

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
WESLEY CHAPEL TOWN HALL
6490 Weddington Road, Wesley Chapel, NC 28104
August 10, 2015 – 7:00 PM

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, Sandy Fenn, David Pohorence, Howard Brotton, Mike Giaimo and James Baker from Leverage Resources

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

1. PLEDGE OF ALLEGIANCE AND INVOCATION *Time Stamp :00*

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

2. PUBLIC COMMENTS - none

3. ADDITIONS, DELETIONS AND ADOPTION OF AGENDA *Time Stamp 0:01*

Items added to the were a closed session to discuss matters relating to the location or expansion of business in the area served by this body, move the planning/zoning/code enforcement staff report from the consent agenda to a separate item, add to the consent agenda the annual Union County tax settlement and charge to collect taxes, add a closed session under NC GS 143-318.11(a) (1) for placement of security cameras at the park, add park items, and add to accept resignations from the Youth Council Committee and a brief update from them, and remove the call for a public hearing from the consent agenda. Council Member Kenary motioned to adopt the amended agenda. Council Member Rosoff seconded the motion.

The motion passed unanimously.

4. PUBLIC HEARING ON ZONING ORDINANCE SECTION 4.7.3 TEXT AMENDMENT FOR TEMPORARY USES *Time Stamp 4:00*

The public hearing was opened. Bill Duston noted this text amendment increases agricultural temporary use permits from three to four times per year, and puts no limit on governmental permits. The park was not open when the previous text was written. Council Member Kenary stated the text seemed complex, so she wrote alternate text. She took out the waiting period, because people do get permits for more than 45 days. Mayor Pro Tem asked if the changes should go to Planning Board first; Council Member Plyler noted we just received this text and haven't had time to review it. Bill Duston noted there is a waiting period, but it can be circumvented by filing three applications, and he had no problem with taking that part out. The

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wording from Planning Board kept the three permits per year except for agricultural uses, and no limit on the town. Council Member Plyler asked how this works for the produce at Highway 84 and Potter. Mr. Duston said he issued their third permit today, and they said that is all they need this year. With four permits per year, a location could have a produce stand and also include Christmas tree sales.

5. PUBLIC HEARING ON SUBDIVISION ORDINANCE SECTION 405.13 TEXT AMENDMENT FOR CONGREGATE MAILBOXES *Time Stamp 14:44*

The public hearing was opened. There were no speakers. Bill Duston noted this is due to new postal requirements for congregate mailboxes in new subdivisions.

6. CLOSED SESSION PER NCGS 143-318.11(a)(4) TO DISCUSS MATTERS RELATING TO THE LOCATION OR EXPANSION OF BUSINESS IN THE AREA SERVED BY THIS BODY *Time Stamp 15:24*

Council Member Kenary motion to go into closed session per NCGS 143-318.11(a)(4). Council Member Rosoff seconded the motion.

The motion passed unanimously.

Council members along with the attorney, clerk, and David Pohorence went into closed session. After discussion, Mayor Pro Tem Como made a motion to leave closed session. Council Member Kenary seconded the motion.

The motion was passed unanimously.

7. CONSIDER APPROVAL OF CONSENT AGENDA: *Time Stamp 16:02*

A. APPROVE MINUTES FOR JUNE 22, 2015 SPECIAL MEETING AND JULY 13, 2015

B. APPROVE FINANCE STAFF REPORT

C. APPROVE UNION COUNTY SETTLEMENT OF TAXES FOR 2014 AND TAX CHARGE FOR 2015

D. RELEASE OF PART OF MCKINLEY FOREST PHASE II PERFORMANCE BOND IN AMOUNT OF \$54,222.75.

Council Member Kenary motioned to approve the consent agenda items. Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

The financial reports and budget transfers made during July are hereby incorporated by reference and made a part of these minutes.

July transfers made by the Finance Officer are as follows: moved \$160 from Public Safety Event Supplies to Public Safety Other Services.

July 31, 2015 Balance Sheet

ASSETS

Current Assets

Checking/Savings

Fifth Third Bank checking	180,160.20
Fifth Third Maxsaver	305,715.62
BB&T Money Market	506,865.05
Cash Change Fund	50.00
Total Checking/Savings	992,790.87
Misc. Fees Receivable	3,600.00

Other Current Assets

Property Tax Rec.	2,274.00
Allow. for Doubtful Accounts	-1,173.00
Prepaid Exp.	179.33
Excise,Franchise &Telec.Tax Rec	71,600.00
State Sales Tax A/R	6,489.29
Sales Taxes to be Received	
Total Sales Taxes to be Received	4,158.05

Total Current Assets 1,079,918.54

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.	-63,101.98

Total Fixed Assets 2,891,816.02

TOTAL ASSETS 3,971,734.56

LIABILITIES & FUND BALANCE

Other Current Liabilities

Due to Union County Schools	37.13
Escrow from Developers	196,090.00
Deferred Revenue	1,101.20
Total Other Current Liabilities	197,228.33

Fund Bal. inv. in Fixed Assets	2,891,816.02
Fund Bal. non-spendable	45,256.00
FB Restrict for P&R fee in lieu	99,227.78
Fund Bal. Res for Amph. Cover	3,664.00
FB restricted by State Statute	21,514.00
Fund Bal. Committed for CIP	49,337.11
Fund Bal assigned TH land	25,000.00
Fund Bal. Assigned for Com. Cen	83,156.00
Fund Bal Assign future park imp	9,450.00
Fund Balance Assigned for NNO	313.40
Fund Balance	595,974.87
Excess of Rev. over Exp.	<u>-50,202.95</u>
Total Fund Balance	<u>3,774,506.23</u>

TOTAL LIABILITIES & FUND BALANCE **3,971,734.56**

Budget Report July 31, 2015

	<u>Jul 15</u>	<u>Budget</u>	<u>% of Budget</u>
General Fund			
Income			
Property Tax Income			
Current Year Property Tax	0.00	136,168.00	0.0%
Utility Ad Valorem	0.00	1,887.00	0.0%
Vehicle Registration	0.00	11,560.00	0.0%
Delinquent Property Tax	39.01	800.00	4.88%
Interest/Ad Fee on Taxes	41.70	300.00	13.9%
Total Property Tax Income	<u>80.71</u>	<u>150,715.00</u>	<u>0.05%</u>
Fees and Licenses			
Privilege Licenses	150.00	285.00	52.63%
Cable Franchise (from Time Warn	0.00	15,200.00	0.0%
Zoning Permit	1,075.00	10,000.00	10.75%
Engineering Fees Reimbursement	4,747.25	22,000.00	21.58%
Annexation Exp Reimbursed	0.00	100.00	0.0%
Misc. Fees	1.00	300.00	0.33%
Winter Walk 5K fees	0.00	500.00	0.0%
National Night Out	0.00	0.00	0.0%
Total Fees and Licenses	<u>5,973.25</u>	<u>48,385.00</u>	<u>12.35%</u>
Interest Earned	12.98	400.00	3.25%
Revenue Sharing			
Sales & Use Taxes	0.00	44,000.00	0.0%
Telecommunications Tax	0.00	10,200.00	0.0%

Video Programming(State Cable)	0.00	92,000.00	0.0%
Franchise Tax (Electric Power)	0.00	180,000.00	0.0%
Excise Tax (Piped Natural Gas)	0.00	13,000.00	0.0%
Alcoholic Beverage Tax	0.00	35,000.00	0.0%
Total Revenue Sharing	0.00	374,200.00	0.0%
Total Income	6,066.94	573,700.00	1.06%
Expense			
Total Town Hall Operating Expense	1,832.19	27,025.00	6.78%
Total Operating Expenditures	23,533.57	99,407.00	23.67%
Total Gen. Govt. Salaries	7,200.55	116,725.00	6.17%
Total Planning & Zoning	0.00	78,953.00	0.0%
Total Professional Fees	0.00	54,000.00	0.0%
Total Capital Outlay Public Services / Safety	0.00	15,000.00	0.0%
Total Public Services / Safety Parks & Recreation	20,979.19	83,892.00	25.01%
Total Parks & Recreation Personal Services	0.00	1,200.00	0.0%
Total Parks & Rec Supplies & Material Parks & Recreation Services	500.03	12,398.00	4.03%
Total Parks & Recreation Services P&R Capital Outlay	2,224.36	44,560.00	4.99%
Total P&R Capital Outlay	0.00	40,540.00	0.0%
Total Parks & Recreation	2,724.39	98,698.00	2.76%
Total Expense	56,269.89	573,700.00	9.81%
Net General Fund	-50,202.95	0.00	100.0%
Capital Projects Fund			
Appropriated for Town Hall	1,393,362.89	1,442,700.00	96.58%
Other Expense			
Town Hall Capital Outlay			
TH Construction Contract	1,235,560.67	1,262,981.00	97.83%
TH Architect/Engineer	104,328.87	108,168.00	96.45%
TH In House Engineering	1,200.00	1,200.00	100.0%
TH Testing/Permit Fees	12,894.66	14,900.00	86.54%
TH Telecom Sys/AV/Computers	179.90	252.00	71.39%
TH Insurance	1,374.00	1,374.00	100.0%
TH Legal Fees	5,140.00	5,100.00	100.78%
TH Furnishings/Seasonal Dec.	28,575.14	28,945.00	98.72%
TH Irrigation	426.00	16,000.00	2.66%
TH Miscellaneous	3,683.65	3,780.00	97.45%
Total Town Hall Capital Outlay	1,393,362.89	1,442,700.00	96.58%
Net Other Income	0.00	0.00	0.0%
Net Excess of Rev. over Exp.	-50,202.95	0.00	100.0%

8. APPROVE PLANNING/ZONING/CODE ENFORCEMENT STAFF REPORT *Time Stamp 17:45*

Bill Duston reported on two new laws; the first is effective immediately and prohibits design standards on how a single family house can look. He contacted two School of Government attorneys and one suggested lengthy changes, and the other said only minor changes are necessary. He will share the information with Council. The second law restricts performance bonds to 125% of the cost of improvements, instead of the 150% he has been using, so going forward he will only accept bonds at 125% of the improvement cost.

The code enforcement report will be changed to include a description of the violations.

9. CONSIDER APPROVAL OF ZONING ORDINANCE SECTION 4.7.3 TEXT AMENDMENT FOR TEMPORARY USES *Time Stamp 24:27*

Mayor Pro Tem Como inquired if this should go back to Planning Board. Bill Duston said the only change is for the non-agricultural uses to go from three to four times per year.

Council Member Kenary motioned to accept the alternate language for temporary uses including the statement of consistency and reasonableness. The statement of consistency is the proposed text changes are consistent with the Village's Land Use Plan. Most of the Village is classified as "low-density residential" on the future Land Use Plan Map and this designation "aims to maintain the low-density, rural atmosphere of the Village, which is characterized by single-family residential and agricultural uses". The proposed change would increase the ability to sell locally-grown produce within the Village. The statement of reasonableness is the proposed text changes are deemed to be reasonable as events take place at Dogwood Park throughout the year. In addition, the Village Council feels that the proposed text changes are reasonable with respect to the sale of agricultural products given the Village Council's desire to retain the rural atmosphere of the Village. Council Member Rosoff seconded the motion.

The motion passed 3-1 with Plyler voting nay.

**VILLAGE OF WESLEY CHAPEL
TO ADOPT ZONING ORDINANCE TEXT AMENDMENT
Ord. 2015-10**

THAT WHEREAS, temporary uses are held at various times throughout the year at Dogwood Park and other public venues;

WHEREAS, the Village of Wesley Chapel encourages and promotes agricultural uses;

WHEREAS, the temporary use provisions of the Village of Wesley Chapel's Zoning Ordinance puts some undue limitations on events sponsored by non-profit agencies and on the selling of agricultural products;

WHEREAS the following text amendments (*text to be deleted is struck; new text is in bold and italicized type*) are made to Section 4.7.3 of the Village's Zoning Ordinance:

4.7.3 Turkey shoots not prohibited by the Firearms Ordinance, sales of agricultural plant products (as defined in Article 2), 4-H shows, charitable uses, Federal, State or Local

Government-sponsored public events and/or non-profit organization-sponsored events of a limited nature and for a limited time may be allowed, but shall be specifically permitted... Each such permit shall be issued for a period of forty-five (45) days. ~~A waiting period of forty five (45) days shall be required between temporary permit applications by the same applicant,~~

A temporary use permit shall not be issued for any single property more than ~~three (3)~~ **four (4)** times per calendar year, ***except that there shall no limit on the number of temporary use permits issued for Federal, State or Local Government-sponsored public events and/or non-profit organization-sponsored events.***

Temporary use permits shall not be approved and can be revoked should the Zoning Administrator determine the required criteria have not been met or no acceptable remedy proposed/implemented, at any point during the application or operation of the temporary use.

Adopted this 10th day of August, 2015.

Attest:

Cheryl Bennett, Clerk

Mayor Brad Horvath

10. CONSIDER APPROVAL OF SUBDIVISION ORDINANCE SECTION 405.13 TEXT AMENDMENT FOR CONGREGATE MAILBOXES *Time Stamp 30:35*

Council Member Plyler motioned to approve the subdivision ordinance text amendment for congregate mailboxes. Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

**VILLAGE OF WESLEY CHAPEL
TO ADOPT SUBDIVISION ORDINANCE TEXT AMENDMENT
Ord. 2015-11**

THAT WHEREAS, the United States Postal Service now requires that congregate mailboxes be provided for most new residential developments;

WHEREAS, the Village of Wesley Chapel's Subdivision Ordinance currently does not have any requirements for the placement of congregate mailboxes in new residential subdivisions;

WHEREAS, the Village of Wesley Chapel would like to see congregate mailboxes be provided to satisfy any United States Postal Service requirements and to ensure that adequate parking be provided for persons using such mailboxes; and

WHEREAS the following text amendments are made to Section 405.13 of the Village's Subdivision Ordinance:

405.13 Congregate Mailboxes

As required by the United States Postal Service (USPS), an area for one or more congregate mailboxes shall be provided within the subdivision. Evidence that the USPS has approved the location of the congregate mailbox facility shall be provided with the preliminary plat. A minimum of two (2) paved off-street parking spaces shall be provided for each subdivision where a congregate mailbox is required. For mailboxes that serve more than one-hundred (100) residences, one (1) additional parking space shall be provided for each additional fifty (50) residences.

For congregate mailboxes that are located within a community center facility designated for that subdivision, off-street parking provided for the community center can be used to satisfy these minimum requirements.

NOW, THEREFORE, BE IT RESOLVED that the Village of Wesley Chapel Council hereby adopts the above listed Subdivision Ordinance text amendments.

Adopted this 10th day of August, 2015.

Attest:

Cheryl Bennett, Clerk

Mayor Brad Horvath

11. **PATH FORWARD FOR AMENDING THE FUTURE LAND USE PLAN AND MAP**
Time Stamp 35:41

Council consensus was to have two sessions, notify property owners and adjacent parcels, and advertise it in the paper but not hold a special meeting of Council because Council will not participate in these sessions. The first session will be on September 15, 2015 from 7-9 pm, and the second from 3-5 pm on September 17, 2015. Bill Duston verified that Council was generally comfortable with the latest version of the map. Council Member Kenary quested one item where a portion of a parcel is recommended for a change, but the parcel number is for the entire parcel. We will go forward with the changes as is.

12. REVIEW OF PRODUCTION OF MINUTES *Time Stamp 1:08:14*

Council Member Kenary motioned to add a time stamp to the minutes which would allow citizens to look at only the portion of the recording that they are concerned with. Council Member Rosoff seconded the motion.

The motion passed unanimously.

13. UPDATE ON SURVEY; SELECT POTENTIAL THIRD PARTY COORDINATOR

Time Stamp 1:12:21

Planning Board questions were ranked and will be emailed out tomorrow to council. We also have questions from the Safety Committee, Parks and Rec, and the Youth Council Committee. It will be the job of the third party to take any bias out of the questions. Third party proposals were received from Centralina Council of Governments (\$2,500 to \$3,000), Professor Huffman at Winthrop University (\$1,000), and Leverage Resources. The prices and what they proposed were reviewed.

Mayor Pro Tem Como motioned to move forward with Leverage Resources at a price of \$2,500 for the first 2,500 survey participants, and all additional participants will increase the cost at a rate of \$25 for each additional increment of 25 or a portion thereof. Council Member Rosoff seconded the motion.

The motion was voted on with Como and Rosoff voting yea, and Kenary and Plyler voting nay; Mayor Horvath voted yea, stating we have sat on this too long, so the motion passed 3-2.

A short break was taken. Council Member Plyler left the meeting at this time, and was unexcused.

Discussion was held on who the survey would be sent to; one could be on-line per home, and one hard copy, or two on-line per home.

14. TOWN HALL IRRIGATION SYSTEM UPDATE; ENCROACHMENT AGREEMENT APPROVED, CONTRACTOR NEEDED TO INSTALL BOX/COST; APPROVE TAP FEE; IRRIGATION SYSTEM RFP *Time Stamp 1:57:14*

Four utility contractors have been contacted, but none have given a proposed fee. Council Member Kenary will check with the irrigation system contractor, and locate the RFP that was issued then. In the interim we will water the trees, sod, and the island.

Council Member Kenary motioned to approve installation of the tap up to a cost of \$5,000 plus the County tap fees. Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

15. APPOINTMENT OF PLANNING BOARD CHAIR *Time Stamp 2:07:16*

Mayor Horvath reported John Grexa was interested in becoming chair. Council Member Kenary motioned to appoint John Grexa as Planning Board Chair. Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

16. APPOINTMENTS TO BOARD OF ADJUSTMENT *Time Stamp 2:08:12*

Council Member Kenary motioned to accept the resignations of Howard Brotton and Timothy Kolubinskyj, and re-appoint Butch Byrum to a new term. Council Member Rosoff seconded the motion.

The motion passed unanimously.

17. RESIGNATION OF YOUTH COUNCIL COMMITTEE MEMBERS AND BRIEF UPDATE *Time Stamp 2:10:14*

Mayor Horvath accepted the resignations of the members who graduated from high school: Hannah Schrader, Julia Lubinecky, Om Dave, and McKenzie Hurd.

Council Member Kenary reported the Youth Council will hold their first meeting on Friday August 14th at 12:30 pm, with introductions, review of procedures, and election of officers.

18. PARK ITEMS *Time Stamp 2:13:06*

Mayor Pro Tem Como requested permission for Parks and Rec to move forward on an RFP for the band shell.

A Boy Scout is working on the design for the park sign, it will be reviewed by Parks and Rec. The park fountain cords ordered were too short; to replace the three 100 foot cords with 200 foot cords will cost \$636.47. Mayor Pro Tem Como motioned to move \$636.47 from Contingency to Capital Outlay; Council Member Rosoff seconded the motion.

The motion passed unanimously.

To fix the damage to the park gate, Mayor Pro Tem Como reported that Hargett Electric would charge about \$1,195; no quote has been received from Gateway, but the original cost was \$5,125.60. We will pay the repair costs from expenditures, and the insurance reimbursement will come in as a revenue. The deductible should be \$500. Council Member Kenary motioned to move \$6,300 from Contingency to a Gate Capital Outlay line item. Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

Mayor Horvath asked for a consensus of Council that they are interested in a security system at the park; they agreed.

19. OTHER BUSINESS *Time Stamp 2:29:30*

Mayor Pro Tem Como stated he planned to be part of the conversation at the next Planning Board meeting; Mayor Horvath as liaison will also be there, and asked if any other members planned to be there. Council Member Kenary stated she thought it crosses a line for Council to formulate text with a Board when it then comes to Council for approval. Mayor Pro Tem Como said he will be there to explain reasoning; also Epcon wanted someone to interpret what Bill Duston as planner is saying.

20. CLOSED SESSION PER NCGS 143-318.11(A)(1) TO PREVENT THE DISCLOSURE OF PRIVILEGED INFORMATION *Time Stamp 2:35:05*

Mayor Pro Tem Como motioned to go into closed session per NCGS 143-318.11(a)(1) to discuss security at the park. Council Member Rosoff seconded the motion.

The motion passed unanimously.

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After some discussion Council Member Rosoff motioned to leave closed session. Council Member Kenary seconded the motion.

The motion passed unanimously.

21. COUNCIL COMMENTS *Time Stamp 2:38:00* - none

22. ADJOURNMENT *Time Stamp 2:38:02*

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

The motion passed unanimously.

The meeting ended at approximately 10:30 p.m.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath