

VILLAGE OF WESLEY CHAPEL  
COUNCIL MEETING MINUTES  
January 19, 2010 – 7:00 P. M.

The Council of the Village of Wesley Chapel, North Carolina, met in the Fellowship Hall of Wesley Chapel United Methodist Church at 120 Potter Road South, Wesley Chapel, North Carolina.

**Present:** Mayor Horvath, Mayor Pro-tem Bradford; Council Members Brotton and Ormiston

**Others Present:**

Village Clerk/Finance Officer: Cheryl Bennett

Planning/Zoning Administrator: Joshua Langen

Concerned citizens: Ray Davis, Carol Mullis, John Lepke, Todd Hess, Julie Brown

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

1. PLEDGE OF ALLEGIANCE / INVOCATION

Mayor Horvath led the Pledge of Allegiance and Mayor Pro-tem Bradford gave the invocation.

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

Item 16A. "Consider Approval of Resolution 2010-01 Resolution of the Village of Wesley Chapel, County of Union, Regarding Designation of an Official to Make Recommendations to the North Carolina Alcoholic Beverage Control Commission on ABC Permit Applications" was added, and Item 16. became Item 16B. Bradford made a motion to adopt the agenda with these changes; Ormiston seconded the motion.

The motion passed unanimously.

3. INTERVIEW CANDIDATES FOR OPEN COUNCIL SEAT

Mayor Horvath noted that the seat was open since he was elected Mayor; he didn't resign his seat to run because there was Village business to conduct, and although he ran unopposed there is always the possibility of a write in candidate challenge. The seat has two years remaining in its term.

Bradford asked the candidates about their key priorities for Wesley Chapel in the next few years. Todd Hess responded that his priorities include the development of a capital improvement plan for spending priorities, safety not only in terms of crime but also traffic and pedestrian safety, and that the Village come to terms with the litigation regarding Dr. Land and the fire station. John Lepke responded that the top of his list is parks and greenways, a plan to allow first time

homeowners and retirees have housing, and agreed on traffic and sidewalks safety.

Ormiston asked the candidates about their position on commercial development. Lepke said he didn't want anything like a big box, but he did want restaurants, upscale shops and to fill the existing commercial space. Hess said the Downtown Committee feels we have enough "highway commercial", but would like more "neighborhood retail" which brings us to a true village center. Bradford asked if this would leave the commercial in one area or spreading out. Hess said the core area is well defined, maybe allow a selective retail out of the core. Lepke said ditto, it should not be spread out.

Brotton asked the candidates their ideas to make Wesley Chapel a more cohesive area. Todd Hess said getting a park will be very helpful; as will greenway or paths, so travel will be more friendly and a town center will help define Wesley Chapel as a Village. John Lepke said the same, plus getting GPS companies to identify us, also establish an image, and marketing.

Bradford asked the candidates why are you interested in the Council position now as opposed to running in the election. Lepke said he wanted to see the parks move ahead, he was busy with travel then, and now he had been given more job responsibilities which was a concern. Hess said he was involved in the Downtown Committee Resolution which is closer now to being a deliverable; he got more interested partially due to the Parks and Rec meetings.

Ormiston asked the candidates how would they ensure the focus of Council is in keeping with the general community. Hess said there was a lot of acceptance of the master plan, and he would focus on some other aspects also being carried forward with priorities being set. Lepke said as a scientist he is big on data, he would go out pro-actively ideally by a survey, or by talking to people.

Brotton asked the candidates if various meetings were something they can make a commitment to. Lepke said he did have a concern, he just had three more states added to his job responsibilities, and he won't have as much control of his schedule, with travel being at variable times. Hess said he could accept the time commitment, and that once he dedicates himself, he becomes immersed in the task. Aside from getting caught in court now and then, he doesn't travel much now.

Bradford asked the candidates to describe their conflict management style. Todd Hess said he was an engineer, and lack of information is often a cause of conflicts; he would make data and reasoning available, also be open to others' ideas. John Lepke said his style is similar; make sure your position is based on fact, with two parties provide them with the facts.

Ormiston asked how they approach complex issues to get up to speed. Lepke said he goes back to scientific information, study it, and digest it. Hess said don't ignore the conflict, meet challenges head on.

Brotton asked what are the additional skills or personality traits that make you an asset to the Council. Hess said he is a registered professional engineer which he did before becoming an attorney, he has almost completed a certified financial planner course; he is licensed to practice as an attorney and with the patent office. He is compassionate and considers everyone's thoughts. Lepke said he is a

scientist, has worked in sales, regulatory and financial roles, managed a \$65 million project in Saudi Arabia, has tons of enthusiasm for projects and will stay up to meet deadlines.

Ray Davis asked a question of the candidates – what are their views on individual property owners’ rights. Todd Hess said as an attorney he is in favor of property owners rights; also precedents have made it clear that those rights can not infringe on the rights of others. John Lepke said as long as you don’t cause harm or offend your neighbors, you should be able to do what you want on your own property.

#### 4. POSSIBLE NOMINATIONS FOR SELECTION OF CANDIDATE TO FILL OPENCOUNCIL SEAT

Bradford noted this would be a difficult decision, she had worked with both candidates, and they are both very good candidates. Ormiston agreed, and said while either one is good, her concern is the time commitment as even missing two consecutive meetings would be a concern. Mayor Horvath also was very pleased to have two excellent candidates.

Ormiston nominated Todd Hess for the open council seat. Brotton seconded the motion.

The motion passed unanimously.

Mayor Horvath thanked John Lepke for his work on the Parks and Rec Committee, and offered congratulations to Todd Hess. Item 5 was delayed to after Item 7 so that Mrs. Hess could come to be present for the oath of office.

#### 6. UPDATE FROM ZONING ADMINISTRATOR ON PATH FORWARD FOR RUC ZONING

Langen presented a map where burgundy was the original subdivisions, green was subdivisions developed in Wesley Chapel, blue was parcels annexed since 2007 which have no zoning, and yellow inside a red outline was developed under the County zoning and annexed in. He said we could apply RUC to the blue, or to the yellow and burgundy areas. He spoke to COG; they said you could write in language saying you would honor original setbacks. The third choice is a combination of the two. The yellow and burgundy represent a lot of parcels, and the logistics of the signs and mailing labels would be more difficult. Langen read from an e-mail from the attorney, which suggested a text amendment to address the setback issue, and apply the appropriate zoning designation to the un-zoned properties. Langen summarized the options: 1. rezone all to RUC; 2. allow properties annexed before 2007 to keep their zoning and add a text amendment and rezone the blue properties to RUC or to R20 and R40 and add a clause. The goals are to apply zoning to the un-zoned properties, and allow the properties to use their original setbacks. Langen said uses allowed in the RUC district are R40 if they are over 40,000 square feet, and if they are less than 40,000 square feet they only get R-20 uses, so they lose some uses like funeral home and bed and breakfast but they are in subdivisions and HOA’s would restrict uses anyway. Bradford said she was in favor of leaving those with zoning alone, and adding text. She could go either way with the blue ones. Bennett asked Langen if we do

a text amendment to the zoning district R-40 and R-20, do we have to notify all the properties affected; he didn't think so. For re-zoning we would have signs at subdivision entrances, and an ad in the paper. It would have to go to the Planning Board, then a Public Hearing, signs, ads, etc. Brotton asked if there were any negative impacts if a house should burn down; Langen said if they have zoning and re-zone to RUC, if you don't have zoning to start with, you could re-build under RUC with original setbacks.

#### 7. POSSIBLE ACTION ON RUC ZONING

Bradford made a motion to move forward and apply RUC zoning to the un-zoned (blue) parcels, leave the yellow and burgundy alone, and add a text amendment. Ormiston seconded the motion.

The motion passed unanimously.

Mayor Horvath asked Langen to summarize this and run it by the attorney.

#### 5. POSSIBLE OATH OF OFFICE FOR NEW COUNCIL MEMBER

Mayor Horvath administered the oath of office to Todd Hess.

#### 8. DISCUSS AND POSSIBLE ACTION ON UNION COUNTY REQUEST FOR RESOLUTION TO ADOPT LEGISLATIVE POSITION

Mayor Horvath explained that this was done last year also, and provides a united voice from the County and municipalities. After reviewing the Resolution, Brotton made a motion to approve Resolution 2010-02 TO ADOPT LEGISLATIVE POSITIONS FOR THE 2010 SHORT SESSION OF THE NORTH CAROLINA GENERAL ASSEMBLY, incorporated herein.

Bradford seconded the motion.

The motion passed unanimously.

### RESOLUTION 2010-02 TO ADOPT LEGISLATIVE POSITIONS FOR THE 2010 SHORT SESSION OF THE NORTH CAROLINA GENERAL ASSEMBLY

THAT WHEREAS, the clerks, managers, and other staff of Union County, North Carolina and Union County Municipalities met and developed a list of legislative positions for Union County local governments for the 2010 Short Session of the North Carolina General Assembly, and

WHEREAS, after discussion with county and municipal elected officials, the list of legislative positions include the following:

- Collective Bargaining – Oppose any efforts to allow collective bargaining for public sector employees, to include payment of union dues by payroll deduction.
- Transportation Infrastructure Funding – Protect all state collected locally shared revenues collected for transportation purposes. Oppose adding additional requirements or responsibilities to municipalities and counties for transportation funding and maintenance.

- Mental Health – Continue to protect state resources for the provision of Mental Health, Developmental Disability, and Substance Abuse Services, particularly for local crisis services, that are available to all State citizens.
- State Budget – Recognize that municipalities and counties are under the same budget pressures that face the State Budget, and to oppose any actions to reduce state collected locally shared revenues for local governments.
- Diverse Funding for Local Governments – Authorize Local Governments to utilize various methods of funding in addition to the property tax, and to protect authorized sources of revenue. Specifically protect local revenues from ABC sales, and protect local privilege license tax revenues.
- Monroe Bypass Funding – Protect funding sources and appropriations for the planned Monroe Bypass Project.
- Annexation – Support municipal authority to annex, recognizing that some changes to municipal annexation authority are warranted.
- Moratoriums – Oppose legislation that would make it more difficult for local governments to enact moratoriums.
- Union County Commission Governance – Ask State elected leaders to respect the local process established by the Union County Commissioners to determine the composition, terms, and governance style of the Union County Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED that the Village of Wesley Chapel Council hereby adopts this list of legislative positions for the 2010 Short Session of the North Carolina General Assembly.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the other Municipal governments in Union County, to the Clerk to the Board of Union County, to Governor Beverly Perdue, and to the members of the Union County Legislative Delegation.

Adopted this 19<sup>th</sup> day of January, 2010.

Attest:

*Cheryl Bennett*

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Cheryl Bennett, Clerk

*Brad Horvath*

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Mayor Brad Horvath

9. UPDATE FROM PARKS AND REC COMMITTEE

Council Member Sondra Bradford reported on the status of the proposed Page Price Park. Part of the land (four acres) on the west side is not a donation, but is offered to us at a reduced price. Also the land is in the farm protection program, so we will owe back taxes on the four acres. Without the four acres we have access for a trail, but it is cramped. The amenities list does not include upfit of the house, security cameras and lighting, such as a motion detector light, and parking lot lights. Consultant Jon Wood said we could lease lights from the electric company, either motion triggered lights or those that shut off at a certain time. Bradford presented a spreadsheet with all amenities. In Phase I there are three potential funding sources, PARTF, other grants (fishing, trail) and Village funds. Option one is to buy the four acres, and provides funds for fencing for the donor. PARTF wants to see recreational amenities; included are a fishing pier, nature trails, phase one of a playground, a picnic shelter with grill and tables, and walking trails. Items deferred for a future phase are the amphitheater and outdoor classroom. The Parks and Rec Committee recommended purchasing the four acres; it provides a buffer to the Keels, we can provide the basics and move on to other projects. Ormiston asked about the spreadsheet items for water/sewer and bridge; they would be added at a later time. The "sidewalk-other" item will run along Highway 84. There is water to the house, and it has septic. For the four acres, to pay the back taxes is about \$3,500. Ormiston asked about the playground figure of \$100,000; half is accounted for, we will do a minimal playground which is the amount Lowes offers grants for. Some playground pieces we could ask groups to donate. Council member Hess asked if there was an update on the dam. Jon Wood reported there was not yet an update. Hess said he opened up his engineering reference book, and if it is built on an impervious layer, then it has to have an impervious core, if not, rebuilding the dam could cost more than a million dollars. That could push up the per acre cost and may determine if we go forward. Bradford said at this point we submit the grant; we can pull the plug if the dam becomes prohibitive. If we get FEMA assistance, we could go forward. Mayor Horvath said there are check points along the way, tonight we are just approving to go for the grant and which amenities to include. It was clarified that you get 20 points in the grant for your first park, not for your first application. It was noted that the dam has been there quite a while, but the road is becoming very busy. Langen asked what is the trigger for the dam; a State inspection in March labeled it a high hazard dam. Ormiston said at what point do you request other grants; Bradford said we can move forward now. Ormiston asked for a timeline for information on the dam; Wood said Mactec said it would take 4-6 weeks, then information would be turned over to the engineer and take 3 more weeks. Other sources can do both the geo technology work and the engineering. A question was asked on the appraisal and survey; they included the 12 acres donated plus the four acres to be purchased, not only the donated land. Bradford said so far the attorney drew up a land donation contract, and an

appendix with things like taking the land out of the tax program, the hours of operation, naming rights, etc. It has not been signed by the parties. Ormiston made a motion to approve the park master plan, and proceed in the guidelines of the Page Price Park master plan, and proceed with applying for the PARTF grant. Brotton seconded the motion.

The motion passed unanimously.

Ormiston added that in 8-10 months we should have a definitive cost on the dam and an upfit of the house as well.

Bradford reported there are two grants available for trails, (RTP) Recreation Trails Program and Adopt a Trail. RTP provides up to \$75,000 with a match of 25%, which can also be in-kind services. The Adopt a Trail program offers grants up to \$5,000. The deadlines are the end of January, and require a lot of the same information as the PARTF grant. She reported Haden Stanziale offered to prepare both grant applications for \$1,825. Mayor Horvath asked how that obligates the Council if we don't proceed, is the timing the same? Jon Wood said the grants are awarded in October, and you have two years, and can apply for a one year grant extension. The grants also apply to a specific park. The FEMA pre-mitigation grant has a December grant application deadline; there may also be a USDA grant which is on a reimbursement basis. Ormiston said she had written three grants, and received two of the three, and offered to prepare the application herself. Bennett also volunteered to help. Bradford made a motion for Ormiston and Bennett to prepare the grant applications; if they could not do so, then authorize spending up to \$2,000 to have Haden Stanziale prepare them. Ormiston seconded the motion.

The motion passed unanimously.

Bradford reported she has come across some other grant opportunities; if they don't require any costs, do they need to go to Council or could she just apply for them. Mayor Horvath said he preferred they go to Council.

Bradford reported there is a Wildlife Resources grant that could provide funding for future fishing piers, and they will stock the pond. She is awaiting a call back from them, but they said you just put your name on the list. Discussion was held on fishing permits and if anyone in the State could then come and fish. Bennett explained that Lake Park uses fishing licenses to ensure that people have read the rules, and also the contract deputies enforce the permits; it is cheaper to obtain the permit, than to pay the fine. Ormiston said if we are going ahead with the PARTF grant, then we should pursue all the 100% grants listed; any matching grants will be contingent on going forward. Bradford said we qualify for the Lowes grant, after the first cut they require more information. There are no deadlines, but their fiscal year starts in February, and more money is available earlier in the year. Council approved going forward with the fishing grant and the Lowes grant.

Bradford presented a brief five year plan based on the projects we are looking at right now. To be conservative, maintenance costs are shown as \$35,000 per year. \$400,000 would go to Page Price Park in year one. In year two there is an acquisitions fund of \$30,000 and maintenance of \$35,000. Year three shows the

second phase of Page Price Park \$100,000, and a part time person with a salary of \$15,000 and maintenance of \$35,000. Years four and five show \$35,000 for maintenance, \$30,000 for acquisition fund, and \$15,000 for part time staff. Hess asked if this was aggressive enough; Bradford said it was just a conceptual estimate. Ormiston said it was hard to say without having an overall budget plan. Hess made a motion to approve the five year budget, as provisional with the existing projects on the table. Bradford seconded the motion. Councilmember Brotton said \$80,000 comes to 60% of our property tax revenue; if times get rough, do we want to be spending 60% of our property tax on one park.

The motion passed unanimously.

Bradford said the Wesley Chapel Swim Club would like to have a partnership with us, they are using three of their ten acres; they could offer us seven acres not in use, possibly the tennis courts and basketball courts; maybe certain hours would be reserved for their members. Their mortgages total about \$115,000, and they have needed improvements of \$20,000 so they would offer the seven acres for \$135,000 to \$140,000. If we got the seven acres we would have first dibs on the three acres should they decide to sell them. The pros are low costs per acre, and the location makes a good entrance to Wesley Chapel. They are pulling together more specific numbers.

Bradford's next item was on the Church of Redeemer who bought ten acres in Indian Trail which contains the historic Houston house, circa 1810. A lot of people have been calling and want to save the house. Greg Miller who is a professional carpenter and on the Parks and Rec committee, and Doug and Susan who were present, and do professional restoration work in Charlotte and at Latta Plantation both thought the house could be moved to our park and used in lieu of an outdoor classroom. Julie Brown reported she signed a release, and went in the house; it goes back to 1810 when the area first became Wesley Chapel, and she has heard from residents that they want to preserve our rural heritage. She spoke to many local people who supported saving the house and getting a stay from demolition. The Church would give Julie Brown first dibs on the house, although they are actively pursuing demolition of it presently. Mayor Horvath noted we can't assure the safety of a house in a different town, and we are looking at a time crunch.

10. DISCUSS PREPARATION AND ARTICLES FOR SPRING 2010  
NEWSLETTER

Mayor Horvath asked that Council members think about possible articles, and the item was tabled to the next meeting.

11. DISCUSS 2010 ADVANCE

The public will be invited to the Friday night dinner; Larry Parks will facilitate; the Planning Board will be invited Saturday morning. Bennett will send out the possible dates by e-mail.

12. CAPITAL IMPROVEMENT BUDGET

Mayor Horvath provided a handout showing about \$260,000 is available per year; wants include parks and rec, a contract deputy, and possibly a town hall; we don't have figures on a town hall, and will have to invest some funds to find out. We need to define square footage requirements, and need priorities and a timeline for the budget. This will be on the next agenda.

13. DISCUSS COG NOMINATIONS FOR EXCELLENCE AWARDS

Langen said he is writing the narrative and working with the other towns to submit an application for an award for the LARTP under the local government effectiveness and efficiency category.

14. CALL FOR PUBLIC HEARING FEBRUARY 8, 2010 AT 7 PM AT WESLEY CHAPEL UNITED METHODIST CHURCH ON ZONING ORDINANCE AMENDMENTS FOR: A. SECTION 4.7 MOBILE BUSINESS/VENDOR USE; AND B. ESSENTIAL FACILITIES DEFINITIONS AND RELATED REGULATIONS.

Bradford made a motion to call for a public hearing February 8, 2010 at 7 pm at Wesley Chapel United Methodist Church on Zoning Ordinance amendments for: a. Section 4.7 Mobile Business/Vendor use; and b. Essential Facilities definitions and related regulations. Ormiston seconded the motion.

The motion passed unanimously.

15. CALL FOR PUBLIC HEARING FEBRUARY 8, 2010 AT 7 PM AT WESLEY CHAPEL UNITED METHODIST CHURCH ON SUBDIVISION ORDINANCE AMENDMENT FOR SECTION 411 HOMEOWNERS' ASSOCIATION REQUIRED

Langen said he was not sure of the legality of this amendment and needed clarification from the attorney. It was tabled until the next meeting.

16A. CONSIDER APPROVAL OF RESOLUTION 2010-01 RESOLUTION OF THE VILLAGE OF WESLEY CHAPEL, COUNTY OF UNION, REGARDING DESIGNATION OF AN OFFICIAL TO MAKE RECOMMENDATIONS TO THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION ON ABC PERMIT APPLICATIONS

Bradford made a motion to approve Resolution 2010-01 Resolution of the Village of Wesley Chapel, County of Union, Regarding Designation of an Official to Make Recommendations to the North Carolina Alcoholic Beverage Control Commission on ABC Permit Applications; Ormiston seconded the motion.

The motion passed unanimously.

Resolution 2010-01 of the Village of Wesley Chapel

RESOLUTION OF THE VILLAGE OF WESLEY CHAPEL, COUNTY OF UNION, REGARDING DESIGNATION OF AN OFFICIAL TO MAKE

Minutes 2010.01.19  
Approved 2010.02.08

RECOMMENDATIONS TO THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION ON ABC PERMIT APPLICATIONS.

WHEREAS, G.S. 18B-904 (f) authorizes a governing body to designate an official, by name or position, to make recommendations concerning the suitability of persons or locations for ABC permits; and

WHEREAS, the Village of Wesley Chapel, County of Union, wishes to notify the NC ABC Commission of its designation as required by G.S. 18B-904 (f);

BE IT THEREFORE RESOLVED that Brad Horvath, Mayor, is hereby designated to notify the North Carolina Alcoholic Beverage Control commission of the recommendations of the Village of Wesley Chapel, County of Union, regarding the suitability of persons and locations for ABC permits within its jurisdiction.

BE IT FURTHER RESOLVED THAT notices to the Village of Wesley Chapel, County of Union, should be mailed or delivered to the official designated above at the following address:

P O Box 1584  
Monroe, NC 28111-1584  
Phone: 704-243-7391

This the 19th day of January, 2010.

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Mayor Brad Horvath

Sworn to and subscribed before me this the 19th  
Day of January, 2010.

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Clerk Cheryl Bennett

16B. OTHER BUSINESS

Mayor Horvath noted MUMPO is meeting tomorrow night and electing a chair and vice chair.

17. COUNCIL COMMENTS

Bradford congratulated Todd Hess; and thanked John Lepke, and thanked Council for their patience with all the parks and recreation items. Mayor Horvath thanked Sondra and the Parks and Rec Committee for all their due diligence.

18. ADJOURNMENT

Ormiston made a motion to adjourn; Hess seconded the motion.

Minutes 2010.01.19  
Approved 2010.02.08

The motion was approved unanimously.  
The meeting was adjourned.

Respectfully submitted,

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Cheryl Bennett, Clerk

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Mayor Brad Horvath