

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
WESLEY CHAPEL UNITED METHODIST CHURCH
120 Potter Road, Wesley Chapel, NC 28110
January 13, 2014 – 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 Como, Council Members Kenary, Plyler and Rosoff

Others Present:

Clerk/Finance Officer Cheryl Bennett; Planning/Zoning Admin. David Flowe; Attorney George Sistrunk

Citizens Present: John & Cleo Levan, Debbie & Glenn Bowman, Chassan Bou-Fahreddin, Brianna & Dale Sharpe, Magdy Fanous, Bill Durham, Vandema Patel, Sharon Pickens, Steve Brock, John Cuomo, Michael McCoy, Ralph Serran, Sean Maher, Kathleen Zigler Ferrell, Kathy Nesbitt, Joe & Colleen & Alex Marchesani, Paula & Randy Wood, Stephanie Haring, Jane Duckwall, Kelly Peck, Louis & Tracy Lacroix, Amy Hatinen, Matt McLaren, Jerry Hutchens, Wayne Carden, Carol Mullis, Chuck & Gayla Adams, Mel Graham, Karen Izzo, Elizabeth Montgomery, Kim Ormiston, Sonia Ravnitzky, Susan Sullivan, Christina Gebhardt, Lydia Weisberg, Joy & Donald Grant, Beth Moore, and others.

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 Council Member Plyler gave the invocation.

2. PUBLIC COMMENTS - none

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

The order of Items 7 and 8 were switched; Items 5.e. "Council Meeting Location Change" and 5.f. "Discussion on potential different way to do minutes" were added. Council Member Plyler made a motion to approve the amended agenda; Council Member Rosoff seconded the motion. The motion passed unanimously.

4. APPROVE MINUTES FOR COUNCIL MEETINGS DECEMBER 9, 2013, AND DECEMBER 17, 2013

A statement was added to the December 17, 2013 minutes at the top of page 272 that the Zoning Administrator recommended the re-zoning not be approved. Mayor Pro Tem Como motioned to approve the December 9, 2014 minutes; Council Member Rosoff seconded the motion.

The motion passed 3-1, with Plyler voting nay.

Mayor Pro Tem Como motioned to approve the December 17, 2014 minutes; Council Member Rosoff seconded the motion.

The motion passed unanimously.

5. STAFF REPORTS

a. Review and approve December 2013 financial reports
 Finance Officer Bennett reported on cash balances and noted 71% of property tax is received. In December we received the first quarterly state shared revenues payment. Expenditures in December include election expense; we had three payrolls, and the third quarterly payment for the deputy as well as progress payments on the park and town hall. Council Member Rosoff motioned to approve the December financial reports; Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

December 31, 2013 Balance Sheet

ASSETS

Current Assets

Checking/Savings

Fifth Third Bank Checking	52,764.88
Fifth Third Bank Money Market	256,092.59
BB&T Money Market	605,248.27
Cash Change Fund	<u>50.00</u>
Total Checking/Savings	914,155.74
Misc. Fees Receivable	<u>4,692.00</u>

Other Current Assets

Property Tax Rec.	2,722.00
Allow. for Doubtful Accounts	-1,067.00
Prepaid Exp.	1,237.86
Sales Taxes to be Received	<u>24,179.62</u>
Total Sales Taxes to be Received	<u>24,179.62</u>
Total Other Current Assets	<u>27,072.48</u>

Total Current Assets 945,920.22

Fixed Assets

Land	813,423.00
Dogwood Park CIP	97,610.00
Town Hall- CIP	671,617.00
TH Driveway CIP	29,563.00
Office Equipment	8,749.00
Accumulated Deprec.	<u>-7,727.98</u>

Total Fixed Assets 1,613,234.02

TOTAL ASSETS 2,559,154.24

LIABILITIES & FUND BALANCE

Liabilities

Other Current Liabilities

Due to Union County Schools	93.58
Retainage Payable - Town Hall	58,992.80
Retainage Pay. Dogwood Park	10,563.75
Pay. for Employee Insurance	50.50
Escrow from Developers	45,076.00
Payroll Liabilities	2,979.29
Deferred Revenue	<u>1,655.20</u>
Total Other Current Liabilities	119,411.12
Fund Balance	
Fund Bal. inv. in Fixed Assets	1,613,234.02
Fund Balance Assigned for NNO	313.40
Fund Bal. non-spendable	47,912.79
FB restricted by State Statute	49,976.00
Fund Bal. Committed for CIP	571,100.13
Fund Balance	-303,979.92
Excess of Rev. over Exp.	<u>461,186.70</u>
Total Fund Balance	<u>2,439,743.12</u>
TOTAL LIABILITIES & FUND BALANCE	<u><u>2,559,154.24</u></u>

December 2013 Budget Report

	<u>Dec 13</u>	<u>Jul - Dec 13</u>	<u>YTD Budget</u>	<u>% of Budget</u>
General Fund				
Income				
Appropriated Fund Balance	0.00	176,400.00	176,400.00	100%
Contributions Income				
Restricted	<u>0.00</u>	<u>50.00</u>	<u>0.00</u>	<u>100%</u>
Total Contributions Income	0.00	50.00	0.00	100%
Property Tax Income				
Current Year Property Tax	54,441.16	102,318.72	145,015.00	71%
Utility Ad Valorem	0.00	0.00	1,600.00	0%
Vehicle Registration	1,399.14	5,543.66	9,465.00	59%
Delinquent Property Tax	24.46	331.82	800.00	41%
Prior Year Motor Vehicle Tax	23.24	433.25	200.00	217%
Interest/Ad Fee on Taxes	<u>15.74</u>	<u>191.03</u>	<u>213.00</u>	<u>90%</u>
Total Property Tax Income	55,903.74	108,818.48	157,293.00	69%
Fees and Licenses				
Privilege Licenses	359.00	22,251.59	27,000.00	82%
Cable Franchise (from Time Warn	0.00	7,591.00	16,000.00	47%
Zoning Permit	740.00	20,105.00	7,000.00	287%

Engineering Fees Reimbursement	2,148.25	11,414.50	5,000.00	228%
Newsletter/Deputy Sponsor	0.00	0.00	0.00	0%
Annexation Exp Reimbursed	0.00	0.00	200.00	0%
Misc. Fees	1,384.91	1,461.34	200.00	731%
National Night Out	0.00	73.00	100.00	73%
Fall Festival	0.00	0.00	0.00	0%
Total Fees and Licenses	4,632.16	62,896.43	55,500.00	113%
Interest Earned	81.42	1,035.15	1,500.00	69%
Revenue Sharing				
Sales & Use Taxes	3,427.66	10,736.31	37,000.00	29%
Telecommunications Tax	2,634.00	2,614.00	10,500.00	25%
Video Programming(State Cable)	23,348.18	22,836.74	91,000.00	25%
Franchise Tax (Electric Power)	59,415.00	59,350.00	171,000.00	35%
Excise Tax (Piped Natural Gas)	1,128.00	2,494.00	16,000.00	16%
Alcoholic Beverage Tax	0.00	0.00	33,000.00	0%
Total Revenue Sharing	89,952.84	98,031.05	358,500.00	27%
Total Income	150,570.16	447,231.11	749,193.00	60%
Expense				
Transfer to CIP	0.00	0.00	0.00	0%
Operating Expenditures				
Total Operating Expenditures	8,831.58	42,652.46	99,119.00	43%
Total Gen. Govt. Salaries	12,301.46	52,472.86	132,208.00	40%
Total Planning & Zoning	5,951.36	30,680.87	79,468.00	39%
Total Professional Fees	4,114.50	24,453.00	40,900.00	60%
Capital Outlay	0.00	0.00	50,000.00	0%
Total Public Services / Safety	19,949.00	60,045.73	81,496.00	74%
Parks & Recreation				
Total Parks & Recreation Personal Ser	0.00	0.00	4,472.00	0%
Total Parks & Rec Supplies & Material	25.27	82.87	5,840.00	1%
Total Parks & Recreation Services P&R Capital Outlay	16.05	1,281.41	18,110.00	7%
Total P&R Capital Outlay	75.96	233,451.08	237,580.00	98%
Total Parks & Recreation	117.28	234,815.36	266,002.00	88%
Total Expense	51,265.18	445,120.28	749,193.00	59%
Net General Fund	99,304.98	2,110.83	0.00	100%

Capital Projects Fund

CIP Income

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	1,206,800.00	1,206,800.00	100%
Appropriated for Town Hall	0.00	1,442,700.00	1,442,700.00	100%
Total Transfer from General Fund	0.00	2,649,500.00	2,649,500.00	100%
Total CIP Income	0.00	3,142,475.74	3,254,500.00	97%

CIP Expense

Capital Projects

Dogwood Park Capital Outlay

Land Acquisition	0.00	673,271.00	673,271.00	100%
House	0.00	411,419.00	411,419.00	100%
Preliminary Planning	0.00	15,526.67	15,527.00	100%
Design/Constr Mgt,etc.	824.40	69,215.83	77,850.00	89%
Site preparation	92,100.19	177,125.19	238,500.00	74%
Grassing	0.00	0.00	51,100.00	0%
Parking lot & drive	0.00	0.00	106,800.00	0%
Boardwalk	0.00	0.00	34,700.00	0%
Accessible routes	0.00	0.00	20,600.00	0%
Paved Walking Trail	0.00	0.00	56,900.00	0%
Unpaved trail	0.00	9,888.04	9,888.00	100%
Amphitheater/Stage/Outdoor Clas	32,500.00	32,500.00	76,100.00	43%
Contingency	0.00	0.00	17,462.00	0%
Testing Fees	418.50	2,633.00	12,000.00	22%
Legal Fees - DP	0.00	3,402.50	3,596.00	95%
Utilities	0.00	4,380.00	4,380.00	100%
Fishing Pier	0.00	0.00	0.00	0%
Multipurpose Field	0.00	0.00	0.00	0%
Rest room renovation	0.00	0.00	0.00	0%
Site Furnishings-gate,signs,etc	0.00	277.77	278.00	100%
Other Expense	0.00	1,428.24	1,429.00	100%
Total Dogwood Park Capital Outlay	125,843.09	1,401,067.24	1,811,800.00	77%

Town Hall Capital Outlay

TH Construction Contract	142,557.77	1,156,110.03	1,250,501.00	92%
TH Architect/Engineer	0.00	102,474.87	108,168.00	95%

TH In House Engineering	0.00	1,200.00	1,200.00	100%
TH Testing/Permit Fees	0.00	12,894.66	15,000.00	86%
TH Telecom Sys/AV/Computers	0.00	0.00	24,132.00	0%
TH Insurance	0.00	1,374.00	1,374.00	100%
TH Legal Fees	157.50	4,755.00	5,000.00	95%
TH Furnishings/Seasonal Dec.	0.00	0.00	28,945.00	0%
TH Miscellaneous	0.00	3,524.07	8,380.00	42%
Total Town Hall Capital Outlay	142,715.27	1,282,332.63	1,442,700.00	89%
Total Capital Projects	268,558.36	2,683,399.87	3,254,500.00	82%
Total Other Expense	268,558.36	2,683,399.87	3,254,500.00	82%
Net CIP	-268,558.36	459,075.87	0.00	100%
Net Excess of Rev. over Exp.	-169,253.38	461,186.70	0.00	100%

b. Update on monthly planning and zoning report

David Flowe reported nine permits were issued including the compliance permit on Town Hall; Bill Duston included two comments on it – that the compact spaces be marked and a fence around the detention pond was in the plans; he also waived the fee. Council Member Kenary and Committee Member Gayla Adams thought the fence was taken out of the project. Council Member Kenary motioned to delete the fencing around the detention pond. Council Member Plyler seconded the motion. Council Member Rosoff asked if we should have something because of the steep slope - perhaps a temporary fence at the grand opening. Council Member Plyler said the Safety Committee mentioned it, but did not make a recommendation. Mayor Pro Tem Como suggested the Safety Committee review it. Gay la Adams said at the grand opening people will be stationed around the building and one person could be put there.

The motion passed unanimously.

David Flowe is working on the senior housing survey compilation which will go to Planning Board on January 27, 2014. Mr. Flowe said our compact car space size of seven feet wide seems very small; it will be taken to Planning Board for review and research.

c. Review monthly zoning complaints/violations report

d. Financial cross checks

Mayor Horvath said the auditor gave a good review on our records and suggested an optional additional thing we could do is a spot check of the records. Finance Officer Bennett suggested the Mayor could review the finance book before each Planning Board meeting; all receipts and invoices backup are in the book. Council Member Kenary motioned to implement this cross check; Council Member Plyler seconded the motion.

The motion passed unanimously.

e. Council Meeting Location Change

Council Member Rosoff motioned to change the 2014 meetings schedule to show the Council meeting location is at the new town hall, effective in February. Council Member Kenary seconded the motion.

The motion passed unanimously.

f. Discussion on potential different way to do minutes

Council Member Plyler motioned to have minutes be motion only minutes, and keep the recordings. Council Member Kenary seconded the motion. Discussion was held. If there was a council consensus on an item, that would go in the minutes. David Flowe noted that searching through a stack of minutes is a very valuable tool, and would be hard to do with recordings. The motion and second were withdrawn.

Council Member Plyler motioned to do verbatim minutes. The motion was withdrawn.

Council Member Plyler motioned to do motion only minutes plus staff reports. Council Member Rosoff seconded the motion. Mayor Pro Tem Como suggested we look at this from the people's perspective, without having to go to town hall to hear a tape, we want people to see we evaluated all the issues and then voted. The motion and second were withdrawn.

Council Member Plyler motioned to do verbatim minutes. The motion died for lack of a second. Mayor Horvath suggested thinking about this and tabling it to the February meeting.

Chuck Adams asked if it would be more appropriate for Council to conduct the first meeting in the new town hall instead of Planning Board; Council agreed.

6. OATH OF OFFICE FOR JOE MARCHESANI SERVING ON GOVERNOR'S ADVISORY COUNCIL ON SMALL AND HUB BUSINESS

Mayor Horvath administered the oath of office to Joe Marchesani who is serving on the Governor's Advisory Council on Small and HUB business. This is the first such council ever formed by the State of North Carolina. .

7. CONSIDER APPROVAL OF PRELIMINARY PLAT FOR BROOKMEADE SUBDIVISION

David Flowe reported the fee in lieu will be collected at final plat. This is preliminary plat and they are still getting letters from regulatory agencies. Mel Graham, the developer, said this is 82 acres with 66 lots. They have a tree save area, it exceeds the required area, and there is no impact to streams or wetlands. Impervious area is less than 20%. A citizen asked about people adding impervious area in the future; noting there is flood land that goes down to his land. Matt McLaren from LandDesign stated there is an approved state stormwater permit which specifies each lot has a deed restriction on the amount of impervious area each lot can have, approximately 8,000 square feet per lot. Mel Graham said there will be individually built homes, with a minimum of 40,000 square feet per lot. The only access is off Waxhaw Indian Trail Road. They did the required traffic impact study, going south there is a deceleration right turn lane and they tied into school sidewalks. The entrance is directly across from Wesley Springs. Mr. McLaren said there are three distinct drainage boundaries, southwest, southeast, and east; it is designed so peak rates do not exceed pre-development runoff rates. There are only temporary detention basins during construction and will be filled in afterwards. There are two pipes on the west side, but the intent is not to concentrate the runoff and instead separate and spread it out through the tree canopy retention area. Mr. McLaren said the lots have a forty foot rear setback,

also trees in the rear are protected. Mr. Graham said there is city water and sewer, and there will be an HOA. He thought the homes would be 3500 to 4500 square feet. A citizen asked why they weren't notified of this meeting; Mayor Horvath said because this is a by right development, they can build without notification letters to adjacent properties. Mayor Pro Tem Como thought it was a good idea to notify neighbors when a development is coming in. Council Member Kenary asked what restricts people from not cutting down tree save area trees. Mr. McLaren said the tree save area is shown on the deed. Mr. Graham had a letter from the fire chief saying they can use a hundred foot diameter cul de sac and they received a subdivision modification on this. A citizen said we are on wells, and these subdivisions use wells to water green space, and can cause wells to run dry for those who need essential water. Mayor Horvath recommended he take this up with the County who issues well permits.

Mayor Pro Tem Como motioned to approve the preliminary plat, given Bill's staff report requirements which require approval letters from US Infrastructure, DENR, Union County Public Works, and driveway permit approval from NC DOT, the tree survey and the appraisal of the property to determine fee-in-lieu. Council Member Rosoff seconded the motion.

The motion passed unanimously.

8. RICHARD FLOWE FROM N-FOCUS REGARDING ROAD INSPECTION SERVICES

Richard Flowe said he can work with Bill Duston to require neighborhood information meetings, which a representative of the town such as the planner can attend. Regarding tree save areas, some towns require lot lines don't extend into tree save areas to prevent innocent tree removals. Mr. Flowe spoke regarding streets, noting North Carolina is 12th in population but first in state maintained road miles, because there are no county maintained roads; there are municipal roads in city limits. He noted 71% of the total land miles are neighborhood streets. DOT priorities for snow removal, etc., are highways. In the long range, he thought people will have concerns on maintenance of the roads. There is an alternative of privately maintained roads with public access easements for things like garbage trucks. Towns don't own roads, the public owns them; towns either maintain or don't maintain the roads. He said you need to plan for a smooth transition in the future, so to do it properly you need to call for maintenance responsibility in the ordinance. You want to clearly define responsibilities, developers move on, and you need to make it clear that the HOA establishes on-going responsibility and be highly informed. Mr. Flowe said the contract with N-Focus provides services that can include code enforcement or road inspection, if there is not enough time allotted, we can deal with that then. Mayor Horvath noted the costs are something we can pass on to the developer. Mr. Flowe said you should charge the developer about one dollar per foot for road and \$0.90 per foot for stormwater for a two lane street; you need to have clearly stated on the plat who is responsible for stormwater. The EPA phase II position is if the town approves the development, then the town is responsible. If HOA's have responsibility, you need a system to pin down and enforce the roles. Council Member Kenary asked if the County approved, is it the County who is responsible re EPA; Mr. Flowe replied yes, and gave an example of a shopping center that is sold and resold, there should be a sinking fund to provide funds to fix future problems. Mayor Horvath noted when you take over roads, you take over stormwater management also. The Mayor thanked Mr. Flowe for his input.

9. YOUTH COUNCIL COMMITTEE – CHANGES TO MEMBERSHIP AND ITEMS FOR TIME CAPSULE

Council Member Kenary sent an email with what items will be in the time capsule; feedback was to just put in the Twizzler wrapper, not the candy. The capsules are sealed with wax, so we can leave them in, as the bag is sealed. Also included will be the town hall dedication invitation, and pictures of the town in its current state. The Youth Council Committee has eleven members, and it is difficult to get a quorum, so it was suggested to reduce the number to nine and have two alternates, with feedback from the Committee on who should be the alternates. Council concurred. Mayor Horvath accepted Dylan Wall's resignation. Mayor Horvath appointed Anthony Sgro to the Committee.

10. DISCUSS CHANGES IN ROAD RESPONSIBILITIES

Mayor Horvath talked to another town whose subdivision roads are still being maintained by DOT. Administrator Bennett said one clerk had replied on the list serv that their subdivision roads were also still DOT maintained. Rick Flowe offered to check into the DOT policy with our local Division.

Mayor Horvath said the local mayors group is holding a meeting Thursday at 3 pm at Café Bliss, and he cannot attend. Council Member Rosoff volunteered to attend.

11. DISCUSS POSTAL AND BANKING SERVICES

Mayor Horvath excused himself from the banking services discussion because he works for a bank with a branch in Wesley Chapel. Council Member Plyler asked if there were plans to have a locked box for mail at the new town hall instead of going to the Post Office box in Monroe. Mayor Pro Tem Como asked how often we pick up mail now; Administrator Bennett replied one to two times weekly. Except for occasional packages, we do not get a lot of mail; it is 7 miles to Monroe, and we also bank and go to the governmental center when needed. Council Member Kenary asked if they would walk the mail in, however the office is not open on Fridays. The box should be locked for security. Council Member Kenary asked about certified mail services that we need to do at the post office; we do sometimes mail out certified mail and it is a little further to go to Matthews. Council Member Plyler would like to patronize a local bank, and save staff time and mileage. Council Member Kenary also wanted to look at the total return from the bank. The finance officer recommended we do a banking RFP to find out the best return to the town, currently the round trip to Monroe for banking and post office services is 14 miles once or twice a week. Council agreed to gather information, Cheryl Bennett is to determine how often we go to the bank and governmental center and Council will make a decision at a later meeting.

12. DISCUSS DEPUTY HOURS, SCHEDULE, PRESENTATIONS AND REPORTS

Council Member Kenary reviewed the deputy reports, and activity doesn't seem to start until 8 am yet his hours often start at 6 am. She would also like to see the deputy present a report at the council meetings. For 2013 there were 5,300 or 5,800 incidents in Wesley Chapel, and our deputy answered 1,500 of those, which is a good response. Council Member Plyler called the Sergeant; and noted of three alarm calls, one was answered by our deputy. The November report showed 625 calls for the year. Administrator Bennett said their report always shows annual calls, but it is actually monthly calls. Council Member Plyler said his schedule does not show a lot of nights or weekends being worked. Council Member Kenary said the January schedule shows him working every other weekend, she also noted they clock on when they leave their

driveway and clock off when they get back home. Council Member Plyler said our former deputy found it important to work nights especially with Hickory Tavern traffic. Council Member Kenary was concerned that there was an item for a home invasion on the report, and she would like to know more about items like this. Administrator Bennett noted she had given the deputy a list of which homes were annexed into Wesley Chapel, due to our irregular borders often the deputy is not sure whether he is in the Village or not. Council Member Plyler had a listing of incidents in Wesley Chapel from the deputy. Mayor Horvath noted they have also changed the zone boundaries so it is difficult to compare year to year. Council Member Kenary will try to get reports from other towns and send them to Council. This item will be tabled to the February meeting.

13. PARKS AND REC COMMITTEE UPDATE

a. Update on park construction

Mayor Pro Tem Como said Wesley Chapel Friends of Parks agreed to donate \$500 toward a dog park for hiring a bobcat and operator to clear the stumps in the dog park area and to redirect a trail at the corner, due to the sewer pipe. Mayor Pro Tem Como motioned to accept the donation. Council Member Rosoff seconded the motion. Council Member Plyler read from the October 21, 2013 Parks and Rec Committee minutes where Marnie Holland recommended priorities be addressed before moving forward with the dog park; and the October 22, 2013 Council minutes where Mayor Pro Tem Ormiston said there is a future dog park on the CUP plans, it wasn't a funded amenity, but we can re-use the tennis court wire and posts; she asked Mr. Duston and he didn't think any permit was needed. They will clear the brush and leave the trees. Mayor Pro Tem Ormiston noted concerns are maintenance, purchase of a doggie bag receptacle, and we need trash cans. Council Member Plyler questioned when the dog park was put near Highway 84, and noted it is #21 on the priority list and other items are above it. On November 18, 2013 there was a question on zoning, and Kim Ormiston was checking on the zoning approval. Council Member Plyler questioned how it could get zoning approval without coming to Council. Council Member Kenary asked if Council addressed the responsibilities that come with a dog park. Mayor Pro Tem Como said there was a vote. Mayor Horvath noted it was not involving any cost because they had materials on site. Mayor Pro Tem Como said they realized there would be a need for some clearing and cement, but they got donations to cover that. Council Member Kenary said there is a concern on cleanup, not only dog solid waste, but cleaning out the dirt to prevent the stench from urine. Mayor Como said we do have double gates, and one area for large dogs, and one for small dogs. Questions came up on rules, and who would enforce the rules. Council Member Rosoff said she has been to dog parks here, and owners are always with the dogs. Council Member Kenary cited two attacks on small leashed dogs that were killed in her communities. Council Member Rosoff said the owner of the attacking dog is responsible; she also noted the dog park was originally planned for a hill in the southwest corner of the park, but it can't be on a hill, so it was moved. There was confusion on where the park was shown on the CUP application, and we will also check with the attorney regarding potential liability. Mayor Pro Tem Como withdrew his motion until clarification can be gotten on the dog park being in the CUP.

Mayor Pro Tem Como said there is a boardwalk section over the spillway, it won't have a handrail since it is less than 30 inches high, and they wanted to add a raised 6 x 6 inch curb to prevent falling off the walk, the cost is \$2,253. Mayor Pro Tem Como motioned to approve a

\$2,253 change order to move funds from contingency to the boardwalk in the Dogwood Park capital project fund. Council Member Rosoff seconded the motion.

The motion passed unanimously.

b. Amphitheater costs, possible phase updates and discussion

Mayor Pro Tem Como said originally we thought we would need to bring in 4,000 cubic yards of fill, now it looks like we have an extra 1,500 cubic yards to level out the area of the grass parking, but that is where the mulch pile is. There are limitations on where we can move the mulch, and there is a cost to move it. Also there have been discussions on whether we get credits for things not done at the park (such as dirt import and silt fencing), or if it is a fixed price contract.

The original contract called for a completion date of February 9, 2014 plus days for rain delays; Morlando sent a letter requesting the completion date be moved to March 1. There is a \$500 daily penalty for late completion. Parks and Rec Chair Lepke and Mayor Pro Tem Como think this is fair. The Parks and Rec Committee will make a recommendation and the letter will be sent to Council.

Mayor Pro Tem Como said there is a problem with having one company start the amphitheater and another one complete it, and leaving exposed pillars for six to twelve months without a roof, so they recommended we either do all or nothing, i.e. just a slab. Mayor Horvath said this was from Dominic Morlando and his father, even large posts can twist, and the County won't let you leave it more than a year before completing it. Also there is a 6-8 week order time for the ten inch posts. Architects Carr and Luttman also didn't recommend we partially build it. To tear up the slab will cost \$4,500. Mayor Horvath also noted both contracts are fixed price contracts.

c. Duke Energy Right of Way Agreement

Mayor Pro Tem Como said there are no lights north of the pond; wires will be run from the box to each of the poles. Council Member Kenary asked if we had prices from Morlando also. Mayor Pro Tem Como will see if it is in the contract and who would pay Duke.

d. Other Parks and Rec matters, as necessary

14. TOWN HALL BUILDING COMMITTEE UPDATE

a. Construction update

We don't have a C.O. yet, there was a walk through with the architect and a few things are on the punch list. Most of the furniture was delivered today.

b. Dedication ceremony February 1, 2014 at 10 am and Open House February 10, 2014 from 5-7 pm; invitation review

Mayor Horvath said Howard Brotton resigned from the Town Hall Building Committee on Friday, and Butch Plyler resigned today. Some of it has to do with the keepsake invitation which was not shared with the committee or council; partly due to the date changing due to valid reasons, and being time pressed. There was also an issue of the two dates, which are both on the invitation. Mayor Pro Tem Como said knowing this happened, Butch was there most of the day dealing with all the construction issues.

Gayla Adams, member of the Town Hall Building Committee was willing to help and work on the agenda for February 1.

- c. Budget amendments for grounding of cupola, kitchen vent and audio visual equipment in conference room

Council Member Kenary motioned to move \$1,120 from the Town Hall Construction Project line item for Telecom system/AV/computers to the construction contract for grounding the cupola. Council Member Plyler seconded the motion.

The motion passed unanimously.

Council Member Kenary noted that in the conference room we can either use the current projector, buy a projector/screen, or use a 60 inch screen mounted on the wall.

- d. Other Town Hall matters, as necessary

Mayor Pro Tem Como said we can get a rental truck for the move, since it will cost less than \$500 Council approval is not needed. The chairs originally chosen for the conference room are no longer available. Mayor Pro Tem Como motioned to purchase \$99 chairs for the conference room. Council Member Kenary seconded the motion.

The motion passed unanimously.

Mayor Horvath said Winchester Grading is lowering the WCWAA land and is providing fill to the town hall land.

15. OTHER BUSINESS

Mayor Horvath noted there is an issue of school redistricting, which may impact us hugely. The School Board is holding a meeting tomorrow night. He will see if our school representative can attend our next meeting. Mayor Pro Tem Como noted it carries more weight if the town council weighs in on the issue and how it affects the homeowners. Council Member Kenary noted potentially they are not redistricting between equally rated schools.

16. COUNCIL COMMENTS

Mayor Pro Tem Como said the value of the clerk was emphasized at the School of Government class. If in any shape or form he referred to her as a secretary, he apologized for that.

17. ADJOURNMENT

Mayor Pro Tem Como made a motion to adjourn; Council Member Rosoff seconded the motion.

The motion passed unanimously.

The meeting ended at approximately 11:57 pm.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath