

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
WESLEY CHAPEL TOWN HALL
6490 Weddington Road, Wesley Chapel, NC 28104
February 9, 2015 – 7:00 P. M.

The Village Council of Wesley Chapel, North Carolina, met in the Town Hall at 6490 Weddington Road, 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 Administrator Bill Duston; Attorney George Sistrunk

Citizens Present: Carol Mullis, Rebecca McManus, Millie Gwinn, Sue Winchell, Sandy Fenn, Kevin Baucom, William Rodriguez, Kim Ormiston, Doug Horne, Rovi Opalka, Sondra Bradford

Meeting was called to order at 7:00 PM and a quorum was present.

1. PLEDGE OF ALLEGIANCE AND INVOCATION

Mayor Horvath led the Pledge of Allegiance and Council Member Plyler gave the invocation.

2. PUBLIC COMMENTS

Resident William Rodriguez said the original residents had the best interests of the community in mind when they made up the zoning rules, but now the de-annexation petitioners have their own best interests in mind. He commented on the lack of build-out at Aston's shopping center and should hold them accountable. Our zoning rules should stand, and we need the infrastructure; he suggested we honor the "great place to raise a family" noting he came here for the rural feel, otherwise he would have moved to Charlotte, and asked that we leave our zoning intact.

Resident Kim Ormiston asked council to show the State that the de-annexations are not in the best interests of the Village, and ask the state legislators to make the de-annexation contingent on a referendum of all the citizens. There have been other de-annexations throughout the state; however they have been related to forced annexations. In this case the cover letter signed by one of the petitioners is one who drafted and implemented the zoning rules years ago that he enforced upon others while he was in office, they now don't want to apply them to themselves. If the legislature approves the petition it would set a dangerous precedence, and could create pockets of high density within our village. In numerous occasions citizens have stood up and turned out against higher density zoning. She asked Council to take a stance against this petition.

Resident Carol Mullis asked who compiled the resolution against the de-annexation, and if there is a reference to an individual in it, please identify that person.

3. ADDITIONS, DELETIONS AND ADOPTION OF AGENDA

"Boy Scout Proclamation" was added, and "Safety Committee Deputy Report" deleted from the agenda. Council Member Plyler objected to the addition and to having the Nuisance Ordinances and No Solicitation Ordinances on the agenda. Council Member Kenary commented they are

actually old business. Mayor Pro Tem Como motioned to approve the amended agenda; Council Member Rosoff seconded the motion.

The motion passed unanimously.

4. APPROVE MINUTES FOR JANUARY 12, 2015 AND JANUARY 20, 2015

Council Member Rosoff motioned to approve the January 12, 2015 and January 20, 2015 minutes. Mayor Pro Tem Como seconded the motion. Council Member Kenary noted on item 7 of the January 20, 2015 minutes the name should be changed from Rosoff to Kenary. The second and motion were rescinded.

Council Member Rosoff motioned to approve the January 12, 2015 and January 20, 2015 minutes with the above name change. Council Member Kenary seconded the motion.

The motion passed unanimously.

5. STAFF REPORTS – FINANCE REPORT AND BUDGET AMENDMENT

The January financial reports were presented. The Finance Officer reported she moved \$250 from contingency to bank fees budgeted expenditures during the month. Council Member Plyler asked about the bank fees expense; they result from the transactions we do each month. Council Member Plyler motioned to approve the January 2015 financial reports; Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

As requested by the Finance Officer, Mayor Pro Tem motioned to approve a budget amendment to increase General Fund Revenues – Engineering Fees Reimbursement, and Expenditures – Engineering Fees by \$12,000 each. Council Member Rosoff seconded the motion.

The motion passed unanimously.

January 2015 Balance Sheet

Current Assets

Checking/Savings

Fifth Third Bank checking	124,601.93
Fifth Third Maxsaver	305,639.85
BB&T Money Market	355,666.36
Cash Change Fund	<u>50.00</u>

Total Checking/Savings	785,958.14
-------------------------------	------------

Accounts Receivable

Misc. Fees Receivable	<u>5,110.12</u>
------------------------------	-----------------

Other Current Assets

Property Tax Rec.	2,274.00
Allow. for Doubtful Accounts	-1,173.00
Prepaid Exp.	<u>448.00</u>

Total Sales Taxes to be Received	<u>3,535.36</u>
---	-----------------

Total Other Current Assets	<u>5,084.36</u>
-----------------------------------	-----------------

Fixed Assets

Land	813,423.00
Town Hall	1,361,869.00
Town Hall Driveway	29,563.00
Dogwood Park Improvements	705,108.00
Dogwood Park Gate	5,126.00
Dogwood Park Shipping Container	3,200.00
Dogwood Park Sign	1,783.00
Furniture & Equipment	34,846.00
Accumulated Deprec.	<u>-63,101.98</u>
Total Fixed Assets	<u>2,891,816.02</u>
TOTAL ASSETS	<u><u>3,687,968.64</u></u>
LIABILITIES & FUND BALANCE	
Other Current Liabilities	
Retainage Payable - Town Hall	7,694.24
Due to Union County Schools	63.46
Escrow from Developers	45,076.00
Payroll Liabilities	47.52
Deferred Revenue	<u>1,101.20</u>
Total Other Current Liabilities	53,982.42
Fund Balance	
Fund Bal. inv. in Fixed Assets	2,891,816.02
Fund Balance Assigned for NNO	313.40
Fund Bal. Assigned for Com. Cen	51,348.00
Fund Bal. non-spendable	45,256.00
FB restricted by State Statute	21,514.00
Fund Bal. Committed for CIP	65,626.89
Reserved for Parks & Recreation	61,242.39
Fund Balance	388,534.11
Excess of Rev. over Exp.	<u>108,335.41</u>
Total Fund Balance	<u>3,633,986.22</u>
TOTAL LIABILITIES & FUND BALANCE	<u><u>3,687,968.64</u></u>

January 2015 Budget Report

	<u>Jan 15</u>	<u>Jul '14 - Jan 15</u>	<u>Budget</u>	<u>% of Budget</u>
General Fund				
Income				
Appropriated Fund Balance	0.00	500.00	500.00	100%
Contributions Income				
Restricted	<u>0.00</u>	<u>544.00</u>	<u>544.00</u>	<u>100%</u>

Total Contributions Income	0.00	544.00	544.00	100%
Property Tax Income				
Current Year Property Tax	29,084.26	133,192.10	146,376.00	91%
Utility Ad Valorem	478.13	478.13	1,700.00	28%
Vehicle Registration	1,041.48	5,344.12	9,058.00	59%
Delinquent Property Tax	66.21	380.96	400.00	95%
Prior Year Motor Vehicle Tax	5.86	84.87	0.00	100%
Interest/Ad Fee on Taxes	43.22	137.61	300.00	46%
Total Property Tax Income	30,719.16	139,617.79	157,834.00	88%
Fees and Licenses				
Privilege Licenses	101.50	22,268.03	19,000.00	117%
Cable Franchise (from Time Warn	0.00	7,835.00	15,200.00	52%
Zoning Permit	880.00	5,450.00	14,000.00	39%
Engineering Fees Reimbursement	1,970.25	18,616.87	10,000.00	186%
Annexation Exp Reimbursed	0.00	0.00	100.00	0%
Misc. Fees	12.00	80.69	200.00	40%
Winter Walk 5K fees	175.00	175.00	0.00	100%
National Night Out	0.00	0.00	60.00	0%
Total Fees and Licenses	3,138.75	54,425.59	58,560.00	93%
Interest Earned	40.45	242.69	400.00	61%
Revenue Sharing				
Sales & Use Taxes	3,701.99	16,015.16	41,000.00	39%
Telecommunications Tax	0.00	2,944.93	10,200.00	29%
Video Programming(State Cable)	0.00	24,979.30	91,000.00	27%
Franchise Tax (Electric Power)	0.00	60,720.13	175,000.00	35%
Excise Tax (Piped Natural Gas)	0.00	1,939.47	16,000.00	12%
Alcoholic Beverage Tax	0.00	0.00	31,000.00	0%
Total Revenue Sharing	3,701.99	106,598.99	364,200.00	29%
Total Income	37,600.35	301,929.06	582,038.00	52%
Expense				
Total Town Hall Operating Expense	1,343.07	11,290.50	31,815.00	35%
Total Operating Expenditures	2,875.76	31,906.05	73,730.00	43%
Total Gen. Govt. Salaries	7,288.23	62,656.13	122,141.00	51%
Total Planning & Zoning	5,048.26	33,277.65	78,991.00	42%
Total Professional Fees	3,631.31	27,149.41	38,900.00	70%
Total Capital Outlay	0.00	249.99	32,350.00	1%
Total Public Services / Safety	0.00	60,557.25	82,283.00	74%
Total Parks & Recreation Personal Services	0.00	670.00	6,411.00	10%

Total Parks & Rec Supplies & Material	0.00	3,595.26	8,314.00	43%
Total Parks & Recreation Services P&R Capital Outlay	1,439.74	22,503.78	66,636.00	34%
Total P&R Capital Outlay	113.86	5,365.13	40,467.00	13%
Total Parks & Recreation	1,553.60	32,134.17	121,828.00	26%
Total Expense	21,740.23	259,221.15	582,038.00	45%
Net General Fund	15,860.12	42,707.91	0.00	100%
Capital Projects Fund				
CIP Income				
PARTF Grant	0.00	500,000.00	500,000.00	100%
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	1,209,600.00	1,209,600.00	100%
Appropriated for Town Hall	0.00	1,442,700.00	1,442,700.00	100%
Total Transfer from General Fund	0.00	2,652,300.00	2,652,300.00	100%
Total CIP Income	0.00	3,257,300.00	3,257,300.00	100%
CIP Expense				
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.	0.00	74,388.05	77,850.00	96%
Site preparation	0.00	238,394.33	238,500.00	100%
Grassing	0.00	50,939.29	51,100.00	100%
Parking lot & drive	0.00	113,869.91	114,574.00	99%
Boardwalk	0.00	36,550.54	36,953.00	99%
Accessible routes	0.00	20,519.48	20,600.00	100%
Paved Walking Trail	0.00	56,900.00	56,900.00	100%
Unpaved trail	0.00	9,888.04	9,888.00	100%
Amphitheater/Stage/Outdoor Clas	0.00	72,100.00	76,100.00	95%
Contingency	0.00	3,674.89	7,435.00	49%
Testing Fees	0.00	11,733.40	12,000.00	98%
Legal Fees - DP	0.00	5,802.50	6,396.00	91%
Utilities	0.00	4,380.00	4,380.00	100%
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	0.00	1,801,063.11	1,814,600.00	99%
Town Hall Capital Outlay				
TH Construction Contract	0.00	1,233,460.67	1,262,981.00	98%

TH Architect/Engineer	0.00	104,328.87	108,168.00	96%
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	179.90	252.00	71%
TH Insurance	0.00	1,374.00	1,374.00	100%
TH Legal Fees	0.00	4,912.50	5,000.00	98%
TH Furnishings/Seasonal Dec.	0.00	28,575.14	28,945.00	99%
TH Irrigation	0.00	0.00	16,000.00	0%
TH Miscellaneous	0.00	3,683.65	3,780.00	97%
Total Town Hall Capital Outlay	0.00	1,390,609.39	1,442,700.00	96%
Total Capital Projects	0.00	3,191,672.50	3,257,300.00	98%
Total CIP Expense	0.00	3,191,672.50	3,257,300.00	98%
Net CIP Income	0.00	65,627.50	0.00	100%
Net Excess of Rev. over Exp.	15,860.12	108,335.41	0.00	100%

6. STAFF REPORTS – PLANNING/ZONING AND CODE ENFORCEMENT

Planning and zoning Administrator Bill Duston reported 10 permits were issued in January and 27 illegal signs removed. Text amendments work continued as Planning Board visited three senior communities, and examples of sign setbacks were shown to Planning Board who asked him to make minor text changes and bring back the text to the next meeting. Planning Board voted unanimously to send the Candella final plat to Council without a recommendation. Two potential CUP's are in the discussion stages, as well as a potential cell tower. Staff also met regarding a potential Easter Egg Hunt at the park.

Two code violations are under investigation while the chickens complaint has been resolved. Also poles for a fence were put up at Potter and Hwy. 84 in the required front and side setbacks the fence can only be five feet, so they moved the poles out of the setbacks, and it will still be a tall fence.

7. FINAL PLAT OF PHASE 3 OF CANDELLA SUBDIVISION

Bill Duston reported final plat approval has already been given to the initial 21 lots from Phases 1 and 2 so this request is for the final 22 lots. Streets in the subdivision are publicly dedicated, but privately maintained. Village council also approved a series of modifications on the plat. Staff reviewed the plat and it meets all standards of the Subdivision ordinance, letters of approval have been received from the Village engineer, NCDENR for storm water management and erosion and sedimentation control plan, Union County GIS, Union County public works. The lighting plan has been reviewed. When Crowley Way was initially built US Infrastructure found the road base was not as approved, changes were made by Meritage and the road now meets all requirements. The fee in lieu is \$32,936 and the bonds are in excess of \$1.5 million as approved by the Village's engineer. Bonds are held for two years and are 150% of the infrastructure. Staff recommends approval of final plat. Planning Board unanimously voted to pass on this plat to Village council without a recommendation, because the modifications were approved by Council before it went to Planning Board.

Several calls were received on lot 58; it has a lot of wetlands on it. Since Candella's approval we have changed our ordinance to exclude wetlands in the lot size. Mr. Duston also got calls

regarding silt fences, and the fences are now up. Last week our engineer did a cursory inspection, and DENR is inspecting tomorrow.

Questions were asked about the cul de sacs; they were a modification. One is a large one way cul de sac there is not anything in the CCR's regarding parked cars that might impede fire trucks. Council Member Plyler motioned to approve final plat phase 3 of Candella. She amended her motion to make approval subject to approval of DENR. Mayor Pro Tem Como seconded the motion. If an encroachment on wetlands exists, Mr. Duston would alert Council and it would be resolved. The second and motion were rescinded.

Council Member Plyler motioned to approve phase 3 of Candella and if lot 58 is approved, the Mayor can sign the plat. Mayor Pro Tem Como seconded the motion. Robert Price from Meritage said typically if there is a violation of wetlands or storm water, there is a notice of violation on the lot, it doesn't relate to the governing body approval of the plat. The motion and second were rescinded.

Council Member Plyler motioned to approve the final plat of Phase 3 of Candella, noting we have everything we need. Mayor Pro Tem Como seconded the motion. Council Member Kenary asked about options we might have; Mr. Duston said we can withhold permits on a lot, the erosion control plan is not our ordinance, it is DENR's rule.

The motion passed unanimously.

8. A. RECOGNITION AND WELCOME OF BOARD OF COUNTY COMMISSIONERS
CHAIR RICHARD HELMS

Mr. Helms was not present so the item was tabled.

B. BOY SCOUT PROCLAMATION

Council Member Kenary read the Proclamation as follows.

Village of Wesley Chapel, North Carolina Proclamation

recognizing

SCOUTING ANNIVERSARY WEEK

February 9th – 15th, 2015

WHEREAS, the Village of Wesley Chapel would like to recognize and give tribute to the Boy Scouts of America, incorporated on February 8, 1910 by W.D. Boyce and who celebrated on February 8, 2015 their 105th Anniversary; and

WHEREAS, Boy Scouts are taught the principles of social, economic and governmental systems and are prepared to take part in and provide leadership in our country through active civic engagement; and

WHEREAS, the Boy Scout program: develops citizens who are physically, mentally and emotionally fit; teaches young men of today resourcefulness and concepts of the outdoor code of ethics promoting preservation of our natural resources and environment; upholds the scouts personal values based on religious concepts; enables young men to be completely self-reliant; and promotes the desire and skills to help others at all times; and

WHEREAS, Boy Scouting, the local Scout Masters and Assistant Scout Masters, of our area troops, and the young men in the Boy Scout program, continuously and tirelessly give of themselves for the betterment of our local communities; and

WHEREAS, our Village has greatly benefitted by the young men enrolled in the Boy Scouting program with their community service and Eagle Scout projects, living the Scout Oath and Law.

NOW, THEREFORE, BE IT PROCLAIMED, the Village Council of Wesley Chapel, recognizes the 105th Anniversary of Boy Scouts of America and designates February 9 - 15, of the year 2015, SCOUTING ANNIVERSARY WEEK in Wesley Chapel.

The Village Council and the citizens of this community would like to express sincere appreciation to the Central North Carolina Council, Siler Presbyterian Church, the charter organization for our local Troop and Pack 46, and all the other area Boy Scout Troops and Cub Scout Packs, their families and countless volunteers for their continued dedication, support and mentoring efforts to our youth, and to the Scouts themselves for their help and support in our Community.

In Witness Whereof, I set my hand and affix this seal of the Village of Wesley Chapel, this 9th day of February of the year 2015.

Cheryl Bennett, Village Clerk

Brad Horvath, Mayor

9. URBAN ARCHERY SEASON

Council Member Plyler reported there have been many accidents involving deer in front of her house, and there were a lot of deer in her backyard. Several local towns participate in the urban archery season and she had been contacted by Daniel Cox regarding it. She said you cannot go on someone's property without their permission; the town would have to have a letter sent in to participate in the 2016 season. You can only use legal bows and must have a hunting license; the rules are on the website. We can determine any restrictions, and any expense would be just to advertise it. Council Member Plyler motioned to participate in urban archery season and have the Clerk draw up a letter and send in a map. Mayor Pro Tem Como seconded the motion. He noted he hit a deer last year, and there have been three dead deer picked up in the park; he felt citizens should have a chance to express their opinion on this. Council Member Rosoff had a problem with this, she had seen many geese in Florida walking around with an arrow through them. Council Member Kenary noted there are deer hunting seasons from September to January 1, and this would be from January 10th to February 14th, it would be carte blanche, no laws requiring written permission, only 50 of the 540 municipalities participate, and she did not support it. Mayor Pro Tem Como withdrew his second because he wanted to get public input but Council Member Plyler did not want to include that in her motion. Council Member Plyler said

just because we give them a map doesn't mean they can hunt anywhere or on public land. The motion died for lack of a second.

10. PARKS AND REC UPDATE – APPROVAL OF EASTER EGG HUNT, WAIVE FEES FOR SCFOPR EVENTS, ADD A PARKS AND REC PAGE ON WEBSITE, ENVELOPES FOR DONATIONS TO WCFOPR

Council Member Rosoff noted the Humane Society brought dogs to the park this weekend and three were adopted. WCFOPR representative Sondra Bradford had a schedule of five park events for 2015. Mayor Pro Tem Como motioned to waive park usage fees when the Village is the beneficiary of the profits. Council Member Rosoff seconded the motion. Council Member Plyler asked how we know what the profits are.

The motion passed unanimously.

Mayor Pro Tem Como motioned to approve WCFOPR and Southbrook Church sponsoring the April 4, 2015 Easter egg hunt at the park. Council Member Rosoff seconded the motion. A citizen asked about the mix of state and church. Sondra Bradford said it is okay because the 501(c) (3) can partner with the church.

The motion passed unanimously.

Mayor Pro Tem Como said people at the park have asked how they can make donations, so he proposed pre-addressed envelopes so people can mail checks to WCFOPR. He said the money can only be used by FOPR for our parks. Mayor Pro Tem Como motioned to allow us to print pre-addressed envelopes. Council Member Rosoff seconded the motion. The second was withdrawn. The motion was restated: Mayor Pro Tem Como motioned to allow WCFOPR to print pre-addressed envelopes and place them in the park for donations. Council Member Rosoff seconded the motion. Council Member Kenary asked what if other organizations want to do this. Attorney Sistrunk said it was a unique circumstance could set a political precedent but not a legal precedent.

The motion passed unanimously.

Sondra Bradford presented a check for \$2,650 which was proceeds from the Christmas in the Park event, it is specifically for the amphitheater cover, and they intend to raise more money. The funds came from sponsoring area businesses, donations on site, sales of cookies and note cards, and vendor booths.

Mayor Pro Tem Como motioned that we set up an account specifically for the amphitheater cover. Council Member Rosoff seconded the motion.

The motion passed unanimously.

Council Member Kenary suggested reminding deputies at the events that they are there for both pedestrian and vehicular assistance.

Mayor Pro Tem Como motioned to add a page on our website for Parks and Rec. Council Member Rosoff seconded the motion.

The motion passed unanimously.

Council Member Kenary noted May 2, the date scheduled for the spring event is communion week for Catholics, and many might not be able to attend; is there an alternate date. Sondra Bradford will check on it, but noted it is harder to get volunteers as you approach the end of the school year. She plans to present a list of all events to local businesses so they can choose what they might want to sponsor.

11. FOLLOW-UP FROM JANUARY 26, 2015 MEETING WITH DE-ANNEXATION PETITIONERS

Council Member Plyler said she had a personal conflict of interest, so she asked to recuse herself, as she is on a de-annexation list. Council Member Plyler motioned to recuse herself. Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

Council Member Plyler asked if she should participate in the discussion; attorney Sistrunk said she could participate in the discussion, but she could not vote because she recused herself. Mayor Horvath asked what response, if any do we have to the January 26th meeting. We are considering age restricted housing, conditional zoning, another idea is R-40 clustering, i.e. conservation subdivisions, where you can still only put ten houses on ten acres, but you could do half acre lots and leave the rest as green space. He noted on the master plan visual survey this brought approval in one picture, and not on the other. Mayor Pro Tem Como suggested we look at options, noting not that he was for higher density. Council Member Kenary said Ms. Mullis wanted to leave land as a legacy to her father in law, and suggested a land conservancy as it alleviates the tax burden, also there is the tax deferment program, or she could sell it to the town for parks and rec. Carol Mullis said she would like to have something built there as a legacy, a church, Y, or senior living.

Mayor Horvath said we are still continuing to explore options and haven't heard a lot of options from the petitioners.

Council Member Kenary motioned to move up the "Resolution against De-Annexation" before the next item. Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

12. RESOLUTION AGAINST DE-ANNEXATION

Council Member Kenary read the summary from the Agenda item form:

In May 2014 certain individuals signed and presented a petition to certain state leaders requesting de-annexation from the Village of Wesley Chapel.

In January 2015 the Village Council in it's entirety was made aware of the petition under consideration.

At the regularly scheduled meeting in January 2015 the Council was asked to have a special meeting to allow the residents to provide an explanation of their grievances.

A public meeting date and time were set for January 26, 2015 @ 2:00 PM.

At the Public meeting the Council heard the petitioners present their grievances. At the conclusion of the meeting despite council's willingness to try to work with the petitioners, the council was informed by the petitioners they were moving forward with their petition request.

The precedence under consideration of the deannexation request would be damaging to the village as well as the county and township if the state granted the deannexation of the residents based on the information presented at the public meeting. A Resolution against the state leaders granting such a request is necessary

She then read the proposed Resolution.

Council Member Kenary motioned to adopt Resolution 2015-01. Mayor Pro Tem Como seconded the motion.

Mayor Horvath suggested changing the first line of the fifth paragraph of the Resolution to add "/development" before "requests". The second was rescinded. The motion was amended to

adopt the Resolution 2015-01 with the suggested change. The amended motion was seconded by Mayor Pro Tem Como. Carol Mullis asked that the previous council person in the Resolution be identified; Council Member Kenary said it was Mr. Mullis.

The motion passed unanimously; Council Member Plyler had recused herself previously so she did not vote.

The Resolution is as follows:

Village of Wesley Chapel Resolution 2015-01

**RESOLUTION FROM THE VILLAGE OF WESLEY CHAPEL
ON THE PETITION UNDER CONSIDERATION TO DE-ANNEX LANDOWNERS FROM
THE VILLAGE OF WESLEY CHAPEL**

WHEREAS, the Village of Wesley Chapel respects the authority vested in the State Leaders of North Carolina and the representatives of the citizens of the different districts of the state; and

WHEREAS, the Village of Wesley Chapel has authority to set rules and regulations for the development of land in the Village and has adopted and maintained rules regulating development in the Village and these rules and regulations were set forth at the request of the first planning board and council and continue to be upheld and supported by the citizens of the Village of Wesley Chapel; and

WHEREAS, the Village of Wesley Chapel Council's purpose is to support the citizens' vision for their Village and to serve as a voice for the greater good of the municipality; and

WHEREAS, the Village of Wesley Chapel has received no formal or informal requests prior to 1.26.15, from the petitioners before the petitioner's request was sent to the state directly, to meet with any of the petitioners listed on the de-annexation request to discuss their individual desires pertaining to their land; and

WHEREAS, the Village of Wesley Chapel Council has not received any rezoning/development requests from builders to develop the properties listed on the de-annexation request, since its incorporation, nor at any time prior to 1.26.15, before petitioning the state directly, as stated by at least two of the petitioners at the special meeting held on 1.26.15; and

WHEREAS, the Village of Wesley Chapel has not made any false pretenses to any citizen who has voluntarily annexed into the Village of Wesley Chapel, fully understanding the development guidelines, which have always been available to the public, and which were adopted and instituted by at least one of the petitioners, who is a former council member of the Village.

NOW, THEREFORE be it resolved that the Village of Wesley Chapel hereby opposes de-annexation of properties within the Village. The Village believes this will set precedence, and irreparable harm will be caused should the State undermine and bypass the authority of this Municipality by granting de-annexation from the village. Furthermore, the Village of Wesley Chapel has offered to listen to the desires of the petitioners however, the petitioners continue to have no desire to work with the Village of Wesley Chapel despite an invitation to do so and have not any interest in making a proposal to the Village. To act on this petition and grant de-annexation, would at a minimum be perceived as an arbitrary act, and by all methods an unreasonable abuse of privilege of power, circumventing the local government laws which the Village and it's citizens have established, in turn causing a ripple effect of injury to both this Village and all other municipalities in the State.

Adopted this the 9th day of February, 2015.

Mayor Brad Horvath

Attest: _____
Cheryl Bennett, Clerk

Mayor Horvath said he supported making this resolution to the legislators.

13. SPECIAL MEETING WITH STATE LEGISLATORS / COUNTY COMMISSIONERS
FEBRUARY 20, 2015

We have invited the four state legislators, and have not heard back from Rep. Dean Arp yet. Mayor Horvath recommended this meeting be not only for discussing the de-annexation but also be for improving communications with the legislators.

Mayor Pro Tem Como motioned to hold a special Council meeting with the State Legislators and County Commissioners on Friday, February 20, 2015 at 7 pm at Wesley Chapel Town Hall for discussing the de-annexation and general communications. Council Member Rosoff seconded the motion.

The motion passed unanimously.

14. COMPUTER PURCHASE

Village Administrator Bennett provided three quotes to Council for a computer to replace the Clerk's computer so the existing computer can be used by Council Members. The three quotes were Dell \$1,560.31, Office Depot HP EliteBook \$1,843.99 and Staples HP ZBook \$2,029.28. The Dell computer can be customized and this provides Windows 7 Pro operating system updatable to Windows 8.1, Adobe Acrobat XI Standard, Microsoft Office Home and Business 2013 and next day onsite two year extended support.

Council Member Kenary motioned to approve the purchase of the Dell computer at \$1,560.31. Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

15. RFP FOR LANDSCAPE MAINTENANCE

Administrator Bennett reported Parks and Rec reviewed the RFP and questioned the date for submittal of questions, but that date was intended to be after the pre-bid conference. They recommended deleting item 14 regarding faxed or emailed bids, and delete item 18 that the Village reserve the right to schedule maintenance more or less frequently depending on growing conditions. They recommended deleting the second sentence in "Award of Bid", that the Village will not award to two separate vendors.

Fire ant control is not needed at the town hall because our pest control service includes that. The bid form will be broken down further to show each line item. Council Member Plyler thought we should close the park after chemicals were applied. Mayor Horvath said we need expert recommendations. Mayor Pro Tem Como said Jerry Davis on Parks and Rec recommending deleting the July fertilization, and adding subsequent year's fertilization rates shall be subject to annual soil testing conducted by Contractor, with reports included in the weekly reports to the Village. Trash removal was discussed; Parks and Rec wanted to have the bidder bring all the cans up to the parking lot before 7 am on Monday, and return the containers to outlying locations before sunset which seemed inefficient. Having outlying trash containers that would have a liner

bag that could be removed and replaced by the landscaper was discussed. Mayor Pro Tem Como motioned to approve the RFP with the changes made. Motion died for lack of a second.

Council Member Rosoff motioned to approve the RFP with taking out the trash removal section and consider and consider trash removal at the next Park and Rec meeting and a maintenance person, and incorporate the other changes including expanding the bid form.

The motion died for lack of a second.

Council Member Kenary motioned to approve the RFP with the changes and showing the trash collection as a separate item to be picked up once a week with the mowing. Council Member Rosoff seconded the motion.

The motion passed unanimously.

Council Member Plyler wanted to advertise the RFP in the Charlotte Observer and Union County Weekly and on the website. Bennett noted we do not have much time to do this, we have a tight time schedule and the ads can be costly. Council Member Plyler said this is a lot of money and we should advertise. Bennett said we can put it on the website and on the lists, and to any landscapers we are aware of. The motion was withdrawn.

Council Member Plyler motioned to advertise the RFP in the Charlotte Observer, the E-J, the Union County Weekly and the website. The motion died for lack of a second.

Council Member Kenary suggested we contact the AG Center as to where to advertise it.

Discussion was held on possible places to advertise the bid.

Mayor Pro Tem Como motioned to put it on the website and wherever we can, and not in the Charlotte Observer. Attorney Sistrunk was asked and said it is Council's decision; it should be done in the best way to get the most number of bids feasible. Council Member Kenary seconded the motion.

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

Attorney Sistrunk left at this point, and a short recess was taken.

16. REVIEW AMENDED TOWN HALL USE POLICY

The amended proposed policy was reviewed. Mayor Horvath suggested renters could lock the door and leave the key inside. Council Member Plyler said due to complaints regarding the monitors, she didn't think we should let renters use the A/V equipment. Mayor Horvath pointed out the problem is the image on the monitors and they won't use the monitors. The \$100 fee was discussed and whether it should be more for non-residents. Council Member Plyler felt it should be more for non-residents. Council Member Kenary said we are covering costs, so we shouldn't penalize those who don't live here. Council Member Rosoff was undecided. Mayor Pro Tem Como liked a set fee, but there should be a clause that renters are responsible for damage. Mayor Pro Tem Como motioned we have a \$100 flat fee for all renters. Council Member Kenary seconded the motion.

The vote was 2 yeas (Como and Kenary) and 2 nays (Plyler and Rosoff). Mayor Horvath broke the tie by voting yea, so the motion passed 3-2.

Gayla Adams sad her little group doesn't have a budget, there is no HOA, and she was disappointed ; Mayor Pro Tem Como noted she can always come to Council and ask to waive the fee. There are still some conflicts in the policy so Mayor Horvath will make some changes and bring it back next month. Council Member Kenary wanted to require a copy of a driver's

license; Council Member Plyler disagreed. Mayor Pro Tem Como said you would go after an entity, not a person for damages, so we should get info on the group.

17. SPECIAL MEETING WITH PLANNING BOARD FEBRUARY 23, 2015

Mayor Pro Tem Como motioned to hold a special meeting with Planning Board on February 23, 2015 at 7 pm to discuss Conditional Zoning and the updated Future Land Use Plan. Council Member Rosoff seconded the motion.

The motion passed unanimously.

18. CONFIRM ADVANCE DATES FOR FEBRUARY 27TH AND 28TH, 2015

Mayor Pro Tem Como motioned to hold a special meeting consisting of two parts: Friday February 27, 2015 at 6:30 pm at Wesley Chapel Fire Department, and Saturday February 28, 2015 at Wesley Chapel Town Hall at 9 am for purposes of soliciting resident input and to establish 2015 goals and priorities. Council Member Kenary seconded the motion.

The motion passed unanimously.

19. NUISANCE ORDINANCES

Council Member Kenary read from the agenda item form: *Last October the Village Council heard about Nuisance Ordinances from John Ganus. After his presentation, the ordinances were sent to Planning Board for a recommendation. The Council has had no update on a recommendation about these ordinances. The purpose of the village is to protect it's citizens and to help them when they are in need of help. These nuisance ordinances will protect property owners against any materially dangerous risks from neighboring properties as well as provide assistance to any citizen in need and will also preserve the Village.*

Council Member Kenary motioned to call for a public hearing on the nuisance ordinances for March 9, 2015 at 7 pm at town Hall. Council Member Rosoff seconded the motion. Mayor Horvath said Bill Duston reported the Planning Board recommended unanimously against the nuisance ordinances they had concerns from an enforcement and rights standpoint.

The motion passed unanimously.

20. NO SOLICITATION ORDINANCE

Council Member Kenary read the agenda item form: *The Village of Wesley Chapel has experienced undue solicitation and at times citizens have written to the Village expressing their desire to put a stop to these unwanted callers on their private property. A record exists of these citizen complaints.* Council Member Kenary motioned to call for a public hearing on the no solicitation ordinance for March 9, 2015 at 7 pm at town Hall. Council Member Rosoff seconded the motion. Council Member Plyler asked about people selling cookies and such for their school. Council Member Kenary said the ordinance allows for that. Mayor Pro Tem Como noted a neighbor had someone come to their back door and it scared them.

The motion passed 3-1 with Plyler voting nay.

21. DETERMINE INTEREST IN NEW RESIDENT SURVEY

Mayor Horvath received comments from Parks and Rec and Planning Board suggesting a new survey of residents; the last one was in 2007. Mayor Pro Tem Como suggested each committee should get a section. Mayor Horvath asked Council to gather ideas, whether it be multi-choice,

fill in the blank, how to deliver, etc. Council Member Kenary cautioned we should be careful not to pose questions to be persuasive.

22. ~~SAFETY COMMITTEE DEPUTY REPORT~~

Council Member Kenary asked if we would have a report from the deputy; Council Member Plyler said the Safety Committee is working on something, give them another month, and you can look at the reports we get. Council Member Rosoff noted you can call Captain Luke, and Mayor Horvath noted you can ask the deputy outside the meetings.

23. COMMITTEE PATH FORWARD

Council Member Kenary asked to table this to March. Council Member Plyler said we can be too demanding in trying to steer our committees. She complained the PDF's of the Youth Council Committee minutes were not approved. Council Member Kenary said the Youth Council Committee is dynamic, since students graduate each year. If you don't set goals, you will not have effective committees. Mayor Horvath noted there is a difference in micromanaging or setting broad goals. Council Member Kenary wants to look at committee charters as the first order of business next month.

24. OTHER BUSINESS

Mayor Pro Tem Como reported the Master Gardeners is sponsoring a heritage festival at the Ag Center April 11 and 12, 2015; also we have a new Parks and Rec applicant.

25. COUNCIL COMMENTS

Mayor Pro Tem Como noted committees are made of responsible adults; just ask them to please review their charters.

26. ADJOURNMENT

Council Member Kenary motioned to adjourn; Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

The meeting ended at approximately 10:25 pm.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath