

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
WESLEY CHAPEL UNITED METHODIST CHURCH
120 Potter Road, Wesley Chapel, NC 28110
June 10, 2013 – 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 Ormiston, Council Members Brotton, Plyler and Rosoff

Others Present:

Clerk/Finance Officer Cheryl Bennett; Planning/Zoning Admin. Joshua Langen; Attorney George Sistrunk (Sistrunk and Langen arrived late during item 4).

Citizens Present: Carol Mullis, Mildred Gwinn, Carolyn Stepp, Margaret Thewes, Sandy Fenn, Butch Plyler, Bryan Metzler, Evan Wunder, Vickie Oldham, Julie Brown, John Shea, Colin Brown, Michael Shea, one illegible name on sign in sheet.

The 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 Ormiston gave the invocation.

2. PUBLIC COMMENTS - none

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

Council Member Plyler made a motion to approve the agenda; Council Member Rosoff seconded the motion.

The motion passed unanimously.

4. PUBLIC HEARING ON VILLAGE OF WESLEY CHAPEL PROPOSED 2013-2014 BUDGET

The Public Hearing was opened. Finance Officer Bennett reported the account title for the \$13,000 amount in Parks and Rec capital outlay was corrected to “structural improvements / demolition of house”. Carol Mullis asked about the newspaper article that said Parks and Rec have \$500,000 to spend on the park; Mayor Horvath said no, they have about \$400,000. Ms. Mullis asked if the transfer to park CIP will be an addition to their budget; Mayor Horvath said yes, if it is approved. Ms. Mullis asked about the amount budgeted for a lawn tractor; and asked if we would have a maintenance service. Mayor Pro Tem Ormiston said we have budgeted for a maintenance service once monthly, but in between we will have volunteers do mowing.

The public hearing was closed.

5. APPROVE MINUTES FOR COUNCIL MEETINGS MAY 13, 2013 AND MAY 21, 2013

Council Member Plyer requested we add to the May 21, 2013 minutes that she had suggested changing the title of the capital outlay account in parks and rec to add demolition of the house. Council Member Rosoff made a motion to approve the minutes for May 13, 2013 and May 21 with this addition. Mayor Pro Tem Ormiston seconded the motion.

The motion passed unanimously.

6. STAFF REPORTS

a. Review and approve May 2013 financial reports

Finance Officer Bennett presented the May reports and noted that ABC revenue was down statewide; the other state shared revenues look okay, one is down, and one is up. Council Member Plyer made a motion to accept the May 2013 financial reports; Mayor Pro Tem Ormiston seconded the motion.

The motion passed unanimously.

May 2013 Balance Sheet

ASSETS

Checking/Savings

Fifth Third Bank Checking	35,364.39
Fifth Third Bank Money Market	648,104.62
Park Sterling Bank CD 7.03.13	249,624.66
BB&T Money Market	824,710.79
Petty Cash Fund	<u>50.00</u>

Total Checking/Savings 1,757,854.46

Total Accounts Receivable 1,645.29

Other Current Assets

Prepaid Exp.	1,225.00
Property Tax Rec.	2,981.00
Allow. for Doubtful Accounts	-1,077.00
Sales Taxes to be Received	<u>5,664.80</u>

Total Sales Taxes to be Received 5,664.80

Total Other Current Assets 8,793.80

Total Current Assets 1,768,293.55

Fixed Assets

Land	729,029.00
House at Dogwood Park	411,169.00
Dogwood Park CIP	66,580.00
Town Hall- CIP	64,744.00
Office Equipment	8,749.00
Accumulated Deprec.	-26,994.98

Total Fixed Assets	1,253,276.02
TOTAL ASSETS	3,021,569.57
 LIABILITIES & FUND BALANCE	
Other Current Liabilities	
Retainage Payable - Town Hall	17,877.52
Escrow from Developers	45,076.00
UnearnedRev(Priv lic,cty MVtax	57.50
Next yr Prop Tax prepaid	10.50
Deferred Revenue	1,904.20
Total Other Current Liabilities	64,925.72
 Fund Balance	
Fund Bal. inv. in Fixed Assets	1,253,276.02
Fund Balance Assigned for NNO	313.40
Fund Bal. non-spendable	66,632.75
Fund Bal. Committed for CIP	1,288,175.74
Fund Balance	-1,036,886.18
Net Excess of Rev. over Exp.	1,385,132.12
Total Fund Balance	2,956,643.85
TOTAL LIABILITIES & FUND BALANCE	3,021,569.57

May 2013 Budget Report

	May 13	Jul '12 - May 13	YTD Budget	% of Budget
General Fund				
Revenues				
Appropriated Fund Balance	0.00	353,699.00	353,699.00	100%
Fees and Licenses				
Newsletter/Deputy Sponsor	0.00	10,000.00	10,000.00	100%
National Night Out	0.00	60.00	100.00	60%
Cable Franchise (from Time Warn	0.00	12,367.00	12,000.00	103%
Engineering Fees Reimbursement	0.00	1,592.79	5,000.00	32%
Zoning Permit	1,525.00	8,670.00	6,000.00	145%
Privilege Licenses	55.00	27,276.87	26,000.00	105%
Privilege licenses late fees	0.00	145.06	0.00	100%
Annexation Exp Reimbursed	0.00	0.00	200.00	0%
Misc. Fees	0.00	244.70	200.00	122%
Total Fees and Licenses	1,580.00	60,356.42	59,500.00	101%
 Interest Earned	0.00	2,458.13	2,500.00	98%

Property Tax Income				
Current Year Property Tax	322.52	143,199.36	139,244.00	103%
Delinquent Taxes	25.33	808.85	600.00	135%
Interest/Ad Fee on Taxes	33.73	267.88	350.00	77%
Utility Ad Valorem	0.00	1,990.66	1,404.00	142%
Vehicle Registration	990.38	8,847.05	8,971.00	99%
Prior Year Motor Vehicle Tax	46.17	408.68	0.00	100%
Late List fees on taxes	0.98	48.08	0.00	100%
Total Property Tax Income	1,419.11	155,570.56	150,569.00	103%
Revenue Sharing				
Alcoholic Beverage Tax	31,326.72	31,326.72	28,000.00	112%
Video Programming(State Cable)	0.00	51,603.54	95,000.00	54%
Excise Tax (Piped Natural Gas)	0.00	5,316.00	16,000.00	33%
Franchise Tax (Electric Power)	0.00	104,206.00	170,000.00	61%
Sales & Use Taxes	3,278.61	26,006.88	34,000.00	76%
Telecommunications Tax	0.00	5,672.40	12,000.00	47%
Total Revenue Sharing	34,605.33	224,131.54	355,000.00	63%
Total Revenues	37,604.44	796,215.65	921,268.00	86%
Gross Profit	37,604.44	796,215.65	921,268.00	86%
Expense				
Transfer to CIP	0.00	342,700.00	342,700.00	100%
Operating Expenditures				
Contingency	0.00	0.00	24,575.00	0%
Advertising - Clerk	19.90	216.40	500.00	43%
Annexation Expense	0.00	0.00	300.00	0%
Annual Retreat	0.00	1,592.41	1,800.00	88%
Bank Charges	0.00	489.62	660.00	74%
Books & Literature	0.00	0.00	300.00	0%
Dues and Subscriptions	0.00	8,528.00	12,500.00	68%
Election Expense	0.00	1,360.50	1,840.00	74%
Electronic Commun.- Tel.website	244.67	3,185.01	3,600.00	88%
Insurance - Liability	0.00	9,993.19	10,000.00	100%
Insurance - Workmen's Comp	0.00	535.68	600.00	89%
Land Maintenance	0.00	0.00	1,000.00	0%
Town office Maint.	75.00	860.01	900.00	96%
Misc. town office	4.45	359.22	600.00	60%
Newsletter	0.00	0.00	3,000.00	0%
Office Equipment	0.00	0.00	1,200.00	0%
Office Expense	0.00	1,616.98	2,400.00	67%

Postage and Delivery	92.00	349.50	2,200.00	16%
Rent	1,400.00	15,400.00	16,800.00	92%
Seminars	0.00	0.00	2,525.00	0%
Tax Collection Fee	21.37	2,330.99	2,500.00	93%
Travel & Entertainment	147.55	1,561.27	5,240.00	30%
Utilities- Temp. Town Hall	0.00	1,900.40	2,400.00	79%
Youth Council Committee	0.00	70.54	1,100.00	6%
Total Operating Expenditures	<u>2,004.94</u>	<u>50,349.72</u>	<u>98,540.00</u>	<u>51%</u>
Gen. Govt. Salaries				
Admin. Assistant	521.25	7,122.50	10,920.00	65%
Allowance for Salary Adjustment	0.00	0.00	3,927.00	0%
Mayor	0.00	3,600.00	4,800.00	75%
Mayor Pro-tem	0.00	2,250.00	3,000.00	75%
Council Salary	0.00	5,400.00	7,200.00	75%
Clerk Salary	3,521.96	40,644.44	49,288.00	82%
Finance Officer Salary	848.08	9,752.92	11,025.00	88%
Payroll Taxes	681.64	8,972.02	11,000.00	82%
Payroll exp - Unemployment	0.00	0.00	1,000.00	0%
Fringe Benefits - Insurance	1,299.36	14,281.76	15,600.00	92%
Fringe Benefits - Retirement	577.32	6,657.33	7,700.00	86%
Total Gen. Govt. Salaries	<u>7,449.61</u>	<u>98,680.97</u>	<u>125,460.00</u>	<u>79%</u>
Planning & Zoning				
P/Z Admin. Salary	4,120.00	48,505.00	53,635.00	90%
Planning & Zoning Board Salary	0.00	2,016.00	4,032.00	50%
Advertising	0.00	268.64	450.00	60%
P/Z Office Expense	0.00	535.16	550.00	97%
P/Z Seminars	273.00	612.00	1,150.00	53%
P/Z Travel	33.90	1,703.89	2,950.00	58%
P/Z Dues,Subscriptions	0.00	360.00	360.00	100%
Total Planning & Zoning	<u>4,426.90</u>	<u>54,000.69</u>	<u>63,127.00</u>	<u>86%</u>
Professional Fees				
Appraisal Fees	0.00	0.00	275.00	0%
Audit Fees	0.00	5,750.00	5,750.00	100%
Engr. Consulting	267.91	12,129.30	18,000.00	67%
Legal Fees	1,800.00	12,233.68	20,000.00	61%
Total Professional Fees	<u>2,067.91</u>	<u>30,112.98</u>	<u>44,025.00</u>	<u>68%</u>
Capital Outlay	1,774.05	26,983.87	110,000.00	25%
Public Services / Safety				

Mat. & Supplies Public Safety	70.00	246.74	800.00	31%
Law Enforcement Services	0.00	77,387.00	77,387.00	100%
Total Public Services / Safety	70.00	77,633.74	78,187.00	99%
Parks & Recreation				
Parks & Recreation Personal Ser				
Park Maintenance Worker	0.00	0.00	2,520.00	0%
P & R Payroll Tax	0.00	0.00	181.00	0%
P&R Insur. Workers Comp	0.00	0.00	100.00	0%
P&R Prof Fee - Deputies	0.00	0.00	450.00	0%
P&R Prof Fees - Architect Fees	0.00	12,200.00	12,700.00	96%
Total Parks & Recreation Personal Ser	0.00	12,200.00	15,951.00	76%
Parks & Rec Supplies & Material				
Food and Provisions	132.97	347.17	420.00	83%
Janitorial Supplies	0.00	0.00	600.00	0%
Events Supplies	0.00	0.00	454.00	0%
Office Expense	0.00	0.00	0.00	0%
Stocking of Fish	0.00	0.00	2,690.00	0%
Pesticide Supplies	0.00	0.00	510.00	0%
Other Supplies and Materials	0.00	465.08	460.00	101%
Total Parks & Rec Supplies & Material	132.97	812.25	5,134.00	16%
Parks & Recreation Services				
Donation	0.00	626.00	626.00	100%
Advertising	0.00	54.72	100.00	55%
Dues & Subscriptions	0.00	0.00	0.00	0%
Insurance- liability	0.00	2,000.00	2,000.00	100%
Event Services	0.00	0.00	1,000.00	0%
Maintenance/Grounds	177.45	605.45	4,000.00	15%
Tree Removal Services	0.00	2,000.00	2,000.00	100%
Pest Control	0.00	0.00	1,000.00	0%
Postage	0.00	0.00	400.00	0%
Printing	0.00	0.00	500.00	0%
Repairs to Structures	0.00	0.00	300.00	0%
Security	0.00	0.00	0.00	0%
Trash Collection	0.00	0.00	138.00	0%
Sanitation Contract (restrooms)	0.00	0.00	840.00	0%
Elec. Communication	0.00	0.00	840.00	0%
Water/Sewer	6.05	66.05	1,200.00	6%
Utilities-Elec.,Gas	31.47	432.83	6,300.00	7%

Total Parks & Recreation Services	214.97	5,785.05	21,244.00	27%
P&R Capital Outlay				
Structure Improvements	0.00	0.00	7,200.00	0%
Other Improvements	0.00	0.00	150.00	0%
Tools/Equipment	0.00	0.00	4,200.00	0%
Furnishings	0.00	0.00	700.00	0%
Redbox Program	0.00	0.00	950.00	0%
Miscellaneous Capital Outlay	0.00	0.00	3,700.00	0%
Total P&R Capital Outlay	0.00	0.00	16,900.00	0%
Total Parks & Recreation	347.94	18,797.30	59,229.00	32%
Total Expense	18,141.35	699,259.27	921,268.00	76%
Net General Fund	19,463.09	96,956.38	0.00	100%
Capital Projects Fund				
Capital Projects Revenues				
PARTF Grant	0.00	387,975.74	500,000.00	78%
Adopt A Trail Grant	0.00	5,000.00	5,000.00	100%
Water Based Resource Grant-Park	0.00	100,000.00	100,000.00	100%
Transfer from General Fund				
Appropriated for Dogwood Park	0.00	1,000,000.00	1,000,000.00	100%
Appropriated for Town Hall	0.00	1,442,700.00	1,442,700.00	100%
Total Transfer from General Fund	0.00	2,442,700.00	2,442,700.00	100%
Capital Projects Revenues	0.00	2,935,675.74	3,047,700.00	96%
Capital Projects Expenses				
Capital Projects				
Dogwood Park Capital Outlay				
Land Acquisition	0.00	673,271.00	674,000.00	100%
House	0.00	411,419.00	412,000.00	100%
Site preparation	0.00	0.00	35,000.00	0%
Utilities	0.00	4,380.00	15,000.00	29%
Preliminary Planning	0.00	15,526.67	15,527.00	100%
Design/Constr Mgt,etc.	2,575.67	63,527.11	77,850.00	82%
Grassing	0.00	0.00	5,850.00	0%
Parking lot & drive	0.00	0.00	87,170.00	0%
Rest room renovation	0.00	0.00	30,000.00	0%
Site Furnishings-gate,signs,etc	0.00	277.77	7,000.00	4%
Boardwalk	0.00	0.00	31,000.00	0%
Accessible routes	0.00	0.00	21,000.00	0%

Paved Walking Trail	0.00	0.00	54,000.00	0%
Unpaved trail	0.00	9,888.04	14,210.00	70%
Multipurpose Field	0.00	0.00	30,000.00	0%
Amphitheater/Stage/Outdoor Clas	0.00	0.00	35,000.00	0%
Fishing Pier	0.00	0.00	25,000.00	0%
Legal Fees - DP	0.00	1,085.00	2,000.00	54%
Other Expense	87.06	581.64	18,931.00	3%
Contingency	0.00	0.00	14,462.00	0%
Total Dogwood Park Capital Outlay	2,662.73	1,179,956.23	1,605,000.00	74%
Town Hall Capital Outlay				
TH Construction Contract	94,297.35	350,342.99	1,245,351.00	28%
TH Architect/Engineer	4,527.91	96,732.80	102,020.00	95%
TH In House Engineering	0.00	1,200.00	1,200.00	100%
TH Testing/Permit Fees	0.00	10,587.41	15,000.00	71%
TH Telecom Sys/AV/Computers	0.00	0.00	33,930.00	0%
TH Insurance	0.00	1,374.00	1,374.00	100%
TH Legal Fees	0.00	4,132.50	5,000.00	83%
TH Furnishings	0.00	0.00	26,945.00	0%
TH Miscellaneous	0.00	3,174.07	11,880.00	27%
Town Hall Capital Outlay - Other	0.00	0.00	0.00	0%
Total Town Hall Capital Outlay	98,825.26	467,543.77	1,442,700.00	32%
Total Capital Projects	101,487.99	1,647,500.00	3,047,700.00	54%
Total Other Expense	101,487.99	1,647,500.00	3,047,700.00	54%
Net Capital Projects Fund	-101,487.99	1,288,175.74	0.00	100%
Net Excess of Revenue over Expense	-82,024.90	1,385,132.12	0.00	100%

b. Review monthly planning and zoning report
 Planning and Zoning Administrator Langen reported he issued 8 permits in the last month. Twelve Oaks roads are awaiting repairs and not yet accepted by DOT. He has a re-zoning request to go from R20 to R40, and a sketch plan from Shea Builders for a proposed 32 lot subdivision on Lester Davis Road. He reported the status of ordinance changes; the NC Division of Emergency Management is still reviewing our flood damage prevention ordinance; this has been on-going a long time and he will check on it. The Section 310 changes to the subdivision ordinance did not get emailed to Council. Planning Board will re-consider the fee-in-lieu and land dedication changes and fireworks display provisions. Sandwich board sign changes will also be reviewed by Planning Board in June and Council has a public hearing date scheduled for July 8. Planning Board recommended approval of the amended Land Use Plan in January, and Council to consider it in June or July.

c. Review monthly zoning violations report

Langen's report shows open violations at 205 Airport Road (with a pending re-zoning), and an off-premise subdivision sign at 6700 Weddington Road which Planning Board granted a 90 day extension in order to consolidate parcels.

d. Consider calling for a public hearing on text amendment to Subdivision Ordinance Section 310 for information required on preliminary plats

The text amendment will be sent to the attorney for review and this will be rescheduled on the next agenda.

7. CONSIDER REQUEST FOR MODIFICATION FROM THE SUBDIVISION ORDINANCE FOR MODIFICATION TO SECTION 404.3 ON HERITAGE TREE REMOVAL AND SECTION 405.7 CUL DE SAC FOR 310 LESTER DAVIS ROAD, WAXHAW, NC 28173.

This item was considered later in the meeting, after item 14.

Planning and Zoning Administrator Joshua Langen reported that Shea Builders applied for this subdivision modification in relation to a proposed subdivision on 37 acres on Lester Davis Road. We added a tree retention section to the Subdivision Ordinance a couple of years ago, and haven't applied these rules yet, and some hitches have come up. The rules appear stringent and difficult to comply with.

Colin Brown, attorney for Shea Homes, provided an aerial photo of the Oldham property which Mr. and Mrs. Oldham bought in 1985; she still resides there and he passed away since then.

Wesley Chapel was formed in 1998. Shea has a contract to purchase the 37.09 acres zoned R-40 and submitted the modification application. Shea will have a tree save area, but there is a requirement to survey that area which is expensive to do, they are asking for relief from that.

They also want the ability to selectively remove heritage trees, less than or equal to 20 inches in diameter at breast height; and on the cul-de-sac, they want to create center landscaped islands – this also creates more pervious area. He asked if the intent of Subdivision Ordinance Section 404.3 (6) (D) (ii) was to prevent any removal of twenty inch plus trees or provide protection for significant trees and mitigation options to accommodate reasonable development plans.

Mr. Brown continued; the existing canopy is 23.6 acres, the site plan is 32 homes; and around the edges are undisturbed areas. Some homes in the center also have tree save areas. They don't want to spend money on the tree survey until they know there is flexibility; if not, Shea walks away. He said in his experience, twenty inches is small for a heritage tree. There are a significant number of trees of that size. The tree's diameter doesn't indicate its significance or community value he said.

His responses to the findings of fact are: a) Shea is not suffering, but Mrs. Oldham is; half of the site is covered by tree canopy. b) She loses a substantial right. c) All neighboring sites are divided into neighborhoods, and this site is unique in the amount of coverage. d) The modification will allow the applicant and staff to devise a reasonable tree preservation plan.

Failure to allow a modification may result in negative unintended consequences; as homeowners can remove the trees although developers cannot. e) This would not vary the provisions of the Zoning Ordinance.

Michael Shea said some species of trees are more desirable than others.

Mayor Pro Tem Ormiston asked Mrs. Oldham if the attorney reflected her feelings, and Mrs. Oldham replied yes.

Mr. Langen was asked if he consulted with the Union County urban forester when this was written; he replied that the forester reviewed the list of tree species.

Mr. Langen said on the subdivision modification application that he wanted to scratch from Item A “within tree canopy”; they wanted to exempt ten inch trees from the individual survey requirements. On Item C, he noted center islands in cul-de-sacs are not expressly prohibited, so he did not address it in his review. He would not prohibit them. The diameter proposed is 120 feet. Langen also explained that part of the ordinance says heritage trees are 15 inches, other parts say 20 inches, so he held them to the lower standard of 20 inches.

Langen noted the findings are opinions, not facts. He thought the request reasonable, and the ordinance is overly stringent. He has started re-writing this ordinance.

Council Member Plyler said she had a picture of a heritage tree that fell on her mother’s property, there were others that fell in Charlotte and Matthews, and they killed people. If we insist on heritage trees and they fall on someone, are we liable. Attorney Sistrunk said we have governmental immunity, and are covered to the extent of our insurance. Mayor Horvath said the property owner can remove the trees; there is an expense to them, but this is not the result we want. Council Member Brotton asked when the Oldham’s purchased the land, was the intent to use it as an investment and eventually sell; Mrs. Oldham said she couldn’t answer that. Brotton said he would think it a reasonable expectation that the value of the land would go up and not allowing her to benefit fully we put undue harm on her. Council Member Rosoff asked if the tree retention areas are where they move her trees; the reply was no, those are the tree save areas. Mike Shea said the intention is to save trees in yards wherever possible; in the islands they will plant what DOT allows preserving the line of sight.

Mayor Pro Tem Ormiston said the cul-de-sacs shouldn’t be regulated, that is not even a question. She supports the property owner’s rights; and saw a trend where we approved ordinances that are too stringent. She said we need the survey to approve the modification. The application asks for flexibility if a heritage tree is in the roadway or in a reasonable site of a house based on this map. Michael Shea said there isn’t a mitigation formula. Langen said there are three, depending on the sizes of trees; because there are so many heritage trees, this site may not require mitigation. Council Member Brotton asked how the Land Use Plan shows this land; Langen said as one acre lots.

Langen’s review of the subdivision modification request is incorporated herein.

TO: VILLAGE COUNCIL
FROM: JOSHUA LANGEN
SUBJECT: SM-13-02
DATE: 6/5/13

Staff has found that Shea Builders has submitted a petition for subdivision modification, SM-13-02, in order to modify the following regulations and allow for substitute development standards;

Article 404.3:

Item A
404.3(4) Retention of Existing Tree Canopy

Petitioner requests that 10' DBH or greater trees within tree canopy retention areas are not required to be surveyed. Tree retention areas will be deed restricted to the requirement of the current ordinance.

Item B

404.3 (6) Tree Protection Zone

Petitioner seeks the ability to remove select Heritage trees 20" or greater diameter at breast height. Petitioner requests the right to remove Heritage trees that are in conflict with road and homes construction as generally shown on the attached plan. Developer will commit to the concept of saving heritage trees in tree retention areas and on single-family lots in areas that do not conflict with home construction or development infrastructure. This concept is generally depicted on the attached plan. Exact locations of trees will be identified with an actual survey per the ordinance. Staff will have the authority to review and approve Heritage tree removal in like, shape and form of the attached concept plan. If actual field locations vary staff will have the authority to apply the depicted concept to the new locations.

Staff has considered the following findings;

a) That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land, and

Staff has not found any special circumstance affecting said property, only that there are a significant number of Heritage trees on the property and the proposed subdivision layout is reliant upon modification of the ordinance. Application of the Heritage tree save provisions would require extensive survey work, difficulty in building homes on some lots and potentially re-routing the proposed road infrastructure to accommodate the trees. Also, additional survey work will be required as 10" trees are required to be surveyed. However, this would not deprive the applicant of reasonable use of the property as the property can be used as a residence, other uses allowable in the R-40 zoning district, and alternate subdivision layouts.

b) That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner, and

Staff has found that the property can be used as a residence, other potential R-40 uses or alternate layouts and can be subdivided for sale or used in its current configuration. The number of lots resulting from a subdivision within the existing regulations would most likely be smaller than the number of lots proposed, however, subdivision for sale could still be physically possible.

c) That the circumstances giving rise to the need for the modification are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this Ordinance, and

The subject property does not seem to have peculiar circumstances as the lot is not of an irregular shape and has a mixture of wooded areas, open areas and water areas. The property is

bounded on all sides by existing subdivisions, however, the property is of sufficient size to accommodate a variety of uses and subdivision layouts.

d) That the granting of the modification will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which said property is situated, and

Granting the modifications could result in the removal of a significant number of Heritage trees from the property due to clearing for homes and infrastructure. However, the proposed layout does show Priority Retention Areas and, therefore, a number of Heritage trees can be expected to be saved in these areas. In addition, although the removal of Heritage trees could result in a loss of tree cover and aesthetic benefits, their removal would not necessarily be detrimental to the public health, safety and welfare and would not be injurious to other property owners as the subdivision layout proposed large lots and tree save areas.

e) That the modification will not vary the provisions of the Village of Wesley Chapel Zoning Ordinance applicable to the property.

The proposed modifications would not vary the provisions of the Village of Wesley Chapel Zoning Ordinance applicable to the property.

The proposed modifications CANNOT be considered to meet all of the above criteria, staff recommends DENIAL of the modification request.

Council voted on the items at Section 206.3 of the Subdivision Ordinance as follows.

- a) That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land, and

Vote was 3 yea -1 nay.

- b) That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner, and

Vote was 4 yeas.

- c) That the circumstances giving rise to the need for the modification are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this Ordinance, and

Vote was 4 yeas; Brotton noted he voted yes based on the aerial photo.

- d) That the granting of the modification will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which said property is situated, and

Vote was 4 yeas.

- e) That the modification will not vary the provisions of the Village of Wesley Chapel Zoning Ordinance applicable to the property
Vote was 4 yeas.

A vote was held on Section 206.1 to authorize the modification; the vote was 4 yeas. Council Member Rosoff said we need a clearer definition of heritage trees. Council Member Brotton made a motion to grant the applicants request based on the two conditions: that they do a survey of the twenty inch plus trees; and let the Planning and Zoning Administrator make a decision on the mitigation based on the survey. Mayor Pro Tem Ormiston seconded the motion.

The motion passed unanimously.

Carol Mullis said other landowners are present, will this be considered on a case by case basis. Mayor Horvath said Langen is working on text changes; and they are willing to look at each case. Mildred Gwinn said she owns the property across the road, and they intend to continue living there, but it is a retirement asset and they would cut the trees themselves; she was not happy with this ordinance.

Mrs. Oldham thanked Council.

8. CONSIDER CANDIDATE FOR PLANNING BOARD ALTERNATE POSITION AND POSSIBLE APPOINTMENT

Council Member Brotton made a motion to appoint David Boyce to Planning Board as an alternate; Mayor Pro Tem Ormiston seconded the motion.

The motion passed unanimously.

Mayor Horvath noted Chuck Adams and Stephen Keeney's Planning Board terms expire at the end of June, and both asked to be re-appointed. Mayor Pro Tem Ormiston made a motion to appoint Chuck Adams and Stephen Keeney to additional terms on Planning Board. Council Member Plyler seconded the motion.

The motion passed unanimously.

9. CONSIDER APPROVAL OF VILLAGE OF WESLEY CHAPEL FISCAL BUDGET FOR 2013-2014

Finance Officer Bennett suggested we may want to wait until the next meeting to approve the budget since there is still legislative action pending. Mayor Horvath said it may take months to reach decisions at the state level; Mayor Pro Tem Ormiston concurred. Finance Officer Bennett also noted there is likelihood in 2014-15 that the towns will have to cover some to all of the volunteer fire department's workers comp costs.

Council Member Plyler asked about the line item "Repairs to Structures" in Park and Rec services; Mayor Pro Tem Ormiston said that refers to the amphitheater, not the house. Council Member Plyler asked about the \$200,000 additional appropriation to the park; she asked that this be left in the general fund, and if they need it, then move it. Finance Officer Bennett noted that the bids are coming in this week; if we want to let the contract this year, we could not do so since the funds are budgeted starting July 1. Mayor Pro Tem Ormiston said we can wait to let the bid next month. She added that Parks and Rec has worked diligently with the most detail of any committee for their line items. Council Member Brotton said there was concern from the public with them not knowing when budget amendments are made; this will get published and is more

transparent. Council Member Rosoff agreed; she did not see a point in putting it in the general fund; she liked the transparency also. Mayor Pro Tem Ormiston made a motion to approve the budget with the name change of the one line item; Council Member Brotton seconded the motion.

The motion passed 3-1 with Council Member Plyler voting nay.

		Final Approved Budget 2013-14	
<hr/>			
General Fund			
Revenues			
Appropriated Fund Balance	170,400		
Fees and Licenses			
Newsletter/Deputy Sponsor	0		
National Night Out	100		
Cable Franchise (from Time Warn	16,000		
Engineering Fees Reimbursement	5,000		
Zoning Permit	7,000		
Privilege Licenses	27,000		
Privilege licenses late fees	0		
Annexation Exp Reimbursed	200		
Misc. Fees	200		
	<hr/>		
Total Fees and Licenses	55,500		
Interest Earned	1,500		
Property Tax Income		Tax rate	0.0165
Current Year Property Tax	145,015		
		Prop	
Delinquent Taxes	800	value	\$887,753,966
Interest/Ad Fee on Taxes	213		
Utility Ad Valorem	1,600	99%	\$145,015
Vehicle Registration	9,465		
Prior Year Motor Vehicle Tax	200		
Late List fees on taxes	0		
	<hr/>		
Total Property Tax Income	157,293		
Revenue Sharing		Motor	
Alcoholic Beverage Tax	33,000	Veh.	\$61,681,185
Video Programming(State Cable)	91,000	93%	\$9,465
Excise Tax (Piped Natural Gas)	16,000		
Franchise Tax (Electric Power)	171,000	One cent =	\$93,624

Sales & Use Taxes	37,000
Telecommunications Tax	10,500
Total Revenue Sharing	<u>358,500</u>
Total Revenues	<u>743,193</u>
Expense	
Transfer to CIP	0
Operating Expenditures	
Contingency	16,000
Advertising - Clerk	500
Annexation Expense	300
Annual Retreat	1,800
Bank Charges	800
Books & Literature	200
Dues and Subscriptions	15,600
Election Expense	10,000
Electronic Commun.- Tel.website	5,830
Insurance - Liability	12,500
Insurance - Workmen's Comp	530
Land Maintenance	5,000
Town office Maint. Services	4,000
Misc. town office supplies	5,000
Newsletter	3,000
Office Equipment	1,200
Office Expense	2,600
Postage and Delivery	2,800
Rent	7,000
Seminars	2,500
Tax on 2.5 acres	600
Tax Collection Fee	3,000
Travel & Entertainment	4,000
Utilities- Town Hall	8,770
Youth Council Committee	1,500
Total Operating Expenditures	<u>115,030</u>
Gen. Govt. Salaries	
Admin. Assistant	11,248
Allowance for Salary Adjustment	3,500
Mayor	4,800
Mayor Pro-tem	3,000
Council Salary	7,200
Clerk Salary	50,689

Finance Officer Salary	11,356
Payroll Taxes	11,283
Payroll exp - Unemployment	1,000
Fringe Benefits - Insurance	18,708
Fringe Benefits - Retirement	8,357
Total Gen. Govt. Salaries	131,141
Planning & Zoning	
P/Z Admin. Salary	55,167
Planning & Zoning Board Salary	4,032
Advertising	500
P/Z Office Expense	650
P/Z Seminars	1,050
P/Z Travel	2,850
P/Z Dues,Subscriptions	375
Total Planning & Zoning	64,624
Professional Fees	
Appraisal Fees	0
Audit Fees	4,900
Engr. Consulting	18,000
Legal Fees	18,000
Total Professional Fees	40,900
Capital Outlay	50,000
Public Services / Safety	
Mat. & Supplies Public Safety	1,700
Law Enforcement Services	79,796
Total Public Services / Safety	81,496
Parks & Recreation	
Parks & Recreation Personal Ser	
Park Maintenance Worker	3,760
P & R Payroll Tax	288
P&R Insur. Workers Comp	124
P&R Prof Fee - Deputies	300
P&R Prof Fees - Architect Fees	0
Total Parks & Recreation Personal Ser	4,472
Parks & Rec Supplies & Material	
Food and Provisions	400
Janitorial Supplies	600
Events Supplies	400

Office Expense	1,200
Stocking of Fish	400
Gas and Oil	540
Pesticide Supplies	300
Other Supplies and Materials	<u>2,000</u>
Total Parks & Rec Supplies & Material	5,840
Parks & Recreation Services	
Donation	0
Advertising	0
Dues & Subscriptions	0
Insurance- liability	1,130
Event Services	0
Maintenance/Grounds	6,000
Tree Removal Services	0
Pest Control (termite)	1,000
Postage	0
Printing	0
Repairs to Structures	2,000
Security	0
Trash Collection	138
Sanitation Contract	4,800
Elec. Communication	420
Water/Sewer	72
Utilities-Elec.,Gas,Trash	<u>5,550</u>
Total Parks & Recreation Services	21,110
P&R Capital Outlay	
Structure Imp/Demolition of House	13,000
Other Improvements	5,500
Tools/Equipment	8,400
Furnishings	880
Redbox Program	800
Transfer to Park CIP	200,000
Miscellaneous Capital Outlay	<u>0</u>
Total P&R Capital Outlay	<u>228,580</u>
Total Parks & Recreation	<u>260,002</u>
Total Expense	<u>743,193</u>
Net General Fund	<u><u>0</u></u>

Mayor Pro Tem Ormiston made a motion to approve Budget Ordinance 2013-05 for 2013-14 which keeps the tax rate the same; Council Member Brotton seconded the motion.

The motion passed 3-1 with Council Member Plyler voting nay.

**Village of Wesley Chapel
Budget Ordinance 2013-05
2013/2014**

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, 2013, and ending June 30, 2014, in accordance with the chart of accounts heretofore established for this Village:

General Fund

General Government Personal Services	\$131,141
General Government Professional Fees	40,900
General Gov. Supplies and Materials	5,000
General Government Services	94,030
General Government Capital Outlay	50,000
Planning & Zoning	64,624
Parks and Recreation	260,002
Public Services/Safety	81,496
Contingency	16,000
Total	\$ 743,193

Section 2: It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2012, and ending June 30, 2013:

Property Tax Income	\$ 157,293
Revenue Sharing Income	358,500
Fees and Licenses	55,500
Interest	1,500
Appropriated Fund Balance	170,400
Total	\$ 743,193

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, 2013.

This rate is based on a total valuation of real and personal property for the purposes of taxation of \$887,753,966 and an estimated rate of collection of 99%; and a valuation of motor vehicles of \$61,681,185 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 10th day of June, 2013.

Village Clerk Cheryl Bennett

Mayor Brad Horvath

10. TOWN HALL BUILDING COMMITTEE UPDATE

a. Update on security system

Butch Plyler reported the stone was delivered today, and the masonry begins Friday or Monday; they hope to have the framing and inspection this week; then on to sheetrock and ceilings.

Tomorrow is a meeting regarding computers, A/V, fire and burglar alarm systems. There was one case of vandalism, with some broken glass. Mayor Pro Tem Ormiston suggested letting the deputy know to keep an eye out. Council Member Brotton said if anyone wants to go on site, please let the site manager know first. Mayor Horvath asked if the security system is staying as is; Butch Plyler said they added a fourth entrance key pad.

b. Update on building progress

Council Member Brotton said there were some questions on recent change orders. There was a budget amendment for mortar net, it came out at \$1082.28 not \$800 as expected. We also had to add additional brick at the base, and there was an electrical change order. Council Member Brotton made a motion to do a budget amendment in the Capital Project Fund for the town hall to move \$3,500 from the miscellaneous item to the construction line item. Mayor Pro Tem Ormiston seconded the motion.

The motion passed unanimously.

c. Other Town Hall matters, as necessary

He also noted there was another issue; Aston put in two 15" pipes that run under our sewer line; Morlando said we need to look at the flow after a rain; water is coming between and under the pipes; Aston will fill the space between them with concrete so it won't undermine our pipe, and put in riprap. Mayor Horvath said they couldn't get enough pitch with one 24" pipe, so went to two pipes.

11. PARKS AND REC COMMITTEE UPDATE

a. Update on park bidding timeline

Mayor Pro Tem Ormiston said the bids are due June 13 at 2 pm. We won't need a minimum of three bids this time. Mayor Horvath noted the original bids came in 66% over our expert estimates; the Committee and Wirth did a lot of work to change the scope. Because of this it was not a re-bid; we only got two bids, and state statutes require a minimum of three bids. We did a quick re-bid, and won't need three bids this time.

b. Other Parks and Rec matters, as necessary

Mayor Pro Tem Ormiston said we had a volunteer day Saturday, and are doing four or five of the projects at the park with volunteer labor.

12. REVIEW AND POSSIBLE APPROVAL OF REVISED EMPLOYEE PERFORMANCE APPRAISAL FORMS AS WELL AS TIMELINE FOR COMPLETION

Mayor Horvath re-organized the forms. Council Member Plyler said we should add to the Administrative Assistant's form to back-up the Clerk during periodic absences. Staff and Council were asked to fill out the forms and get them back to the Mayor by June 30.

13. NEWSLETTER DISCUSSION INCLUDING TOPICS AND TIMING

Mayor Horvath said Bill Lee decided to step down from this project so the communication interns will work on the newsletter. We want to get the newsletter out by July 20 so we can advertise National Night Out on August 6. Please get articles in by the first meeting in July.

14. CONSIDER APPOINTMENT OF MEMBER TO YOUTH COUNCIL COMMITTEE

Mayor Horvath appointed Kaitlyn Izzo to the Youth Council Committee.

15. OTHER BUSINESS

Mayor Horvath reported he got the signed agreement from PostNet.

16. COUNCIL COMMENTS – none

17. ADJOURNMENT

Council Member Brotton made a motion to adjourn; Mayor Pro Tem Ormiston seconded the motion.

The motion passed unanimously.

The meeting ended at 9:10 pm.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath