

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
May 10, 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, Hess and Ormiston

Others Present:

Village Clerk/Finance Officer: Cheryl Bennett

Planning/Zoning Administrator: Joshua Langen

Village Attorney: George Sistrunk

Concerned citizens: Carol Mullis, Chuck Adams, Tom Slusher, John Barnard, Joshua Bell, Dirk & Sharon Johnston, Kelly Hickey, Jeannine Kenary, Diana Bowler, Brian Dey, Ray Davis, 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. INFORMAL PUBLIC COMMENTS

Dirk Johnston, owner of Dogwood Acres said the appraisal price of Dogwood Acres is \$1.1 million, which is less than the County tax value. He said he was prepared to accept \$1.1 million in cash, or \$1.2 million with \$600,000 down and \$600,000 as a secured installment note at market interest rate. He gave a letter to council expressing his interest in pursuing a sale of his 22.5 acre property to the Village, good through May 30, 2010. He said if you need facilities and parks, out of your three properties under discussion, two only solve one problem, and only Dogwood Acres solves both. They are all the same price in the improved state, he said. He suggested not selling the six acres, years down the road it is a great place for a town hall. Bradford asked if he would extend his date of May 30. Mr. Johnston said he was not interested in being a party to increased taxes. Hess said we are just getting input from the public; it is not that we have to have a tax increase for Dogwood Acres.

Diana Bowler said she is working on a village festival for October 2, 2010, and looking for volunteers. Please e-mail Diana.bowler@prucarolinas.com, or call 704-608-1535. Ormiston said she can get the information out to some of the HOA's; the clerk can send it to the Sunshine List.

3. ADDITIONS, DELETIONS, AND / OR ADOPTION OF AGENDA
 Brotton made a motion to adopt the agenda; Bradford seconded the motion.
 The motion passed unanimously.

4. APPROVE MINUTES FOR:
 Special Council Meeting April 1, 2010
 Council Meeting April 12, 2010
 Council Meeting April 20, 2010

Ormiston made a motion to approve the minutes for the Special Council Meeting April 1, 2010 and the Council Meeting April 12, 2010; Bradford seconded the motion.

The motion passed unanimously.
 The minutes for April 20, 2010 were not yet available.

5. STAFF REPORTS

a. Review and approve the Village Financial Reports dated April 30, 2010, submitted by Cheryl Bennett, Finance Officer

Bennett reported April revenues are \$5,768, expenses are \$26,572 and the year to date surplus is \$145,011. The Village has \$2,151,958 cash in the bank. Expenditures included MUMPO dues, and three pay periods this month. Hess made a motion to approve the April financial reports; Ormiston seconded the motion.

The motion passed unanimously.

April 2010 Budget Report

	<u>Apr 10</u>	<u>Jul '09 - Apr 10</u>	<u>YTD Budget</u>	<u>% of Budget</u>
Revenues				
Contribution for parks and rec	0.00	500.00	0.00	100.0%
Fees and Licenses				
Cable Franchise (from Time Warn	0.00	10,030.00	12,500.00	80.24%
Engineering Fees Reimbursement	0.00	3,715.02	10,000.00	37.15%
Zoning Permit	300.00	4,425.00	7,000.00	63.21%
Privilege Licenses	25.00	22,049.67	21,000.00	105.0%
Annexation Exp Reimbursed	0.00	0.00	150.00	0.0%
Misc. Fees	0.40	154.60	100.00	154.6%
Total Fees and Licenses	325.40	40,374.29	50,750.00	79.56%
Interest Earned	576.51	40,234.55	14,000.00	287.39%
Property Tax Income				
Current Year Property Tax	1,188.50	137,498.38	130,316.00	105.51%
Delinquent Taxes	189.74	2,038.24	600.00	339.71%
Interest/Ad Fee on Taxes	84.13	358.55	200.00	179.28%

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Utility Ad Valorem	0.00	1,981.63	600.00	330.27%
Vehicle Registration	<u>757.70</u>	<u>6,529.24</u>	<u>8,064.00</u>	<u>80.97%</u>
Total Property Tax Income	2,220.07	148,406.04	139,780.00	106.17%
Revenue Sharing				
Alcoholic Beverage Tax	0.00	0.00	19,000.00	0.0%
Cable (from State)	0.00	45,289.23	75,000.00	60.39%
Excise Tax (Piped Natural Gas)	0.00	5,308.00	10,000.00	53.08%
Franchise Tax (Electric Power)	0.00	88,420.00	140,000.00	63.16%
Sales & Use Taxes	2,646.37	20,094.64	24,000.00	83.73%
Telecommunications Tax	<u>0.00</u>	<u>6,439.00</u>	<u>12,000.00</u>	<u>53.66%</u>
Total Revenue Sharing	<u>2,646.37</u>	<u>165,550.87</u>	<u>280,000.00</u>	<u>59.13%</u>
Total Revenues	5,768.35	395,065.75	484,530.00	81.54%
Expense				
Operating Expenditures				
Tax Collection Fee	31.54	2,168.63	2,200.00	98.57%
Contingency	0.00	0.00	23,000.00	0.0%
Advertising - Clerk	197.44	700.86	500.00	140.17%
Annexation Expense	0.00	200.00	1,000.00	20.0%
Annual Retreat	0.00	1,519.13	2,000.00	75.96%
Books & Literature	0.00	50.00	600.00	8.33%
Dues and Subscriptions	3,661.47	10,385.47	12,000.00	86.55%
Election Expense	0.00	8,362.59	9,200.00	90.9%
Insurance - Liability	0.00	9,110.51	9,500.00	95.9%
Insurance - Workmen's Comp	0.00	470.00	600.00	78.33%
Land Maintenance	0.00	0.00	3,000.00	0.0%
Miscellaneous	0.00	0.00		
Town office Maint.	119.85	559.24	1,000.00	55.92%
Misc town office	40.18	1,395.10	2,000.00	69.76%
Newsletter	0.00	1,689.28	5,000.00	33.79%
Office Expense				
Office Equipment Repairs	0.00	100.00	1,000.00	10.0%
Office Equipment	0.00	95.74	2,000.00	4.79%
Awards	0.00	119.11	500.00	23.82%
Electronic Commun (Tele/RR)	223.65	2,665.64	4,000.00	66.64%
Office Supplies	<u>275.00</u>	<u>1,499.28</u>	<u>3,000.00</u>	<u>49.98%</u>
Total Office Expense	498.65	4,479.77	10,500.00	42.66%
Postage and Delivery	81.78	265.88	700.00	37.98%
Rent	1,300.00	13,000.00	20,000.00	65.0%
Seminars	0.00	1,509.00	3,000.00	50.3%

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Travel & Entertainment	374.29	1,462.31	3,000.00	48.74%
Utilities- Temp. Town Hall	0.00	1,831.38	4,000.00	45.79%
Welcome Committee	<u>0.00</u>	<u>0.00</u>	<u>1,000.00</u>	<u>0.0%</u>
Total Operating Expenditures	6,305.20	59,159.15	113,800.00	51.99%
Gen. Govt. Salaries				
Admin. Assistant	495.00	3,345.00	4,680.00	71.47%
Allowance for Salary Adjustment	0.00	0.00	31,354.00	0.0%
Mayor	0.00	3,600.00	4,800.00	75.0%
Mayor Protem	0.00	2,250.00	3,000.00	75.0%
Council Salary	0.00	5,199.99	7,200.00	72.22%
Clerk Salary	3,941.65	24,698.40	34,944.00	70.68%
Finance Officer Salary	1,128.27	7,702.80	9,240.00	83.36%
Payroll Taxes	918.46	6,890.68	11,500.00	59.92%
Payroll exp - Unemployment	0.00	159.04	1,000.00	15.9%
Fringe Benefits - Insurance	545.00	5,450.00	13,200.00	41.29%
Fringe Benefits - Retirement	<u>0.00</u>	<u>2,864.00</u>	<u>6,000.00</u>	<u>47.73%</u>
Total Gen. Govt. Salaries	7,028.38	62,159.91	126,918.00	48.98%
Planning & Zoning				
Transportation Study	0.00	0.00	10,000.00	0.0%
Downtown Committee	0.00	0.00	2,000.00	0.0%
P/Z Seminars	0.00	0.00	900.00	0.0%
P/Z Travel	29.50	348.45	900.00	38.72%
P/Z Dues,Subscriptions	0.00	329.00	800.00	41.13%
Administration (COG)	0.00	0.00	8,000.00	0.0%
P/Z Admin. Salary	5,769.24	41,346.22	50,000.00	82.69%
Planning & Zoning Board Salary	672.00	1,932.00	4,032.00	47.92%
Advertising	0.00	1,768.00	1,800.00	98.22%
P/Z Office Expense	0.00	419.78	1,200.00	34.98%
Planning/Zoning Expense	<u>375.00</u>	<u>825.00</u>	<u>1,000.00</u>	<u>82.5%</u>
Total Planning & Zoning	6,845.74	46,968.45	80,632.00	58.25%
Professional Fees				
Accounting	0.00	3,100.00	3,500.00	88.57%
Engr. Consulting	735.00	3,368.08	14,000.00	24.06%
Legal Fees*	4,534.15	50,749.56	48,000.00	105.73%
Security	<u>0.00</u>	<u>0.00</u>	<u>1,000.00</u>	<u>0.0%</u>
Total Professional Fees	5,269.15	57,217.64	66,500.00	86.04%
Parks & Recreation				
Capital Outlay	0.00	22,047.23	84,000.00	26.25%

Operating Expenses	1,124.00	2,502.30	2,180.00	114.78%
Total Parks & Recreation	1,124.00	24,549.53	86,180.00	28.49%
Public Safety	0.00	0.00	2,000.00	0.0%
Capital Outlay				
Computer Equip.	0.00	0.00	5,000.00	0.0%
Furniture & Equipment	0.00	0.00	1,000.00	0.0%
Software	0.00	0.00	2,500.00	0.0%
Total Capital Outlay	0.00	0.00	8,500.00	0.0%
Total Expense	26,572.47	250,054.68	484,530.00	51.61%
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Excess of Rev. over Exp	20,804.12	145,011.07	0.00	100.0%

*Legal fees are owed for March work on Dr. Land appeal in the amount of \$8077.70.

April 30, 2010 Balance Sheet

ASSETS

Current Assets

Checking/Savings

Fifth Third Bank Checking	34,645.68
Fifth Third Bank Money Market	587,447.52
CD Ded land 5th3rd 08.30.10	81,870.37
CD Ded land 5th3rd 11.3.10	81,881.54
CD 4.45% ,08.6.10	57,405.23
CD 5th3rd .8%, 8.30.10	95,321.50
CD 5th 3rd 09.06.2010	55,555.46
CD 5th3rd,.8%, 8.30.10	95,321.50
Citizens South CD Bldg 12.3.10	242,743.49
BB&T CD 11.0210-.3%	317,480.21
BB&T CD 04.21.11. .568	502,235.40
Petty Cash Fund	50.00
Total Checking/Savings	2,151,957.90

Other Current Assets

Prepaid Exp.	850.00
Property Tax Rec.	5,554.00
Allow. for Doubtful Accounts	-883.00
Sales Taxes to be Received	
Total Sales Taxes to be Received	305.46
Total Other Current Assets	5,826.46
Total Current Assets	2,157,784.36

Fixed Assets	
Land	55,757.91
Office Equipment	13,569.26
Accumulated Deprec.	<u>-12,918.36</u>
Total Fixed Assets	<u>56,408.81</u>
TOTAL ASSETS	<u><u>2,214,193.17</u></u>
LIABILITIES & FUND BALANCE	
Current Liabilities	
Escrow from Developers	45,076.00
Deferred Revenue	4,671.20
Payroll Liabilities	<u>650.34</u>
Total Current Liabilities	<u>50,397.54</u>
Fund Balance	
Fund Bal. inv. in Fixed Assets	56,408.81
Fund Balance	1,555,880.35
Reserved for Parks & Recreation	163,751.91
Unres., Designated for Town Hall	242,743.49
Excess of Rev. over Exp.	<u>145,011.07</u>
Total Fund Balance	<u>2,163,795.63</u>
TOTAL LIABILITIES & FUND BALANCE	<u><u>2,214,193.17</u></u>

Bennett presented a budget amendment, it provides funds for salary adjustments approved by Council, and for legal fees; it also re-allocates funds within Parks and Rec to more detailed accounts. Council added \$10,000 to legal fees for the amount to be paid to the Fire Department and Hess made a motion to approve the budget amendment. Ormiston seconded the motion.

The motion passed unanimously.

Budget Ordinance 2009/10 #1

BE IT ORDAINED by the Governing Board of the Village of Wesley Chapel, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2010:

Section 1. To amend the General Fund, the appropriations are to be changed as follows:

	Decrease	Increase
<u>Expenditures:</u>		
<u>Operating expenditures:</u>		
Advertising		\$ 500

Annexation Exp.	\$ 500	
Contingency	\$ 17,000	
<u>Gen. Govt. Salaries</u>		
Clerk Salary		\$ 1,265
Finance Officer Salary		\$ 538
Allow. For Salary Adjustment	\$ 1,803	
<u>Planning & Zoning</u>		
Transportation Study	\$10,000	
Administration (COG)	8,000	
<u>Professional Fees</u>		
Legal Fees		\$35,000
<u>Parks and Recreation</u>		
Operating Expenses	\$ 2,180	
Dues & Subscriptions		\$ 1,000
Professional Fees		\$ 2,000
Office Expense		\$ 180
Capital Outlay	\$ 1,000	

Section 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for their direction.

Adopted this 10th day of May, 2010.

Attest:

Cheryl Bennett, Clerk

Mayor Brad Horvath

- b. Presentation of Planning and Zoning Report by Joshua Langen, including update on flooding issues

In March/April twelve permits were issued; including eight accessory structures, two upfits for Verizon and Carolina Pets and one sign permit. Langen reported the Planning Board Rules of Procedure were approved by Planning Board; and changes to the ordinance for recreation uses are on the agenda for the Ordinance Review Committee. Changes regarding HOA's are going back to Planning Board this month. Amendments to the Zoning Ordinance Section 8 Signs are on-going in the Ordinance Review Committee. The text amendment for building height definition is being reviewed by Planning Board this month. Langen also gave a summary of where his staff time was spent.

- c. Consider approval of changes to bonds on Wesley Chase subdivision

Langen presented a request to release a Wesley Chase water/sewer bond for \$31,736.10 (the County said they are ready to release it) and to reduce their maintenance bond from \$89,820 to \$84,300 (this is on sidewalks, and is based on

the cost per linear foot of sidewalks built.) Bradford made a motion to approve the changes in bonds as presented; Brotton seconded the motion.

The motion passed unanimously.

6. RESUME RECESSED PUBLIC HEARING ON ZONING ORDINANCE AMENDMENTS FOR ESSENTIAL FACILITIES DEFINITIONS AND RELATED REGULATIONS

Langen handed out proposed changes to the ordinance amendment which the electric company proposed, and which Langen agreed with. The delineator for being Class I or Class II was changed from kilovolts to being on a mono-pole or a steel lattice tower. The other change was adding a sentence in buffering: "While they need not be made invisible, Essential Services are to be screened in a uniform manner to provide consistent screening from all adjacent properties, as determined by the Zoning Administrator." Bobby Sullivan spoke on behalf of Union Power, and said the previous text would have required a CUP but now lines on a monopole would just need a zoning permit, and CUPs would only be needed for steel lattice towers. Union Power does not have the steel lattice towers, only Duke Energy builds them. Duke still has concerns over requiring a CUP for non-monopoles, and they would like all power lines to be handled by staff as zoning permits. Hess asked about the difference in treating class II or III. Langen said class III is not allowed in residential districts, class I is allowed by right, and class II is allowed with permits. Hess and Bradford questioned whether steel lattice towers should be allowed in residential areas at all, and there should at least be an opportunity for people to be heard regarding the impact of the lines which a CUP provides.

Mayor Horvath closed the public hearing.

7. DISCUSSION AND POSSIBLE APPROVAL OF ZONING ORDINANCE AMENDMENTS FOR ESSENTIAL FACILITIES DEFINITIONS AND RELATED REGULATIONS

Brotton asked what the maximum voltage is on monopoles; Slusher said he has seen 230 kV, but it is typically 115 kV. Brotton asked if there was anywhere else that lattice towers are allowed by right; Bobby Sullivan replied yes, in the County. Bradford inquired as to the size of the monopoles: Slusher said they are usually thirty-five to forty feet, as the voltage goes up, a 100kV pole may be seventy-five to eighty feet high. At the New Town Road substation, they are in the seventy-five to eighty feet range. Slusher said a lattice tower gets into bulk power transmission; they can do a lot on a monopole that may be done more economically on a lattice tower. Mayor Horvath asked if Planning Board had reviewed these changes; Langen said no. Ormiston requested it be sent back to Planning Board for review, Mayor Horvath agreed. Bradford made a motion to re-open the public hearing and recess it to June 14, 2010 at 7 pm here at Wesley Chapel United Methodist Church, 120 Potter Road. Hess seconded the motion.

The motion passed unanimously.

Bradford inquired about the last line on the first page, "Setbacks that this Ordinance may impose on Essential Services shall not apply to electrical transmission or distribution lines." Langen had added it. He will make clear what the various changes are. Bradford made a motion to send the changes to Planning Board for review at their May 24, 2010 meeting; Ormiston seconded the motion.

The motion passed unanimously.

8. DISCUSSION OF ENGINEERING RFP AND POSSIBLE AWARD OF CONTRACT

Hess noted that Joshua Bell from S&ME, Brian Dey from Haden Stanziale, and John Barnard from Eagle Engineering were present; these are the three firms who responded to the RFP. He suggested the others may want to step out while we interview each firm.

Council began with Joshua Bell; he noted S&ME is a growing company, with 900 employees. Dam services are a mainstay, including the three Secret dams in Union County. They have a long history of DENR permitting and currently have two similar projects under way in Gaston County. The results of the process will identify costs to remedy problems identified. Hess said there is a theory that the dam has survived this long, and is best left alone; Bell said they look along abutments, which are the weakest part of the dam and where seepage occurs. Where the water levels are, there may be underlying concerns you can't see. Hess said the minimum requirements are from DENR, the second level is with respect to the Village's liability with the dam, and third, the overall sustainability; is that all in the proposal? Mr. Bell said they see the three overlapping, because DENR standards are set high and it is classed high hazard. He didn't suggest the town open the embankment; a channel spillway would be the best and most cost effective. Ormiston asked why the dam in Gaston County is high hazard; Bell replied it is due to the possible impact to the road and houses downstream; the answer was to increase the spillway capacity. At Poston Park the dam is brand new construction, and the dam is forty five feet tall; at Dallas Park the cost is about \$250,000 and it is not a high hazard dam. Bell said by lowering the pond surface you increase your spillway, or you can widen it or put a pipe through. Hess asked if we might request a reclassification of the dam; Bell said in a sudden storm it could overflow, and they view topping of the highway with water as a concern. Hess noted DENR hasn't gone through the calculations. Bell said it is a consideration to request re-classification.

Brian Dey from Haden Stanziale was interviewed next; he said they are teaming with WPC, Inc. and David Corley. David Corley said they would make six to eight borings, drill through to see what the dam is sitting on, take soil samples and do lab tests on the compaction. They would look at slope stability and how it would react in emergency situations and what would you have to do to maintain its stability. Haden Stanziale would do the hydro geologic work. They have done work at Stonebridge and Aero Plantation, which was re-classified high hazard due to development. They would come up with an emergency action plan and an operating and maintenance plan. Brian Dey said they would do analysis of the

worst case scenario. Hess said the dam is sixty years old, is it better left untouched. Mr. Corley said the drilling will be backfilled so it won't be a conduit for seepage. Does it meet a factor of safety to meet code; it might be 1.3, strong enough to stand up but might not meet standards of safety of 1.5. The emergency spillway pipe typically degrades and has to be replaced. Hess said the RFP asked for three studies, the minimum level DENR requires, the liability the Village may have, and the third level of sustainability of the land; are they part of the study? Brian Dey said yes, until we analyze the conditions we can't make recommendations, we may suggest redefining the spillway. Hess asked could it be DENR is incorrect and it's not a high hazard dam. Corley said they renegotiated a major dam from high to medium hazard, and it reduces some of the requirements. However if it breaks and cars are downstream, you won't be able to renegotiate it; he said he hadn't seen the safety factor, if it is above 1.5 it is a high standard. Hess asked if Haden Stanziale will continue to develop the park; Bradford said if we go ahead with the park we would go through a new process to select who would develop the park. Hess asked if the costs are too high would it influence their decision, they said of course not. Bradford asked if it is necessary or required to drain the pond. Brian said he didn't think it mandatory, but would present costs for that option. David said he didn't need to drain it for their investigation, but he thought DENR would recommend it, the easiest way to keep a dam from failing if failure is imminent, is to drain it. Bradford inquired as to costs and methods. David said there are different ways to do it. Ormiston asked about the minimum cost for a drainage system; Mr. Corley said he would have to look into it; it would be substantially more than \$20,000, maybe \$100,000. Hess said we are asking for cost estimates; can you give that information; Corley said it will depend on the results of the study. Corley said the piezometers (which cost \$2,500 each) record internal core pressure, they would have readings at two levels twice a year, if the core pressures increase, it may indicate a problem. Corley said high hazard dams' maintenance programs include piezometers, more frequent inspections, keeping trees and bushes off and the grass growing. Bradford said DENR didn't mention piezometers, Corley said maybe they are going to let that go, but it is needed for newly constructed or re-constructed high hazard dams.

John Barnard and John Ross from Eagle Engineering were interviewed next. Mr. Ross said they see it as a three tier project. The minimum efforts to bring it in strict compliance would require a means to drain the dam and second they would consider the spillway issue, there is no emergency spillway and they need to meet one third PMP (Probably Maximum Precipitation). The second task is to evaluate for long term risks, and do a complete geo-technical investigation. They would do a hydro geologic analysis; there are some concerns with some seepage. The third task is long term remediation, there is some sloughing of slopes which might require some remediation as also occurred in Lake Park; we would need a maintenance program too. He said they are a small local engineering firm in Indian Trail since 1998, with sixteen local members, and an office in Atlanta. They have an understanding of small town budgets as he was the mayor of Lake Park for six years, and offer a wide range of services including geotechnical

engineering, soils lab, land surveyors and civil engineers. Ross said he and John Barnard are the registered professional engineers who would be working on the project. Hess noted the dam has been there sixty years, is it better left untouched? John Ross said sixty years ago there was no DENR, it was built as a farm dam, from a visual inspection it seems fairly structurally sound, and they didn't see seepage, and they will backfill the drillings. Hess said if we meet DENR requirements do we have no other obligations or should higher standards be met to reduce risk. John Ross replied yes, you will inherit a level of risk and it is prudent to understand the potential risks. If there is seepage there are ways to control that. Hess asked about the range of costs to remediate the dam. Mr. Ross said it could be \$20,000 or ten times that, but we don't have any reason to think that. John Barnard said at Davidson the rebuild was \$250,000. Hess asked if it was very expensive to go in and change the core dam; Ross said it is perhaps the most expensive option, but not a million dollars. Barnard said a similar project two years ago was \$250,000 Hess said we had an estimate of \$250,000 for the riser/spillway. Barnard said that included the spillway and riser, and was conservatively estimated to meet high hazard dam specifications at \$250,000. Bradford asked if there was any experience with a dam being improperly classified; Ross said no; he had made some recommendations on classification of dams to DENR and they concurred in all cases. Barnard said it doesn't take long to reach \$200,000 damage which is the high hazard dam threshold. John Ross said there is a fifty-four inch culvert under Highway 84, and the homes downstream are the concern.

A citizen asked about the widening of Highway 84 and how will that affect the dam. Bradford said she talked to DOT and the widening is not remotely imminent, they weren't concerned about the dam being there. In the worst case it might shrink the size of the lake, or at that point you might just have four lanes and not a boulevard.

Dirk Johnston asked if it would cut into the future capacity of the land below the dam to contain the water. Hess said we would have to push down the dam, or eliminate the pond and dam. A question was asked about the cost of draining it, and having a smaller water feature. Bradford said the donors have said we could not drain it smaller than four acres; it is now 5.2 to 5.4 acres. Hess suggested we might have to put in the contract that if DOT forces us, we could drain it to a smaller size. The lake is not naturally occurring, it is manmade. Mayor Horvath noted MUMPO labeled Highway 84 as a major thoroughfare, the LARTP showed 84 in the long range transportation plan, but based on the amount of funding, we are looking at twenty five years. DOT did do a study of the four options regarding the number of lanes and made a preliminary recommendation.

Hess said he was disappointed that two of the proposals did not address what was in the RFP. He also noted time is of the essence if we get the grant. Bennett noted the grant manual said you must sign the contract forty-five days from when you are notified; Bradford said they told her you had more time, until August or

September. The Mayor said we are looking at June 1 plus 45 days, and the engineering contract gives 60 days. Ormiston asked John Ross if Eagle could complete the work in 45 days, they said yes. Hess said the two lower bids are deficient, only one meets what is asked for in the RFP. Ormiston said we need time to read and compare the proposals. Hess said we also need a waiver, and the brush to be cleared. We will get those done, and put this on the work session agenda next Tuesday. Mayor Horvath thanked Hess for his work on the RFP.

9. DISCUSSION OF COMMITTEE/BOARD UPDATES FROM
PLANNING BOARD AND ORDINANCE REVIEW COMMITTEE

Chuck Adams, Chairman of the Planning Board said they have a number of things on their agenda, including the height definition, graffiti, and essential services; they have been reviewing what they receive from the Ordinance Review Committee, and bring up some items themselves. Regarding the HOA's, he suggested Council might want to bring it to the State that if people don't pay their dues, they can lose their homes, and you might challenge the law. Council agreed that Mayor Horvath might approach legislators for input.

The Ordinance Review Committee will be invited for next week's meeting.

10. DISCUSSION AND REVIEW OF COMMUNITY FORUM
-SAFETY/NEIGHBORHOOD WATCH
-DOWNTOWN (INCLUDING CLARIFICATION OF POSITION –
EXISTING TABLE OF USES)
-PARKS AND REC

Ormiston said no one at the forum said no to a deputy, several said safety should come first. Mayor Horvath said there was some misinformation regarding rehabilitation; currently the ordinance has a family care home, you can't prevent certain types of uses, but you can limit where it is and have high design standards. The Downtown Committee will meet in June and if they want to modify the Resolution they can. The Resolution will be on the June 14 Council agenda for discussion. Mayor Horvath said the Downtown Committee addressed the large retail center, and the Master Plan survey showed we don't want apartments and dense housing; we want to retain a rural setting. The Master Plan looks at land that will be used in the next twenty years or so, one house per acre will use up the land, and we want to make sure we don't have empty retail. Other new Harris Teeters have opened nearby, which shows the circles of support have shrunk. If we allow some types of other housing for the young and old, it will be population that can walk to stores. It won't be cheap due to design standards. Some one asked about a Sun City for over 55. Mayor Horvath said the town won't acquire the land or build; it would just change the ordinances and limit the area. Chuck Adams said it would change the land use plan. Mayor Horvath said it doesn't mesh with the rural feel but the trade-off is additional green space either within the development (clustering) or they might donate green space to the town. Hess said if you have age restricted and live/work units, it may cause less traffic and wash out with the density. A citizen who lives in Wesley Oaks said she usually drives, not walks, to the shopping center because you need your car for packages.

Hess said we will have more service businesses and the area will be tree lined, people can leave their car and walk. A citizen said she researched Baxter and Vermillion, and in their Village Center they had a park for people to convene, she didn't see a park in our village center, why not a park there? Hess said they felt they could leverage the park and town hall and wanted the town hall in a park setting in zone four. He had nothing against the six acres, but Dogwood Acres is the only viable option at this time. Chuck Adams asked about connectivity, noting it is costly to do sidewalks; also the location is up against Weddington. Julie Brown said the shopping center developer controlled it. Carol Mullis commented that before Wesley Chapel was incorporated the corners were County and slated for commercial retail. The owners asked to be annexed; Aston bought the land and Wesley Chapel adopted the same land uses as the County. Aston met with citizens numerous times asking what stores they wanted. A citizen asked why we have to have so much retail. Mayor Horvath noted development rights were granted years ago. The citizen commented that the land you are talking about changing will encourage more; live/work won't be just owners; it is fostering the concept of changing and zoning will spiral. If you add more options it will take more business from what is already there. Hess said the majority of the Downtown Committee doesn't want more highway retail. Bradford asked if this would be along the lines of a restricted age community in Charleston with a few shops and restaurants in the middle; Hess agreed. Ormiston said once we create the zoning, it's not up to us what goes there. Hess said if you craft the zoning regulations well enough, you can control it. Carol Mullis said at Sun City they are not walking; people are in golf carts.

The Parks and Rec section of the forum were discussed. Ormiston said some people left confused, for example thinking we were using funds for Houston House. It was agreed that an Historic Landmark Commission would get private funds for that. Some incomplete information got out ahead of time, if we post any drafts on our website, we should make sure Council has seen it and make it very clear it is a draft. Attorney Sistrunk said we can't stop people from getting information, but we don't have to put it on the website. Brotton suggested we put it under Committees instead of on the front page of the website. Ormiston said an e-mail campaign was encouraged by a committee and then it skewed the results. She heard that people didn't want their taxes raised; she was proud of the turnout and the feedback. The clerk said she could put a note on the Sunshine List and ask that forms be returned, but it was noted only forty people are on the Sunshine List. Chuck Adams suggested we need larger e-mail lists like the former mayor had, and since this is a very important issue we might do a full scale mailing. He was willing to walk neighborhoods to get e-mail lists. Discussion of how to reach citizens was held. Since we are narrowing options and getting a real idea of the costs, we may need to get information back out. Bradford commented that people didn't have to send e-mails, but those that did cared enough to send them. Carol Mullis said she was taking information to senior citizens who don't get out and don't use computers. Mayor Horvath said everyone at the forum was very polite and respectful.

11. UPDATE ON APPLYING ZONING TO ANNEXED PARCELS/ POSSIBLE CALL FOR PUBLIC HEARING FOR JUNE 14, 2010

The public hearing date was changed. Bradford made a motion to call for a public hearing to apply zoning to annexed parcels for June 29, 2010 at 7 pm at Wesley chapel United Methodist Church. Ormiston seconded the motion.

The motion passed unanimously.

12. PARKS AND REC UPDATE

-APPOINT ALTERNATE TO PARKS AND REC COMMITTEE

-PARTF UPDATE

-APPRAISAL

-INSPECTION REPORT

-HISTORIC LANDMARK COMMISSION

Mayor Horvath appointed Regina Hilbert as an alternate to the Parks and Rec Committee.

Bradford said we will hear formally in three weeks on the PARTF grant.

The appraisal of Dogwood Acres came in at \$1.1 million.

The inspection report on the house at Dogwood Acres had a list of items including roof repairs; we need a structural inspection; Bradford will get prices on that.

Bradford said she had some interest in the Historic Landmark Commission, and will have more info on that next week.

Hess said he didn't think the land not being donated at the park location had to be restricted to recreation use per the PARTF grant. We will get clarification on this point.

Bradford reported the swim club is interested in selling their land at \$15,000 per acre.

13. DISCUSSION OF CAPITAL IMPROVEMENT PLAN

Hess said the new tax values helped bring the numbers up. Option 3 is a town hall, small park and no deputy; option 3A includes the deputy. New options 6 and 7 have no tax increase, Page Price Park is cut way back. Option 6 includes \$700,000 to renovate the parking, driveway, etc. Hess noted any spending such as a deputy takes away from the debt capacity. Option 7 cuts back a little to \$500,000, and adds a deputy; the deficit is only slightly negative. Brotton asked if a tax increase was out; Council discussed that we can still go for a loan.

Bennett noted the privilege license could bring in more revenue by higher fees and stricter enforcement. We are limited by state statutes to charging less than \$50 for a restaurant. Ormiston said in the minutes the town hall was quoted at \$1.2 to \$1.3 million; we could bid it with a price ceiling. We could scale down the town hall size on the six acres to \$900,000, for Page Price Park we could scale down to \$1 million; we could satisfy the town hall and park and have funds for a deputy. Ormiston will talk with the Safety Committee about a deputy, and we will consider requesting the shopping center developers pay part of the cost of a deputy.

14. DISCUSSION OF TOWN HALL AND CONSIDER RESOLUTION FOR EXEMPTION FROM THE PROVISIONS OF GS 143-64.31 REGARDING CONTRACTING PROFESSIONAL SERVICES

Mayor Horvath said we have estimates from an architect to do a feasibility study for a town hall on the six acres for \$5,500 and to retrofit the Dogwood Acres house for \$6,500. Ormiston said the house needs some repairs; she was not in favor of the feasibility study for it. Bradford said we should pursue Dogwood Acres because the price went down, we can get the additional land, and we should find out what costs would be to fix the house. Hess said he agreed, there is still a lot of interest in Dogwood Acres, we still haven't negotiated the price, and we should do due diligence. Brotton said if it still is a viable option without a tax increase we owe it to folks to see it through to make an educated decision. We won't spend the \$6,500 unless we get a structural inspection first. Brotton made a motion to approve Resolution 2010-04 to exempt from the provisions of GS 143-64.31 regarding contracting professional services; Bradford seconded the motion.

The motion passed unanimously.

Resolution 2010-04
Resolution for Exemption from the Provisions of G.S. 143-64.31
Regarding Contracting Professional Services
Wesley Chapel, North Carolina

WHEREAS G.S. 143-64.31 requires the initial selection of firms to perform architectural, engineering, and surveying services without regard to fee; and

WHEREAS G.S. 143-64.32 allows municipalities to exempt themselves from the provisions of 143-64.31 if such professional fees are less than \$30,000; and

WHEREAS the Village of Wesley Chapel proposes to enter into a contract for such architectural services for an evaluation of feasibility and costs for a town hall at two different locations; and

WHEREAS professional fees for these services will be less than \$30,000;

NOW, THEREFORE, THE WESLEY CHAPEL VILLAGE COUNCIL RESOLVES:

Section 1. The above-described project is hereby made exempt from the provisions of G.S. 143-64.31 for the reasons stated in this resolution.

Section 2. This resolution shall be effective upon passage.

Adopted this 10th day of May, 2010.

ATTEST

Cheryl Bennett, Clerk to the Board

Brad Horvath, Mayor

Mayor Horvath said we had contacted three architects, one never came back with a cost estimate; one was high, and Luttmann Architecture was the third.

Brotton made a motion to proceed with the feasibility study for a town hall on the six acres by Luttmann Architecture; Ormiston seconded the motion.

The motion passed unanimously.

15. HAMPTON MEADOWS UPDATE
-CONSIDER APPROVAL OF CONTRACTS WITH NC DOT AND
WITH BOWIE MOTORS

Mayor Horvath said Hampton Meadows' roads were never put in the DOT system due to paperwork error. DOT estimated it would take \$200,000 - \$300,000 to bring the roads up to their standards. The developer balked at that. In small claims court Donna Pasciuta has won small amounts for maintenance of the roads. DOT said for \$50,000 they would bring the roads up to standards and take them over. DOT wrote a contract but it is with the Village only; some changes are needed, and then it will go back to Bowie Motors along with a second agreement with them. This item will come back to Council at a future meeting.

16. DISCUSS PLANNING BOARD POSITIONS (2 REGULAR AND ONE
OPEN ALTERNATE SEAT) THAT END JUNE 30, 2010 AND BOARD OF
ADJUSTMENT POSITIONS (1 REGULAR AND 2 OPEN ALTERNATE
SEATS) THAT END AUGUST 31, 2010

The clerk will contact the members with terms up for renewal and ask if they would like to reapply.

17. DISCUSS 2010/11 BUDGET – TIMELINE UPDATE/SUBMISSIONS
Bennett reminded Council that she needs budget input for next week's meeting.

18. EMPLOYEE REVIEW UPDATE

Mayor Horvath said he has self-appraisals from Bennett and Langen and he will do reviews with them by next week.

19. OTHER BUSINESS

Ormiston said she sent a list to DOT of roads that need cleaning up however they said inmates cannot be within two miles of a school, and they don't put them near a neighborhood. Beulah Church Road is under the Adopt a Road program.

Ormiston asked about feedback from the newsletter on several items, we have not gotten any feedback. Mayor Horvath reported the Union County Transportation Committee is meeting Thursday night. Julie Brown reported she met with the Houston descendants in Greenville, South Carolina.

20. COUNCIL COMMENTS - none

21. ADJOURNMENT

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

The motion was approved unanimously.

The meeting was adjourned at about midnight.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath