407 |
| Engineering Fees Reimbursement | 8,000 | Prior year | \$845,196,595 |
| Zoning Permit | 6,000 | 98% | \$137,413 |
| Privilege Licenses | 25,000 | | |
| Annexation Exp Reimbursed | 300 | | |
| Misc. Fees | 200 | | |
| Total Fees and Licenses | 67,000 | | |
| Interest Earned | 5,000 | Motor Veh. | \$54,575,928 |
| Property Tax Income | | 93% | \$8,375 |
| Current Year Property Tax | 137,413 | Prior year | \$51,886,157 |
| Delinquent Taxes | 1,800 | | |

| | |
|-------------------------------------|----------------|
| Interest/Ad Fee on Taxes | 400 |
| Utility Ad Valorem | 1,000 |
| Vehicle Registration | 8,375 |
| Total Property Tax Income | 148,988 |
| Revenue Sharing | |
| Alcoholic Beverage Tax | 25,000 |
| Cable (from State) | 82,000 |
| Excise Tax (Piped Natural Gas) | 14,000 |
| Franchise Tax (Electric Power) | 152,000 |
| Sales & Use Taxes | 32,000 |
| Telecommunications Tax | 11,000 |
| Total Revenue Sharing | 316,000 |
| Total Revenues | 974,674 |
| Expense | |
| Transfer to CIP | 625,000 |
| Operating Expenditures | |
| Contingency | 20,000 |
| Advertising - Clerk | 500 |
| Annexation Expense | 400 |
| Annual Retreat | 1,800 |
| Bank Charges | 600 |
| Books & Literature | 300 |
| Dues and Subscriptions | 11,800 |
| Election Expense | 9,900 |
| Electronic Commun (Tele/RR) | 3,600 |
| Insurance - Liability | 9,500 |
| Insurance - Workmen's Comp | 525 |
| Land Maintenance | 1,000 |
| Town office Maint. | 1,000 |
| Misc town office | 500 |
| Newsletter | 3,000 |
| Office Expense | 2,200 |
| Postage and Delivery | 2,100 |
| Rent | 17,000 |
| Seminars | 1,500 |
| Tax Collection Fee | 2,400 |
| Travel & Entertainment | 2,500 |
| Utilities- Temp. Town Hall | 2,200 |
| Total Operating Expenditures | 94,325 |
| Gen. Govt. Salaries | |
| Admin. Assistant | 4,705 |
| Allowance for Salary Adjustment | 3,500 |

| | |
|--|----------------|
| Mayor | 4,800 |
| Mayor Protem | 3,000 |
| Council Salary | 7,200 |
| Clerk Salary | 46,875 |
| Finance Officer Salary | 10,500 |
| Payroll Taxes | 10,700 |
| Payroll exp - Unemployment | 1,000 |
| Fringe Benefits - Insurance | 15,514 |
| Fringe Benefits - Retirement | 7,596 |
| Total Gen. Govt. Salaries | 115,390 |
| Planning & Zoning | |
| P/Z Admin. Salary | 52,075 |
| Planning & Zoning Board Salary | 4,032 |
| Advertising | 500 |
| P/Z Office Expense | 500 |
| P/Z Seminars | 400 |
| P/Z Travel | 1,200 |
| P/Z Dues,Subscriptions | 360 |
| Total Planning & Zoning | 59,067 |
| Professional Fees | |
| Audit Fees | 4,000 |
| Engr. Consulting | 12,000 |
| Legal Fees | 16,000 |
| Total Professional Fees | 32,000 |
| Parks & Recreation | |
| Utilities | 1,800 |
| Telephone | 600 |
| Maintenance/Grounds | 2,680 |
| Events | 3,000 |
| Insurance | 1,610 |
| Office Expense | 1,000 |
| Security (off duty deputies) | 1,000 |
| Dues & Subscriptions | 500 |
| Total Parks & Recreation | 12,190 |
| Public Safety | 36,702 |
| Total Expense | 974,674 |
| Net excess of rev. over exp. | 0 |
| Capital Improvement Fund | |
| Capital Improvement Fund Income | |
| Transfer from General Fund | |
| Appropriated for Dogwood Park | 175,000 |
| Appropriated for Town Hall | 450,000 |

| | |
|--|---------|
| Total Transfer from General Fund | 625,000 |
| Total Capital Improvement Fund Income | |
| Capital Improvement Fund Expense | |
| Capital Projects | |
| Dogwood Park Capital Outlay | 175,000 |
| Town Hall Capital Outlay | 450,000 |
| Total Capital Projects | 625,000 |
| Total Other Expense | |
| Net Capital Improvement Fund | 0 |

**Village of Wesley Chapel
Budget Ordinance 2011-10
2011/2012**

BE IT ORDAINED by the Governing Board of the Village of Wesley Chapel, North Carolina:

Section 1: The following amounts are hereby appropriated in the General Fund for the operation of the village government and its activities for the fiscal year beginning July 1, 2011, and ending June 30, 2012, in accordance with the chart of accounts heretofore established for this Village:

| | | |
|------------------------|----|---------|
| General Government | | |
| Operating Expenditures | \$ | 94,325 |
| Salaries | | 115,390 |
| Planning & Zoning | | 59,067 |
| Professional Fees | | 32,000 |
| Parks and Recreation | | 12,190 |
| Public Safety | | 36,702 |
| Transfer to CIP | | 625,000 |
| Total | \$ | 974,674 |

Section 2: It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2011, and ending June 30, 2012:

| | | |
|---------------------------|----|---------|
| Property Tax Income | \$ | 148,988 |
| Revenue Sharing Income | | 316,000 |
| Fees and Licenses | | 67,000 |
| Interest | | 5,000 |
| Appropriated Fund Balance | | 437,686 |
| Total | \$ | 974,674 |

Section 3: There is hereby levied a tax at the rate of one and 65/100 cents (\$.0165 per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2011.

This rate is based on a total valuation of real and personal property for the purposes of taxation of \$849,804,407 and an estimated rate of collection of 98%; and a valuation of motor vehicles of \$54,575,928 with an estimated collection of 93%.

Section 4: The Budget Officer is hereby authorized to transfer appropriations as contained herein under the following conditions:

- a. She may transfer amounts between line item expenditures, or from Contingency, up to a dollar amount of \$1,000.
- b. An official report on all transfers should be made to Council at the next scheduled meeting.
- c. Transfers should not be made to salary accounts.

Section 5: Copies of this Budget Ordinance shall be furnished to the Clerk of the Governing Board and to the Budget Officer and Finance Officer to be kept on file by them for their direction in the disbursement of funds.

Adopted this 21st day of June, 2011.

Village Clerk Cheryl Bennett

Mayor Brad Horvath

7. INTERVIEW AND POSSIBLE APPOINTMENT OF CANDIDATES FOR PLANNING BOARD POSITIONS

The Mayor reported we have one regular position and two alternate positions open on Planning Board; Bill Fairman and Shirley Wilson are stepping down as alternates. John Grexa was present to re-apply for a new term as a regular member. He said he has been on the Planning Board five years, with two years as Chairman. He is involved in his HOA, sports and the town. He noted Planning Board doesn't always agree with Council, but it is important to work together. Dan DeMattos was interviewed; he retired from a big company and then spent ten years as a realtor. He said he likes Wesley Chapel and wants to contribute to the town. He printed the Planning Board Rules of Procedure and studied them. Ormiston asked both their vision for Wesley Chapel five to ten years down the road; Grexa replied he would like to see it stay similar to what it is now, maybe sidewalks on Highway 84, not a lot more commercial growth; high density residential near downtown is a concern. He noted decisions will influence the Village for years to come. Dan DeMattos said he hopes we work to be a healthy place, looking for identity we are rural, he would like to make it possible to walk and ride bikes more. Bradford noted zoning is a balance between individual and community property rights, and asked how do we keep a balance. Grexa said we talk about this almost every month at Planning Board and never come to a consensus. There needs to be some minimum standards; different areas might fall under different criteria. DeMattos replied the Master Plan involves individual property owner rights versus what the whole city and its people hope to be. Grexa

said he would like to stay as a regular member because there are still some unfinished items, but would do either. DeMattos said he would do whatever is best for the town. Bradford nominated Grexa to the regular position on Planning Board; Ormiston seconded the motion.

The motion passed unanimously.

Bradford nominated Dan DeMattos as an alternate on the Planning Board; Brotton seconded the motion.

The motion passed unanimously.

The Clerk noted they will be installed at the July Planning Board meeting, and she will get Dan an ordinance book

8. TOWN HALL BUILDING COMMITTEE UPDATE

Brotton noted the committee met last week, they walked the property and re-convened here. They went over the space analysis, and the preliminary program is looking at under 6,000 square feet. A field trip to Wallburg will take place tomorrow to walk through with the architect, and there will be a meeting on June 29, 2011 with rough renderings. We are waiting for the engineering report from Mike Gunnell regarding stormwater. A public information meeting may be held the first week of August.

9. A. DISCUSSION OF COMMITTEE CHARTERS

Ormiston said this had been brought up at the Advance; she will draft a template for the committees to be consistent.

9. B. CONSIDER APPROVAL OF FALL HERITAGE FESTIVAL COMMITTEE CHARTER UPDATE

The Committee thought it would be helpful to ensure succession planning to have co-chairs. Mayor Horvath appointed Ali Dunster as co-chair with Diana Bowler. The festival location was discussed; one reason was concern on construction at PetSmart, and the idea of supporting all the businesses. Bradford said Harris Teeter agreed to allow overflow parking. Last year some of the sponsors were from the JDH shopping center. Brotton said his concern was there was not communication to Council nor a quorum on the Committee meetings, so how was the decision made. It creates unnecessary tension in regards to Aston's proposal on stormwater, and everyone should know what went behind the decision making. Bradford said they talked to Karen Partee at Aston and they are okay with the location change. She said they didn't expect so many members to leave the committee after one year. An update letter makes sense if they don't have a quorum at a meeting. They did have a quorum this month. Brotton said maybe a special Council meeting is needed if a quorum can't be obtained as we move closer to the festival. Bradford said the July committee meeting is July 11, 2011. Mayor Horvath asked for a consensus on the location move to the Lowes shopping center; Brotton said his only concern is logistics with entrances and parking issues. Mayor Horvath asked Diana Bowler for a plan on that.

10. PARKS AND REC COMMITTEE UPDATE
 - CONSIDER APPROVAL OF RFP FOR PARK DESIGN PROJECT
 - TENANT UPDATE / RENT DISCUSSION IF NEEDED
 - INITIAL SECURITY PROPOSAL
 - SIDEWALK UPDATE

Bradford reported on the RFQ. Various changes were made to the RFQ, including changing the width of the paved trail to eight feet and unpaved trails to five feet, adding grassing for the multi-use field, an alternative sanitation option, and connection to public sewer if deemed cost effective. Under scope of services circulation plans and signage was added. Submissions will be directed to the Clerk. Ormiston suggested a spreadsheet with the amenities and the option for the house evaluation including bathrooms. Scorecards were discussed, with the recommendation they are as simple as possible, perhaps a 1/3/5 scale like the town hall committee used. Brotton suggested asking them for their last three projects, to avoid them just giving their best references and asking if they have worked with a municipality before. The pre-bid site visit will be July 11, 2011 and submissions due August 1 at 4 pm for bids to be opened. Parks and Rec can review the bids and score them on August 15. Ormiston made a motion to approve Resolution 2011-06 exempting this bid from the standard RFQ process to obtain prices; Bradford seconded the motion.

The motion passed unanimously.

Resolution 2011-06
Resolution for Exemption from the Provisions of G.S. 143-64.31
Regarding Contracting Professional Services
Wesley Chapel, North Carolina

WHEREAS G.S. 143-64.31 requires the initial selection of firms to perform architectural, engineering, and surveying services without regard to fee; and

WHEREAS G.S. 143-64.32 allows municipalities to exempt themselves from the provisions of 143-64.31 at the sole discretion of the unit of local government, stating the reasons therefore and the circumstances attendant thereto; and

WHEREAS the Village of Wesley Chapel proposes to enter into one or more contracts for such services for work to prepare the Village's Conditional Use Permit application for Dogwood Park, prepare construction documents, oversee the bidding process, administer the construction of the project, and other activities necessary to deliver Dogwood Park to the citizens of Wesley Chapel; and

WHEREAS it is in the best interests of the Village and its citizens to procure these services through a process of open competition;

NOW, THEREFORE, THE WESLEY CHAPEL VILLAGE COUNCIL
RESOLVES:

Section 1. The above-described project is hereby made exempt from the provisions of G.S. 143-64.31 for the reasons stated in this resolution.

Section 2. This resolution shall be effective upon passage.

Adopted this 13th day of June, 2011.

ATTEST

Cheryl Bennett, Clerk to the Board

Brad Horvath, Mayor

Ormiston made a motion to approve the RFQ with the changes made tonight; Bradford seconded the motion.

The motion passed unanimously.

The tenant at the Dogwood house may not be out by June 30; the contract calls for \$2,500 rent. Hess said he is okay with softening the requirement if we are getting benefits. Brotton noted the contract is with the Johnston's, and asked if the tenant was aware of the rent provision. Consensus was to let the tenant stay one month more; Mayor Horvath will talk to him and enforce the contract.

Bennett said she talked to the insurance about the claim for hail damage to the roof, they asked for assistance getting on the roof; we will check with Bill Meyer and see if he can provide access to the roof.

More detail is needed for the security and lighting plans.

Brotton handed out a draft ordinance regarding sex offenders in the park; it had been updated by the attorney. It will be considered at the next meeting.

Brotton made a motion to table items 11 to 14; Bradford seconded the motion.

The motion passed unanimously.

11. WESTERN UNION COUNTY COALITION UPDATE
 - POSSIBLE ANNEXATION AGREEMENTS / INTERLOCAL SPHERE OF INFLUENCE
 - TRANSPORTATION PLANNER PROPOSAL
 - NEW TOWN ROAD SAFETY DISCUSSION

12. DISCUSSION AND CONSIDERATION OF ORDINANCE PROHIBITING SEX OFFENDERS FROM ENTERING PARKS AND RECREATIONAL FACILITIES

13. MAILING LISTS DISCUSSION FOR ANNOUNCEMENTS, ETC.

14. RECAP OF NCLM TOWN HALL DAY IN RALEIGH

15. OTHER BUSINESS

Mayor Horvath said the two dates in September didn't work for the Board of County Commissioners joint meeting. Please consider a special meeting or October dates. Ormiston said she moved forward in talking to Sheriff Cathey, the deputy start date will be January 1, 2012 or after. Bennett suggested we try to get a credit of more than 10% out-of-zone in the contract since our borders are so fragmented.

16. COUNCIL COMMENTS - none

17. ADJOURNMENT

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

The motion passed unanimously.

The meeting adjourned at approximately 10:40 pm.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath