

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
April 12, 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 and Jim Mullis, Becky and Butch Plyler, Ray Davis, Jason Galloway, Scott Garner, John E. Rogers, Stephen Keeney, Chuck Adams, Jimmy Davis, Rob Morrison, Todd Elmore, Candee Wilhelm

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 – none

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

Ormiston made a motion to adopt the agenda with the addition of Item 14B, “Proclamation for Child Abuse Prevention Month”. Bradford seconded the motion.

The motion passed unanimously.

4. APPROVE MINUTES FOR:

Minutes from Advance, Feb. 26 and 27, 2010

Council Meeting March 8, 2010

Council Meeting March 16, 2010

Closed Minutes Item 6C, February 16, 2010

In the Advance minutes for February 26, 2010 the comments on Highway 84 and flight patterns were moved out of the section on priorities for 2010, and into a separate paragraph; for February 27, 2010 a line was added to indicate which citizens were present. In the March 8, 2010 minutes item 10 “removal of” was added before “ETJ language”, and in item 11b. “grand” was corrected to “grant”, in item 11.d “had” was changed to “has”. Bradford made a motion to approve the minutes for the Advance on Feb. 26 and 27, 2010 and March 8, 2010 with these

corrections, and the minutes for March 16, 2010 and the closed minutes for Item 6C from February 16, 2010. Ormiston seconded the motion.

The motion passed unanimously.

5. STAFF REPORTS

- a. Review and approve the Village Financial Reports dated March 31, 2010, submitted by Cheryl Bennett, Finance Officer

Bennett reported March revenues are \$68,562, expenses are \$31,986 and the year to date surplus is \$165,815. The Village has \$2,174,894 cash in the bank.

Quarterly franchise revenue was received in March. Hess made a motion to approve the March financial reports; Brotton seconded the motion.

The motion passed unanimously.

March 2010 Budget Report

	<u>Mar 10</u>	<u>Jul '09 - Mar 10</u>	<u>Budget</u>	<u>% of Budget</u>
Revenues				
Contribution for parks and rec	500.00	500.00	0.00	0.0%
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	490.00	4,125.00	7,000.00	58.93%
Privilege Licenses	31.50	22,024.67	21,000.00	104.88%
Annexation Exp Reimbursed	0.00	0.00	150.00	0.0%
Misc. Fees	60.00	154.20	100.00	154.2%
Total Fees and Licenses	581.50	40,048.89	50,750.00	78.91%
Interest Earned	219.51	39,658.04	14,000.00	283.27%
Property Tax Income				
Current Year Property Tax	2,011.70	136,309.88	130,316.00	104.6%
Delinquent Taxes	76.16	1,848.50	600.00	308.08%
Interest/Ad Fee on Taxes	69.06	274.42	200.00	137.21%
Utility Ad Valorem	0.00	1,981.63	600.00	330.27%
Vehicle Registration	596.08	5,771.54	8,064.00	71.57%
Total Property Tax Income	2,753.00	146,185.97	139,780.00	104.58%
Revenue Sharing				
Alcoholic Beverage Tax	0.00	0.00	19,000.00	0.0%
Cable (from State)	20,904.10	45,289.23	75,000.00	60.39%
Excise Tax (Piped Natural Gas)	4,250.00	5,308.00	10,000.00	53.08%
Franchise Tax (Electric Power)	33,147.00	88,420.00	140,000.00	63.16%
Sales & Use Taxes	2,884.21	17,448.27	24,000.00	72.7%

Minutes 04.12.2010

Telecommunications Tax	<u>3,323.00</u>	<u>6,439.00</u>	<u>12,000.00</u>	<u>53.66%</u>
Total Revenue Sharing	<u>64,508.31</u>	<u>162,904.50</u>	<u>280,000.00</u>	<u>58.18%</u>
Total Revenues	<u>68,562.32</u>	<u>389,297.40</u>	<u>484,530.00</u>	<u>80.35%</u>
Expense				
Operating Expenditures				
Tax Collection Fee	41.19	2,137.09	2,200.00	97.14%
Contingency	0.00	0.00	23,000.00	0.0%
Advertising - Clerk	110.07	503.42	500.00	100.68%
Annexation Expense	0.00	200.00	1,000.00	20.0%
Annual Retreat	111.13	1,519.13	2,000.00	75.96%
Books & Literature	0.00	50.00	600.00	8.33%
Dues and Subscriptions	0.00	6,724.00	12,000.00	56.03%
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%
Town office Maint.	0.00	439.39	1,000.00	43.94%
Misc town office	919.47	1,354.92	2,000.00	67.75%
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	95.74	95.74	2,000.00	4.79%
Awards	0.00	119.11	500.00	23.82%
Electronic Commun (Tele/RR)	223.16	2,441.99	4,000.00	61.05%
Office Supplies	<u>264.80</u>	<u>1,224.28</u>	<u>3,000.00</u>	<u>40.81%</u>
Total Office Expense	583.70	3,981.12	10,500.00	37.92%
Postage and Delivery	49.54	184.10	700.00	26.3%
Rent	1,300.00	11,700.00	20,000.00	58.5%
Seminars	110.00	1,509.00	3,000.00	50.3%
Travel & Entertainment	157.50	1,088.02	3,000.00	36.27%
Utilities- Temp. Town Hall	300.37	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	3,682.97	52,853.95	113,800.00	46.45%
Gen. Govt. Salaries				
Admin. Assistant	315.00	2,850.00	4,680.00	60.9%
Allowance for Salary Adjustment	0.00	0.00	31,354.00	0.0%
Mayor	1,200.00	3,600.00	4,800.00	75.0%
Mayor Protem	875.00	2,250.00	3,000.00	75.0%
Council Salary	1,800.00	5,199.99	7,200.00	72.22%

Minutes 04.12.2010

Clerk Salary	3,045.00	20,756.75	34,944.00	59.4%
Finance Officer Salary	710.76	6,574.53	9,240.00	71.15%
Payroll Taxes	902.09	5,972.22	11,500.00	51.93%
Payroll exp - Unemployment	0.00	159.04	1,000.00	15.9%
Fringe Benefits - Insurance	550.50	4,905.00	13,200.00	37.16%
Fringe Benefits - Retirement	369.46	2,864.00	6,000.00	47.73%
Total Gen. Govt. Salaries	9,767.81	55,131.53	126,918.00	43.44%
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	124.50	318.95	900.00	35.44%
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	3,846.16	35,576.98	50,000.00	71.15%
Planning & Zoning Board Salary	0.00	1,260.00	4,032.00	31.25%
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	0.00	450.00	1,000.00	45.0%
Total Planning & Zoning	3,970.66	40,122.71	80,632.00	49.76%
Professional Fees				
Accounting	0.00	3,100.00	3,500.00	88.57%
Engr. Consulting	980.00	2,633.08	14,000.00	18.81%
Legal Fees	11,553.37	46,215.41	48,000.00	96.28%
Security	0.00	0.00	1,000.00	0.0%
Total Professional Fees	12,533.37	51,948.49	66,500.00	78.12%
Parks & Recreation				
Capital Outlay	2,031.51	22,047.23	84,000.00	26.25%
Operating Expenses	0.00	1,378.30	2,180.00	63.23%
Total Parks & Recreation	2,031.51	23,425.53	86,180.00	27.18%
Public Safety				
Capital Outlay	0.00	0.00	2,000.00	0.0%
Computer Equip.				
Computer Equip.	0.00	0.00	5,000.00	0.0%
Furniture & Equipment				
Furniture & Equipment	0.00	0.00	1,000.00	0.0%
Software				
Software	0.00	0.00	2,500.00	0.0%
Total Capital Outlay	0.00	0.00	8,500.00	0.0%
Total Expense	31,986.32	223,482.21	484,530.00	46.12%
Excess of rev. over exp.	36,576.00	165,815.19	0.00	100.0%

**March 31, 2010
Balance Sheet**

Checking/Savings	
Fifth Third Bank Checking	25,238.01
Fifth Third Bank Money Market	620,291.38
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 04.21.10. .568	501,735.04
Petty Cash Fund	<u>50.00</u>
Total Checking/Savings	2,174,893.73
Accounts Receivable	
Total Accounts Receivable	1,453.68
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	<u>274.73</u>
Total Other Current Assets	<u>5,795.73</u>
Total Current Assets	2,182,143.14
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>
	<u><u>2,238,551.95</u></u>
 Current Liabilities	
Accounts Payable	
Accounts Payable	4,205.00
Escrow from Developers	45,076.00
Deferred Revenue	<u>4,671.20</u>
Total Current Liabilities	<u>53,952.20</u>

Total Liabilities	53,952.20
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>165,815.19</u>
Total Fund Balance	<u>2,184,599.75</u>
	<u><u>2,238,551.95</u></u>

b. Presentation of Planning and Zoning Report by Joshua Langen. In March/April seven permits were issued; mostly commercial signs. Langen reported the revised 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. Langen also gave a summary of where his staff time was spent. Bradford inquired about an update on the six acres. Langen said he had a brief meeting with them, and they had some ideas about shared drainage on the land, therefore they couldn't give a date as to when the land would be usable. He and the Mayor will meet with them on that in the next week or so.

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

Langen said he had some phone meetings with the attorney from the utility company, they feel they are 95% complete, but some of their people were on vacation, and he does not yet have finished recommendations. Langen asked if the changes should go back to the Ordinance Review Committee; Bradford asked if the changes are extensive; Langen said it is just one or two items. Hess asked if we could get explanations for the changes and let the Ordinance Review Committee see them. Langen said they could go to the Ordinance Review Committee this month, and also to Planning Board.

Hess made a motion to continue the public hearing to May 10, 2010 at Wesley Chapel United Methodist Church at 7 pm; Ormiston seconded the motion.

The motion passed unanimously.

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

8. PUBLIC HEARING ON WESLEY CHAPEL VOLUNTEER FIRE DEPARTMENT CUP

Mayor Horvath opened the public hearing. He then requested to be recused as he had ex parte conversations with the applicant. Bradford made a motion to recuse the Mayor; Brotton seconded the motion.

The motion passed unanimously.

Mayor Horvath left the room.

Mayor Pro-tem Bradford explained what a conditional use permit is, and that it may require additional conditions. The hearing is a quasi judicial proceeding, and the applicant has the burden of proof in this process. First we will hear from the Village planner, then from the applicant, then from citizens in favor, and then those against the project, speakers will have 3 minutes each. After the public comments portion is closed, council will deliberate, and may ask questions of the applicants or speakers. The council will vote on the findings of facts, and on the overall project, and the attorney will then draw up the official decision on the CUP. Bradford asked if any Council members had any special knowledge of the CUP. Ormiston said she met with them back in December to review the plans and to tell them her findings of the definition of the rear setback. Attorney Sistrunk asked if that created a fixed opinion in her mind: she replied no.

Bradford swore in Chuck Adams, Candee Wilhelm, and Todd Elmore. She then swore in Butch Plyler, Rob Morrison, Scott Garner and Josh Langen.

Langen reported we are looking at CUP 10-1, to allow the construction of a volunteer fire station. He said the application is substantially different from the previous CUP as the structures, parking, driveways, setbacks and buffer yards have all been moved and/or altered.

Langen went over what was required in the application; Items A, B, C, D and E were provided; Item F – there is minimal signage. Item G was provided. Item H – they provided 95% of the final landscape plan. Item I - there was no quarantined vegetation or soil. Item J was provided; there is also a new sheet of combined site/building elevations. Item K – this is not in the floodplain, detailed soil borings were done by the geo-science group; and topography was provided at one foot intervals. Items L and M were not applicable. Item N was provided in an attachment. Item O – since this plan has the same impervious coverage as the former plan, Langen called our engineer and she said the previous submissions are adequate. Item P – their lighting plan goes above and beyond what is required, and shows the pole heights are below the maximum, all lights are hooded and no foot candles escape the property. Item Q was provided; Item R – they have no interest in neighboring properties. Item S was not applicable. Items T and U – the fees were waived. Item V is Langen’s review memo. Item W and X – Planning Board met, recommended approval of the CUP and provided a written recommendation. Item Y and Z – the Public Hearing was set by council and all notices were posted and mailed in accordance with Article 12.

Langen's memo went over the finding of facts. His opinion was the proposed use would not materially endanger the public health or safety if constructed as submitted. Regarding finding of fact b, Langen noted variances were requested and approved by the Board of Adjustment. The variances are a twenty foot variance on the rear yard which abuts lots 10, 9, 8 and 7; a five foot variance on the side of the property abutting Siler Church Cemetery, and a nine point two foot variance on the side of the property abutting the Siler Church Cemetery concerning the required buffer. With the approval of the variances, Langen found the CUP meets finding b and c. Langen found the CUP also meets finding d, e, f, and g. Langen's staff memo recommended approval of the CUP.

Attorney Anthony Fox, representing the applicant, presented Exhibit 1, a notebook containing 5 tabs, the CUP application, the fire department's March 16, 2010 submittal, the March 10, 2010 Decision letter of the Village Board of Adjustment, a reference to the April 7, 2010 impact study by Morrison Appraisal Inc. in a separate dark blue booklet, and a photograph of the current fire station.

Rob Morrison of Morrison Appraisal, Inc. presented his information; he has done thousands of appraisals in Union County, he was asked to do an impact study by the Fire Department. Sistrunk asked Council if they had any questions regarding his qualifications, they did not. He looked for similar areas with fire stations, and found the square foot price of properties abutting and nearby fire stations are similar. He looked at sales in Crismark near the Hemby Bridge Fire Department and Walden Pond near the station on New Town Road and couldn't find an adverse effect. He also looked at property near the station in Mecklenburg County near McKee Road and Tilley Morris and near the Waxhaw fire station, and found no adverse effects there either. Fox asked him if he had an opinion that the proposed fire station would hurt adjoining values or future values, and he said no to both questions. Hess asked him whether the new fire station with its variances and size might impact home values; Morrison said no, that was why he looked at the Hemby Bridge and New Town Road stations because they are a similar size. Hess asked what the setbacks are on those stations. Morrison did not know. Bradford asked if the elevations of the other fire stations were similar, this one is ten feet above adjoining properties. Morrison said Waxhaw and Hemby Bridge are up on a hill; he provided pictures in the back of the booklet. Bradford asked what their square footage was; Morrison said both are over 20,000 square feet. Bradford inquired about adjacent homes; Morrison said it is hard to find comps, there are not that many sales right now, period. Hess asked about his final conclusion regarding incongruous land use or incompatible development scale/intensity. Morrison said the shopping center is an example; it would have more effect than one building; almost all the new fire stations are large. Ormiston requested a ten minute recess to read the exhibit so they could finish all questions of Morrison as he needed to leave as soon as possible.

Ormiston asked if he had ever been hired to appraise a residential property that abuts a fire station. Morrison said no. Ormiston asked his opinion regarding

buffers, had he had conversations with neighboring owners regarding buffers, he replied no. Hess asked Morrison if residents embrace being next to similar community services such as schools. Morrison said many subdivisions designate school or day care sites, and referenced Weddington High School which has residential all around it. Ormiston asked if it would deduct points for being next to a fire station; Morrison agreed it would not. Hess asked if the new structure could add to the value; Morrison said you have an old metal structure now, this could look better than what you have now. Bradford asked how much higher the new Waxhaw station is over the old station. Morrison said setbacks vary everywhere, at Longview there are huge houses on small lots; more intense landscaping can help. Bradford noted this property has a steep rise, and the wall doesn't do much to obscure it; had he seen similar sites; he had not. Bradford asked if there are impacts on neighboring homes when there is a six foot wall right on the line; Morrison said it happens all the time, and he saw no impact on the property value from that. There being no further questions, Mr. Morrison was thanked for his time, and left.

Attorney Fox called the fire department's architect Scott Garner. He said he was asked to design a new building, he was familiar with the current conditions, and this will be a vast improvement. The current building is too small, there are no sprinklers system, no firewalls. Garner showed the survey and topographic survey, it is an unusual shaped property, the front is flat, and there is only two feet of slope over five hundred feet of frontage. On the left is a cemetery; on the right residences. The tree line on the right will stay. The old building will be removed, but stay in operation while the new one is being built. Page C001 showed the grades at one foot contours, it slopes down; the level area is in the center right, but not a dramatic slope. C002 showed the demolition plan. C003 is the staking plan and shows the new layout. There are driveways for vehicles and a driveway just for fire trucks, which produces a safer condition than the present wide driveway which serves all. Also the interior circulation will eliminate backing fire trucks in. There are three bays in front and three in the rear; the fire trucks won't mix with the auto traffic. From the corner of the building to the property line is fifty four feet, it was thirty two feet formerly. All concrete driveways are planned because the trucks are heavy. C004 showed the grading and drainage plan; Council increased the requirements to handle stormwater from the ten year storm to the one hundred year storm. Public water comes in at the front; sewer is at the back corner point. Currently propane gas is used, they will go to natural gas piped in and won't need trucks to come to refill the tank. C005 is the erosion control plan, it shows a temporary silt fence and pond. C006 is a permanent drainage pond, approved by USI engineers. C007 –C009 are the utility plans, it shows two sewer connections, the existing station is on septic tank. C-010 is the planting plan, they met and exceeded the ordinance requirements. C-011 details the types of plants. Mr. Garner noted the building will be handicapped accessible; the current station is not ADA accessible. A-121 showed the main floor plan; there is a main entrance, and a lobby, you can go to the sheriff's offices in the back, or to the fire department. The bathrooms are shared. There is a training

room in the back, and fire department work rooms. A-122 showed the upper floor, there are sleeping cubicles, administrative space in the back, and male and female locker rooms. A-201 shows elevations, Mr. Garner said he broke up the façade, and all sides are interesting to look at and use the same materials. There are decorative columns to give it a residential scale. There will be space for six fire apparatus, they have five currently. All will be housed within the interior. A-301A showed a cross section/elevation view. Garner explained the maximum ordinance elevation was thirty five feet; they came to council with a text change to allow forty five feet for public service buildings. He said he thought the average height was thirty two feet. E-112P showed the site lighting, one of the LEED building criteria is to not have light spill over to your neighbors, and they have submitted for LEED silver accreditation.

Fox asked Garner if it would materially endanger the public health, safety or welfare; Garner said no it will be an asset and upgrade over the existing building. It will improve traffic patterns, improve from septic to water/sewer, and from propane to natural gas. It will not create glare, light, or odors (there is a vehicle exhaust system) for neighbors. Currently there is an eighty-two foot uncontrolled driveway, the new ones are thirty-five and thirty-four feet wide. Fox asked if there is a control signal now; Garner said he didn't think so. Fox asked if the fire station met the ordinance; Garner said yes. Fox asked if the location and character will be in harmony with the area and meet finding d; Garner said he will comply with the ordinance and use residential materials and scale to be in harmony with the upscale residences. Regarding stormwater, they have met the hundred year storm needs. Garner was asked if the street was adequate; Garner said the traffic won't change, there will be the same trucks and firefighters. The last finding is of adequate safety and emergency services, and it was noted the fire department is the emergency services, along with the police.

Attorney Fox called Butch Plyler, who is the chairman of the Fire Department Board of Directors, he has been with them twenty-five years; and he submitted the application for the CUP. He noted three years ago a committee of seven looked at other buildings, and took more than a year to make a rough rendering. Their goals were to blend well, be an asset and be a LEED building. The old building has inadequacies, it is metal, built in 1975, the truck is about six inches from the front door, and there is about eighteen inches in the back. If you are in the kitchen you can't rush to the truck. The septic tank has to be pumped. Overhead storage is three inches from the top of the truck. The propane tank will be gone. Right now only one office about nine by eleven feet has air conditioning. He noted back in 1975 there were probably no subdivisions in Wesley Chapel. The response time is under the national average of six minutes, and they have a six rating. The next step is a five, which is strictly for commercial, and the shopping center will see the benefit. The building will help, Plyler said. He noted that the HOA of Walden Pond is closest to the New Town Road station; there were some concerns, but they worked with them and property assessments went up. He was asked if he had contacted the neighbors, and said no, but he is willing to work with them. Fox asked why do you need this size building? Plyler said originally

they were at twenty-eight thousand square feet, this is a fifty year building, it is a brick building, they did not cut corners, and hope for LEED certification. Fox went over the findings of fact with Mr. Plyler. Regarding finding of fact a, there is currently a dangerous hill, it will be cut down, and improve visibility. Plyler said the cost if \$50,000. Whether there will be a left turn lane is up to the State. There are currently five vehicles he said, and room for one more, there is not currently any plans to add a vehicle. Will there be burning on site? No. Additional sounds? No. Plyler said he thought they met finding b and c. Regarding finding d, Plyler said there are leaves from April to October, and you can't see the houses. There are two open dumpsters now in the back; the new plan will have one enclosed dumpster. Water and sewer are available. The driveways show it will be a safer design for finding f. Finding g is met as police and fire will be at the site; they asked EMS but they did not want to be there at this time.

Public comments were made.

Chuck Adams, Chairman of the Planning Board said eight months ago the Planning Board approved the original plans, and it was turned down by Council. The modified plans were approved unanimously by Planning Board and he recommended Council approve the much needed fire station.

Todd Elmore said he lives on lot three, and owns lot two which they bought in November; he thinks the fire station will help value. He did not want screening in the back; he likes the view of the sunset over the flag.

Candee Wilhelm voiced support for the new fire station, she said they are brave devoted people who deserve this; and people who selfishly objected should be ashamed.

Ormiston made a motion to close the public comments portion of the public hearing. Brotton seconded the motion.

The motion passed unanimously, 4-0.

Bradford made a motion to hold a short recess; Ormiston seconded the motion.

The motion passed unanimously, 4-0.

Council began the questions portion of the public hearing.

Ormiston asked about the height of the building. Garner said the top of the tower is forty-five feet eight inches; the average height is forty-two feet. The eaves are forty feet two inches; the average height of the rest of the building is thirty-two feet. Ormiston asked about the slope of the property, from the bottom pond to the front entrance of the neighborhood does it slope and is there any potential runoff? Garner said no, it is contained and controlled runoff.

Ormiston asked where in the ordinance does it say the buffer can be in the setback; Langen said it is okay, there is no prohibition in the definitions; it is

common for the buffer to co-exist in the setback. Parking is excluded from the side and rear setbacks. Article 4, page 4-4 says fencing and landscaping is allowed in the buffer. Hess asked if the retaining wall is excluded; Langen said no.

Hess asked about the commitment by the Sheriff; Plyler said they have committed to be there.

Garner said they will have a solar water heater for the LEEDS, but there will be no visual disturbance. Hess asked how much LEEDS silver certification adds to the cost; Garner said he didn't know, but maybe 2-3%. Hess asked about the hill, whether it was funded and will be cut down; Plyler replied yes. Hess asked about the width of the driveways; Garner said the apparatus driveway will be thirty-three feet, and the driveway for autos thirty two feet. Hess asked if there will be driver training on site: Plyler said the drivers need a CDL license, and they will drive on the highways but they will not use the driveways for training. Hess asked about the elevation; Garner said they wanted it to function and be appropriate for Wesley Chapel's upscale houses and commercial development. The façade is broken up to not look massive; he wanted an interesting roofline and familiar materials; each façade is treated the same.

Bradford asked if part of the demolition phase will remove the overhead power line; Garner said there will be underground power. Bradford asked about current uses outside of the building. Plyler said there are no exercises there at all, maybe a hose training. Bradford noted A-301A shows a retaining wall on the right. Garner said it is almost zero height there, a little taller as it goes back, and then down to zero height. Bradford asked the purpose of it. Garner said the fence is at the request of the previous council. Bradford asked about contacting the neighbors; Plyler said he will contact them, he will probably do so before the planting. Bradford asked about the growth rate of the trees proposed for a buffer: Plyler said at Station 31 they grew Leyland's and they haven't lost any yet. The existing trees will be left.

Bradford asked Langen if there had been changes in the ordinance regarding stormwater since the last application: Langen said no. Langen asked if Leyland cypress was the only evergreen proposed; the applicant said no, there were others. Attorney Fox thanked everyone for their time, and complimented on the thoroughness of the review and the applicant's preparation.

Council decided to go ahead and make a decision at this meeting.

Ormiston made a motion to close the public hearing. Brotton seconded the motion.

The motion passed unanimously, 4-0.

9. DISCUSSION AND POSSIBLE DECISION ON WESLEY CHAPEL VOLUNTEER FIRE DEPARTMENT CUP

Ormiston made a motion to approve the height of the tower which is forty-five feet eight inches tall (45' 8"); Brotton seconded the motion.

The motion passed unanimously, 4-0.

Council voted on the findings of fact.

6.4.1 Findings to be Made by Village Council

The Village Council shall issue a CUP only after having conclusively confirmed each of the following findings:

- a) The use will not materially endanger the public health, safety or welfare if located where proposed and developed according to the submitted plan and not create dangerous traffic conflict points, noxious odors/sounds/glare, or environmental hazards.

Brotton noted there was no evidence to the contrary on this finding. Hess said the design could improve the traffic flow, the reduction in the hill is a plus, the ventilation systems at the station and removal of the propane tank are all positive.

Council voted to approve this finding, 4-0.

- b) The use meets all required conditions and specifications.

Council noted the variances had been granted, and the height approved.

Council voted to approve this finding, 4-0.

- c) The Use will not substantially injure the value of adjoining or abutting property and will not hinder future development potential of adjacent properties by the introduction of incongruous land use or incompatible development scale/intensity.

Hess noted the fire station already exists at this location, and there was no evidence to contradict the expert witness on real estate values; Brotton and Bradford voiced agreement. Ormiston noted the adjacent homeowners also agree.

Council voted to approve this finding, 4-0.

- d) The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located, will not disrupt the integrity of existing land use districts, and will be in general conformity with this Ordinance and the Village of Wesley Chapel Land Development Plan.

Hess said the building was designed to be congruent with the neighboring homes, the dumpsters are enclosed, and the LEEDS certification all contribute to the building being in harmony more than the existing structure. Bradford noted the proposed fire station is more aesthetic.

Council voted to approve this finding, 4-0.

- e) Availability of services including water, wastewater treatment, gas, stormwater as required by project.

Hess noted that water and sewer are available, and their stormwater plan meets the hundred year storm requirements.

Council voted to approve this finding, 4-0.

- f) Access to public streets and the adequacy of those streets to carry anticipated traffic; and on-site circulation for both pedestrian and on-site and off-site vehicular traffic circulation patterns.

Ormiston noted that with fixing the hill this finding is met; Hess added there would not be an adverse impact on the road.

Council voted to approve this finding, 4-0.

- g) Adequate safety and emergency services (police, fire and EMS).

Council noted services are available on site since this will house police and fire, and EMS is adequate as it now exists.

Council voted to approve this finding, 4-0.

- h) Additional review criteria, as stated in the Ordinance, shall also be considered and addressed where required.

This finding is not applicable, and was not voted on.

A final vote was taken to approve CUP 10-1 to build a new fire station and Council approved it 4-0.

Attorney Sistrunk will write up the decision and bring it to the meeting next week.

Mayor Horvath returned and resumed chairing the meeting.

10. UPDATE ON 2010 CENSUS

Bennett reported she had she had submitted about 1,000 addresses to the Census Bureau, they refused about 150, and she filed an appeal on 136 and all were accepted. Currently about 76% of the forms have been mailed in in Wesley Chapel.

11. DISCUSSION ON SPRING 2010 NEWSLETTER

Ormiston noted there will be a contest to create a seal; first prize will be \$100, second place \$50, and third place \$25, the funds will come from the awards line item. Wording will be added that the winning entries become property of Wesley Chapel and we may use a portion or the whole design.

12. CAPITAL IMPROVEMENT PLAN DISCUSSION

Four options will be specified at the next meeting.

13. DISCUSS MEAC PROJECT PARTICIPATION

Staff checked with the engineer, she said the new rules should not affect us.

14.A. PARKS AND REC UPDATE/DISCUSSION

Bradford presented a Resolution of Exemption so we can have engineers examine the dam. Ormiston made a motion to approve the resolution, incorporated herein. Brotton seconded the motion.

The motion passed unanimously.

Resolution 2010-03
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 one or more contracts for such services for evaluating the safety and soundness of the dam located on the proposed Page Price Park property; 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 12th day of April, 2010.

ATTEST

Cheryl Bennett, Clerk to the Board

Brad Horvath, Mayor

Bradford had a memorandum of agreement with the NC Wildlife Resources Commission. Sistrunk made a revision that you have to approve the estimated costs; Bennett requested the finance officer certification be added, and NAME will be removed in item 4. Bradford made a motion to approve the MOA with those changes; Brotton seconded the motion.

The motion passed unanimously.

Bradford said she found four more grants, and council approved her applying for them.

Bradford noted the Village could establish a historic landmark commission, who would find sites and educate, it would provide grant eligibility. She will check with Waxhaw who has a similar group.

14B. PROCLAMATION FOR CHILD ABUSE PREVENTION MONTH

Bradford made a motion to approve the proclamation for child abuse prevention month; Ormiston seconded the motion.

The motion passed unanimously.

15. OTHER BUSINESS

Ormiston said she checked on having inmates do cleanup; DOT said you just have to request it, and provide a list of streets. Also the Sheriff sent her deputy pricing, she will meet with him Thursday. If Council has any questions please let her know. Mayor Horvath noted there is a deputy who lives near Providence Road, and perhaps Marvin might want to share a deputy.

On Friday May 21 at 6:30 pm Potters Trace is having a Sheriff's stranger danger program at the gazebo.

Bennett noted the County is proposing to share the costs of the urban forester with the municipalities; council consensus was they did not want to pick up this cost.

Brotton noted he would not be able to attend the July work session meeting.

Sistrunk said the APFO which is in our ordinance as an appendix is still pending for Supreme Court review. He will keep us updated on it.

Mayor Horvath noted at 10 am on Friday there is an informal meeting of mayors, and were there any topics council would like him to bring up; one was the Carolina Thread Trail.

16. COUNCIL COMMENTS - none.

17. ADJOURNMENT

Brotton 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