

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
WESLEY CHAPEL UNITED METHODIST CHURCH
120 Potter Road, Wesley Chapel, NC 28110
February 22, 2011 – 7:00 P. M.

The Village Council 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 and Zoning Administrator Joshua Langen

Concerned citizens: Becky Plyler, Jim and Carol Mullis, Jeannine Kenary, Tessie and Richard Morris, Josh Whitener

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

Brotton made a motion to adopt the agenda with a change on item 5 to delete the 2010 Crime Statistics Presentation (delayed until March 22) and to add the appointment of members to Parks and Rec on Item 4; Bradford seconded the motion.

The motion passed unanimously.

3. APPROVE MINUTES FOR:

Council Meeting January 18, 2011

Bennett checked the tape of the meeting and the basement was not mentioned in reference to the bathrooms at Dogwood Park, so that reference was deleted.

Brotton made a motion to approve the minutes for the January 18, 2011 Council meeting; Bradford seconded the motion.

The motion passed unanimously.

4. INTERVIEW BILL RODRIGUEZ FOR BOARD OF ADJUSTMENT
ALTERNATE POSITION / CONSIDER APPOINTMENT;
APPOINTMENTS TO PARKS AND REC COMMITTEE

Mr. Rodriguez was not present. Mayor Horvath appointed Kim Bayha as a regular member, and Janet Brower as an alternate, both to the Parks and Rec Committee.

5. SAFETY COMMITTEE UPDATE:

- Antioch Church Road Intersection
- Highway 84 Speed Limit Evaluation
- Litter Clean Up / Designation Of “Keep Wesley Chapel Clean Day”

Ormiston reported that DOT has completed a crash study and will be putting together a cost estimate for a left turn lane or re-alignment to help the Antioch Church Road intersection, it may take 4-6 weeks, and funding is uncertain. In 2009 a speed study was done on the Highway 84/Waxhaw Indian Trail Road intersection, and they were going to reduce the speed on Waxhaw Indian Trail Road. We will ask if they will do a new study there. DOT has reduced their clean-up crews from three to two. There are restrictions where prisoner clean-up crews can be located. No funding is available for vests or gloves. Carol Mullis noted the Optimists Club is keeping doing clean-ups on part of Highway 84. Mayor Horvath received an e-mail suggesting involving the schools and educating; he will talk to the Mayor of Waxhaw. Ormiston agreed to head up a clean up day on April 30, volunteers can meet at 8 am at the Blockbuster parking lot. We need participants to sign waivers. The Safety Committee will reach out to HOA's for volunteers.

6. DISCUSSION OF SECTIONS OF DOWNTOWN PROPOSAL:

- Goals for Village Center
- Zones Defining Village Center
- Priority for Development of Each Zone of the Village Center\

Goals for the Village Center were discussed. Hess said increasing density would sustain social and commercial activity and provide more affordable housing for younger people and for seniors. He noted there could be an offset with parks and open space, but at the core center there could be one house per quarter acre. Ormiston said she heard citizen support for and she campaigned for keeping low density; she felt there were inconsistencies in the Master Plan. Bradford said she thought there was some common ground with the retirement community idea, but she had trouble with the urban live/work concept. She didn't see young people attracted here for this since their jobs are elsewhere. Hess said there was a catch 22; we don't have jobs to support people living here, but we won't have them living here until there are jobs. Ormiston asked about the impact in twenty years; she noted people moved here to not be in Charlotte, she felt we might go to half acre zoning in only a very small area since she acknowledged that several half acre or smaller neighborhoods already exist in Wesley Chapel. Hess said we are talking about a narrow area; we have a large shopping area and people don't want large houses adjacent to it. He said live-work is not necessarily retail, but could be low impact manufacturing. Bradford asked how conservation subdivisions fared in the Master Plan; that might be a compromise. Hess said that concept

fares high. Mayor Horvath said there were two examples on the visual survey, one was received negatively, and one positively. He also noted there is wrestling between increased density and traffic. Hess said development centered in the quadrants could potentially reduce traffic and we could get developers to build roadways and make a beltway to divert traffic from the intersection of Highway 84 and Waxhaw Indian Trail Road.

Jeannine Kenary noted the analysis was done under a different environment and asked about the effect on schools noting New Town Elementary has the highest population and seven trailers, and the school system is not building new schools. Hess said the types of housing would bring young families with children in daycare, he didn't think there would be a significant impact on schools. Ms. Kenary asked how many acres were involved. Hess said there was a narrow range for the quarter acre, it fans out to half acre, he believed the area behind Harris Teeter is about 64 acres.

Becky Plyler commented she didn't think retirement residents would want to be next to houses with small children.

Mayor Horvath said he liked the pinwheel homes near Col. Francis Beatty Park. Hess said currently lower range homes are selling best.

Kenary said you can't mandate who lives there, you can change the zoning, but many people are currently displaced from their homes, and you could end up with people moving in with children.

Mayor Horvath said you could offer incentives for senior housing, and could require design standards.

Ormiston said Birkdale for example creates a lot of traffic and we are an automobile society. Hess said he didn't say it would reduce traffic, but we could manage it. Ormiston said with the economic climate, and roads being delayed, a loop in Wesley Chapel would be thirty-five years out. She had a grave concern that increasing density is not what citizens want, they want rural low-density.

Mayor Horvath said he had heard before, don't fall in love with the view if you don't own it; development will occur. Hess emphasized that this is a fairly isolated area where there is a lot of commercial; he had a concern for sustaining the businesses and prioritizing services. Ormiston said a citizen had said we can't be everything to everyone. The Master Plan influenced the park and location of the Town Hall. There are still opportunities here for people to live and age here. Hess said he didn't see that; older people may not be able to drive, and they can't walk to services like medical. Ormiston said that occurs everywhere.

Tessie Morris said in her subdivision a lot of properties are being rented, when you bring in the under \$300,000 homes you will have a lot of leasing and rentals and there are issues such as crime. Hess noted there would be rigid architectural controls; Ms. Morris noted they have that, but would there be square footage controls; Hess said no. Mayor Horvath noted architectural restrictions are not just on materials. Tessie Morris asked if we would bring in a senior center. Hess said as the population segment grows, the demand grows. Mayor Horvath noted we have a building in the park with about 5,000 square feet. Hess said if we bring in more homes the tax base grows larger and more money is available for things like connectivity, such as sidewalks.

Ormiston asked if the Master Plan recommended another assessment in ten years. Mayor Horvath said he had thought of doing one in 3-5 years; we are in an economic climate we have never seen and the picture is changing. It is not a reality to think we will have much better streets in fifteen years. He agreed this is visionary and stores probably anticipated an increased population, but we need to react. Hess said businesses will go out of business and have a chain effect. We have an obligation to support the stores that are there. Mayor Horvath said you can see the demographic studies that were done at the JDH and Aston websites. Bradford said people want parks, restaurants and rural. Is there a way from a zoning perspective to be conducive to senior housing and conservation subdivisions and still keep out higher density postage size lots. Langen said there is a difference between density and lot size. Conservation throws out lot size but concentrates on density. For example, on 50 acres you can do 50 homes, but with half acre lots the other 25 acres can remain a farm; they can sell development rights, or it could be 25 acres of non-residential, and the housing prices remain high.

Brotton said if the land is in the floodplain, what is the total acreage for quarter acre lots, 64 acres? He said architectural guidelines could prohibit apartments, and asked for examples of what quarter acre lots would look like. We could extrapolate the number of people from the acres and houses to see the effect on roads and stores. He noted you won't get high end boutiques next to Target. Mayor Horvath said we should come up with the acreage for each zone to frame this proposal.

It was noted on page 16 of the proposal, that under zone I, the properties are already annexed.

The most contentious item is density and the associated problems of roads and schools. Ormiston added live-work was also a concern. Bradford said it is a good time to look at this while the economy is slow, and there may be some common ground.

On page 15 of the proposal, zone III was deleted. Zones II and VI are not in Wesley Chapel.

7. CONSIDER APPROVAL OF CHANGES TO SUBDIVISION ORDINANCE ARTICLE 4: RETENTION OF EXISTING VEGETATION AND MARGINAL ACCESS STREETS

Bennett pointed out we have some road requirements such as wider streets and cul-de-sac radius that are more stringent than DOT standards, so an addition was made to the wording after DOT standards, "in addition to additional requirements in this section".

Bradford noted in Section 404.3 that John Lepke suggested we extend the protection down to 15" or 18" diameter trees to encourage new heritage trees. Langen said he came up with the 20" diameter from what he saw elsewhere. Langen also checked with the engineer regarding removal of vegetation from the stream on page 4-2; he added section 404.3(3) (F).

Bradford made a motion to approve the text amendments for retention of existing vegetation and marginal access streets with changes at 404.3 (4) (B) (iii) to

“Heritage trees shall be defined as trees having a 15” or greater Diameter at Breast Height (DBH) with at least 50% of crown remaining.”, and at 404.3(6)(B) “Zoning Administrator” instead of “City Attorney” and “CUP or” instead of “PD”, and the change to 405.3 as detailed above. Ormiston seconded the motion.

The motion passed unanimously.

Bradford commented maybe this should also apply to other non-residential development.

The approved text is:

405.3 Marginal Access Street

~~Where a tract of land to be subdivided~~ minor or major subdivision would adjoins a major or minor thoroughfare, as designated on the Village of Wesley Chapel Zoning Map or adopted Transportation Plan, the subdivider shall provide a public or private marginal access street, with platted right-of-way and built to North Carolina Department of Transportation standards in addition to additional requirements in this section, parallel to the major thoroughfare or reverse frontage on a minor street for the lots to be developed adjacent to the major thoroughfare. ~~Where reverse frontage is established, Private driveways shall be prevented from having direct access to the thoroughfare. In cases where it is not feasible or practical for the subdivider to provide a marginal access street, or when the Village Council determines that the installation of a marginal access would result in a less desirable subdivision design, the Village Council may grant an exception to the requirement for a marginal access street. Before granting said exception, the Village Council shall find that the spirit and intent of this Ordinance are preserved and that circumstances particular to the subject property, such as topography or shape of the tract, exist to warrant such an exception.~~

404.3 Retention of Existing Vegetation

The Village of Wesley Chapel encourages the retention of existing vegetation to help assure a future environment in keeping with the current character of the Village. In particular, the retention of mature trees and large shrubs throughout all proposed minor and major subdivisions may enhance the approval process and will increase the desirability of such attractively – developed properties.

~~The incorporation of mature trees in buffer zones may, at the sole discretion of the Subdivision Administrator, be considered favorably in the event a waiver of the minimum requirements of Table 405.4(a) is requested as part of a subdivision preliminary plat submittal. The only acceptable basis for consideration of any such waiver shall be that large, existing trees are further apart than the specified spacing, but otherwise meeting the intent of this Ordinance’s screening requirements.~~

~~The details of any such waiver approval shall be shown on the preliminary plat, and the~~

~~subsequent removal of such existing vegetation before, during or after installation of subdivision improvements shall constitute sufficient reason for disapproval of the subdivision final plat application.~~

(1) Purpose and intent

Protection of existing tree and vegetation cover is intended to preserve the visual and aesthetic qualities of natural landscapes; encourage site design techniques that preserve the natural environment and enhance the developed environment; increase slope stability, and control erosion, slippage, and sediment run-off into streams and waterways; protect wildlife habitat and migration corridors; and conserve energy by reducing heating and cooling costs.

(2) Applicability

The standards of this Section shall apply to development of all minor and major subdivisions.

(3) Tree and Vegetation Protection Exemptions

The following development activities and types of vegetation are exempt from the standards of this Section:

(A) Removal of Dead Vegetation

The removal of dead or naturally fallen trees or vegetation.

(B) Maintaining Clear Visibility

The selective and limited removal of trees or vegetation necessary to obtain clear visibility at driveways or intersections, or for the purpose of performing authorized field survey work.

(E) Utility Companies

The actions of public and private utility companies within their utility easements, provided Crown reduction of ~~pine~~ trees is limited to lateral limbs. Cutting the leader of ~~mature wood~~ constitutes topping and is prohibited. Pruning which removes more than one-fourth of the canopy of a tree is prohibited. ~~If this type of activity~~ removal of trees is ~~contemplated~~ necessary, ~~removal and replacement with~~ they shall be replaced by trees with a minimum four (4) inch caliper and a cumulative caliper measurement equal to that of the trees that are damaged or removed. Removed trees listed as "Large Maturing" in Appendix 1 shall be only be replaced by trees also listed as "Large Maturing" and removed trees listed as "Small Maturing" in Appendix 1 shall only be replaced by trees also listed as "Small Maturing". In addition, trees of a hardwood species equal to or greater than ten (10) inches diameter at breast height (DBH) shall be replaced by hardwood trees.

(F) Federal, State and Local Regulations

No part of this ordinance shall in any way exempt relevant parties from or prohibit enforcement of Federal, State and Local applicable regulations with regards to tree, vegetation or vegetative debris removal. Tree, vegetation and vegetative debris removal shall be subject to N.C. Division of Water Quality Catawba River Basin Buffer Rules (15A NCAC 02B.0243).

(4) Retention of Existing Tree Canopy

(A) Tree Inventory

Prior to beginning any tree clearing, development work, or land disturbance, the owner of land subject to this Section shall prepare and submit an inventory of trees on the parcel, subject to the following requirements:

(i) General

The inventory shall identify any canopy tree ten (10) inches or larger in diameter at breast height (DBH), and any groups of trees in close proximity (i.e., those within five (5) feet of each other), which are to be designated as a clump or cluster of trees. The survey should depict any individual trees and areas of existing tree canopy that are to be saved in accordance with this Section. Known dead or diseased trees shall be identified, where practical.

(ii) Professionally Prepared

All tree surveys for ~~for~~ minor or major subdivisions shall be prepared by a licensed landscape architect, surveyor, arborist, registered forester, or engineer registered in the state.

(iii) Use of Aerial Photo for Developments Larger Than Ten Acres

Aerial Photos may be used to identify clumps or clusters of trees (i.e. those within five (5) feet of each other), but shall not be used to identify trees ten (10) DBH or greater.

(B) Tree Canopy Retention Standards

(i) Existing Tree Canopy Defined

For the purposes of this Section, the “existing tree canopy” shall be composed of significant vegetation. For the purposes of this Section, “significant vegetation” shall be composed of the crowns of all healthy self-supporting canopy trees with a diameter of ten (10) inches or greater and understory trees with a caliper size of four (4) inches or greater.

(ii) In no case shall less than the percentage of the existing tree canopy indicated in table below, Tree Canopy Retention Standards, be retained on a parcel of land during any tree clearing or development process on land

subject to this Section:

TREE CANOPY RETENTION STANDARDS
MINIMUM REQUIRED TREE CANOPY RETENTION
(AS A PERCENT OF THE TOTAL TREE CANOPY COVER)

<u>EXISTING TREE CANOPY</u>	<u>COVER (AS A PERCENT OF THE TOTAL TREE CANOPY COVER)</u>
<u>80% - 100%</u>	<u>30%</u>
<u>60% - 79%</u>	<u>36%</u>
<u>40% - 59%</u>	<u>45%</u>
<u>20% - 39%</u>	<u>48%</u>
<u>19% or less</u>	<u>54%</u>

(iii) Heritage Trees Defined

For purposes of this Section, Heritage trees shall be defined as trees having a 15” or greater Diameter at Breast Height (DBH) with at least fifty (50) percent of crown remaining.

(iv) Priority Retention Areas

Priority areas for retention of existing trees and vegetation shall include the following (listed in priority order):

- a. Areas designated as Endangered, Threatened, Candidate, Federal species of Concern, Bald and Golden Eagle, Experimental or Proposed Species, as defined by the U.S. Fish and Wildlife Service, Critical Habitat;
- b. Riparian buffers, wetlands, or wellhead protection areas;
- c. Areas containing Heritage Trees, and their associated critical root zones; and
- d. Thoroughfare buffers.

Streets, buildings, and lot layouts shall be designed to minimize disturbance to all trees ten (10) inches DBH or larger.

(6) Tree Protection Zone

(A) For purposes of this Section, the area containing the canopy and critical root zones of trees composing the existing tree canopy to be retained shall be known as the “Tree Protection Zone.”

(B). Prior to the approval of a Zoning Permit, all Tree Protection Zones shall be identified for protection in a form acceptable to the City Attorney, and shall be areas where the existing tree canopy will be maintained, and where buildings and structures can not be located. The Tree Protection Zone shall be depicted on the Preliminary Plat for Subdivision, Site Plan, or PD Master Plan, whichever is appropriate. The Tree Protection Zone shall also be depicted on the Final Plat for Subdivision if it is required prior to development.

(C) Thoroughfare Buffer Credit for Tree Cover Requirements

Any percentage of land covered by a required thoroughfare buffer may be credited against required tree cover percentage.

(C) Replacement/Mitigation Standards

When development of a site causes accidental damage or disturbance to trees inside the Tree Protection Zone, the disturbed area shall be re-vegetated to preexisting conditions as follows:

(i). Replacement of Trees with less than ten (10) Inch DBH

Any tree that is damaged or removed from the Tree Protection Zone shall be replaced with trees that have a caliper of at least two (2) inches and a cumulative caliper equal to one and one half (1&1/2) times the tree cover that has been damaged or removed.

(ii). Replacement of Trees with ten (10) Inch DBH or Greater

Any tree with a ten (10) inch DBH or larger that is accidentally damaged or removed from the Tree Protection Zone shall be replaced by trees with a four (4) inch caliper with a cumulative caliper measurement equal to twice that of the tree that is damaged or removed. Removed trees listed as "Large Maturing" in Appendix 1 shall be only be replaced by trees also listed as "Large Maturing" and removed trees listed as "Small Maturing" in Appendix 1 shall only be replaced by trees also listed as "Small Maturing". In addition, trees of hardwood species shall be replaced by trees of hardwood species.

(iii). Priority Replacement Areas

Priority areas for the replacement of damaged or removed trees shall include the following (listed in priority order):

- a. Tree Protection Zones
- b. Thoroughfare buffers
- c. Anywhere on development site

(D) Protection of Heritage Trees

For purposes of this Section, Heritage trees shall be defined as trees having a 20” or greater Diameter at Breast Height (DBH). All major or minor subdivision plats and development shall be required to protect Heritage Trees on a development site in accordance with the following standards:

(i) General Requirement

No Heritage Tree may be removed, except in accordance with provisions of this Section. In addition, Heritage Trees shall have the following protections:

a. Cutting, Removal, or Harm Prohibited

Heritage Trees shall not be cut, removed, pushed over, killed, or otherwise harmed; and

b. Paving or Soil Compaction Prohibited

The area within the dripline of any Heritage Tree shall not be subject to paving or soil compaction greater than ten percent (10%) of the total dripline square footage or within twelve (12) feet of the tree trunk.

(ii) Removal of a Heritage Tree

A Heritage Tree that is certified by an arborist or other qualified professional as severely diseased, high risk, or dying shall be exempt preservation requirements.

(iii) Replacement/Mitigation Standards

When development of a site causes accidental damage or disturbance to a Heritage tree, the tree shall be replaced with trees that have a caliper of at least four (4) inches and have a cumulative caliper equal to three (3) times the DBH of the Heritage tree that has been damaged or removed. Removed trees listed as “Large Maturing” in Appendix 1 shall be only be replaced by trees also listed as “Large Maturing” and removed trees listed as “Small Maturing” in Appendix 1 shall only be replaced by trees also listed as “Small Maturing”. In addition, trees of hardwood species shall be replaced by trees of hardwood species.

(iv) Priority Replacement Areas

Priority areas for the replacement of damaged or removed Heritage trees shall include the following (listed in priority order):

a. Tree Protection Zones

b. Thoroughfare buffers

c. Anywhere on development site

(E) Tree Protection During Construction

(i) Owner's Responsibility

During development, the owner or developer shall be responsible for the erection of any and all barriers necessary to protect any existing or installed vegetation from damage both during and after construction.

(ii) Tree Protection Fencing

a. Where Required

Heritage Trees, trees in a Tree Protection Zone, and other existing trees being used for credit towards landscaping requirements in accordance with this Section shall be fenced with a sturdy and visible fence before grading begins. Fencing shall extend as far as practical, preferably at least nine (9) inches in radius from the tree for each inch of diameter (DBH), or to the dripline, whichever is greater. The applicant and municipal staff shall consider existing site conditions in determining the exact location of any tree protection fencing.

b. Type of Fencing

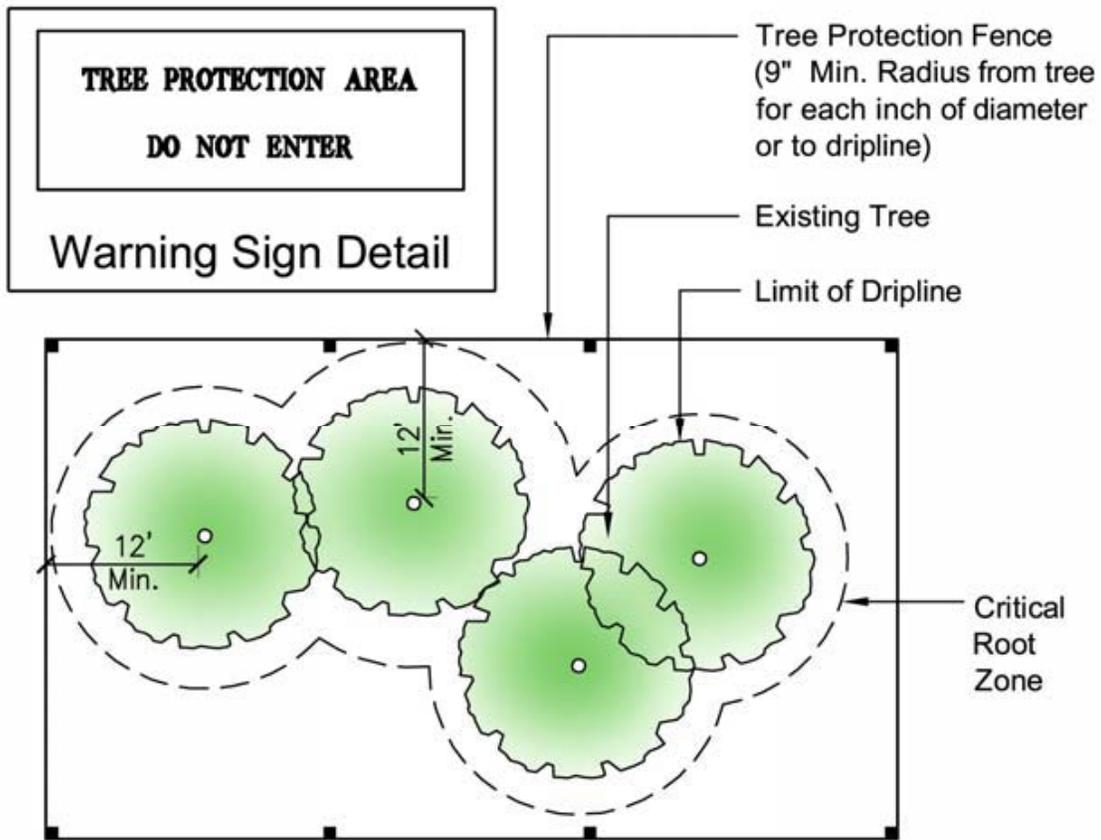
All fencing required by this Section shall be a minimum four (4) feet high and of durable construction (i.e., chain link or wooden post with 2x4 wire mesh). Chain link or wire fencing utilized as tree protection fencing shall not be required to vinyl coated. Passive forms of tree protection may be utilized to delineate tree save areas that are remote from areas of land disturbance. These must be surrounded by fencing, continuous rope, or durable taping (minimum four (4) inches wide).

c. Signage

Signs shall be installed on the tree protection fence visible on all sides of the fenced-in area at a rate of at least one (1) for every one hundred fifty (150) linear feet. The size of each sign must be a minimum of two (2) feet by two (2) feet and shall contain the following language: "TREE PROTECTION ZONE: KEEP OUT."

d. When Required

The tree protection fencing shall be clearly shown on the Site Plan or Preliminary and Final Plat for Subdivision. No construction, grading, equipment or material storage, or any other activity shall be allowed within the fenced area. Fencing shall be maintained until after the final site inspection.



(iii) Encroachments into Critical Root Zones

Encroachments within the critical root zones of trees protected in accordance with this subsection shall occur only when no other alternative exists. If such an encroachment is anticipated, the following preventive measures shall be employed:

a. Clearing Activities

The removal of trees adjacent to tree save areas can cause inadvertent damage to the protected trees. Prior to clearing activities, trenches located along the limits of land disturbance with a minimum width of one-and-one-half (1½) inches, and a minimum depth sufficient to cut rather than tear tree roots, shall be installed.

b. Soil Compaction

Where compaction might occur due to traffic or materials through the Tree

Protection Zone or other protection areas associated with Heritage Trees, or retained existing vegetation, the area must first be mulched with a minimum four (4) inch layer of wood chips.

Equipment or materials storage shall not be allowed within a Tree Protection Zone.

c. Chemical Contamination

Trees located within a Tree Protection Zone shall be protected from chemical contamination from liquids or other materials, including but not limited to paint, chemical solvents, gasoline, oil, diesel fuel, hydraulic fluid, concrete spoils, or rinse water from vehicle cleaning, including rinsing of concrete truck tanks and chutes.

8. CONSIDER APPROVAL OF CHANGES TO ZONING ORDINANCE:

- Article 8 Signs Re-write
- Article 2 Signs Related Definitions
- Article 2 Recreation/Park Related Definitions

At 8.3(H), “or other interior signs” was added. Hess questioned the size of temporary banner signs at 8.5(A) being limited to ten square feet, he felt it should be larger and it couldn’t be seen from the road. Council requested this be sent back to the Planning Board for review.

Article 2 Signs related definitions – Hess requested “such as...” language be removed as in the definition of Sign, Banner. Langen will review it one more time. A problem in verbiage was noted in Sign, Incidental.

Not all Council members had received the text on Article 2 Recreation/Park Related Definitions; Langen will send out copies and this will be on the next agenda.

9. PARKS AND REC UPDATE:

- Modification to Draft Park Budget on Amenity Added
- Readiness for February 28, 2011 or earlier closing on 16.5 Acres at Dogwood Acres
- Update on AAT, RTP and Water Based Grants

Bradford noted on the PARTF application the open play field budget was decreased from \$40,000 to \$30,000; a fishing pier was added at \$25,000, which was partially offset by an expected \$18,750 from the NC Wildlife program.

Ormiston noted she just received this information, and hadn’t had time to review it. The application split the paved trail into a walking trail and an accessible route which goes from the parking lot to the loop. Bradford will e-mail the spreadsheet with budget figures to Council. Hess noted we can’t pave on the sewer easement. HadenStanziale felt we could put it somewhere that is not directly over the sewer pipes; another question was whether you could have the paved trail in the buffer. The plat survey was available, and Union County needs to sign off on it. The projected closing date is Thursday.

Jeannine Kenary asked for a few minutes to speak. She asked if we had a new appraisal of the Dogwood Park land since the old one was based on 22 acres and

was from April 2010, also the inspection report on the house was released after the appraisal and the appraisal based the house value on “good construction” and the inspection report grades some areas “poor”. She questioned whether the 16 acres was worth \$750,000. Council pointed out the six acres is the prime part, and Hess said all the land is zoned residential and he said the land set back from Weddington road with the house is costing less per acre than the six acres. He said he would prefer to be on the set back road himself. Jeannine Kenary said she had comps based on a 16 acre parcel and house on Lester Davis which was less; Mayor Horvath said we could only deal with land that was available at the time. A new appraisal was not done since the one we had was within the year, and there were not many new comps within that time period. Jeannine Kenary asked what went into the selection of the parcel, and questioned why 12 out of 20 parcels were ranked by three or fewer Parks and Rec committee members. Bradford said before individual rankings, the committee discussed all parcels and some were obviously not suitable, so they chose to focus on viable options. Ms. Kenary said five members were each assigned four parcels but only a couple of parcels were ranked by all members, and she felt that skewed out certain parcels and created a bias, and appears fixated on certain parcels. Hess said we went through Park and Rec’s process in an open meeting, and felt it was well designed. Council did give guidance such as restricting to parcels fifteen acres or larger. Mayor Horvath noted the priority was to fit in the budget, and we sent letters to all parcel owners of 15 acres or larger, he called them back when they responded, some were willing to discuss the price further, but some prices were still too high. Kenary said it appeared the priority was a parcel with a pond or lake. Hess said the reason water was important was with water based amenities you can put a trail around it. Bradford said flood plains and ponds were obvious physical attributes, and she may not have gotten all the comments on the minutes. Hess said the second choice parcel did not have a pond, but could have one added. Kenary questioned why more points were given for a pond than for a flat area for parking. She questioned the \$2.9 million cost to purchase and develop when the budget was \$1 million plus the \$500,000 PARTF grant. Mayor Horvath said the top ten features would come eventually in five years; we weren’t getting all amenities up front. Kenary noted Parks and Rec paid about \$99,204 so far for Page Price Park and this property, and thanked Council for listening. Hess said the structural engineer said it would take \$6,000 to fix the foundation problem at the Dogwood house. Mayor Horvath noted we are not going to pour money into the house; the alternative is to knock it down. Hess noted the follow up inspection by Housemaster on the items rated poor showed no major change in the last year.

Bradford noted the staff at the water based grant said they will recommend us for a \$100,000 grant, it also needs DENR approval, and the Governor’s approval. She will modify the application she used for Page Price Park. The grant is matching on a 50-50 basis, some items are water related such as the paved trail around the lake, also the boardwalk and 60% of site prep work. For infrastructure she used 25% assuming one fourth of the people were coming to use the pond. Council agreed on the 25%.

Bradford reported on the AAT grant, there was a new environmental section, and a Resolution is needed for the 25% match and to approve the timeframe. The Parks and Rec Committee considered the worst case is no grants and we have 16 acres. We need gates and a gravel parking lot, or we can let the land sit. Neighbors had concerns on dust from the gravel. Other issues are ADA parking and accessibility. The application is due Monday, we can apply and if we get the grant we can refuse it. Ormiston asked Bradford to find out what the terms are on the water based recreation grants. Carol Mullis commented on the pattern of these items being presented to Council at the last minutes. Mayor Horvath said there was no risk, but we need a plan B in the interim. Hess made a motion to apply for the water based grant; Ormiston seconded the motion.

The motion passed unanimously.

Hess made a motion to approve Resolution 2011-03 for the AAT grant; Bradford seconded the motion.

The motion passed unanimously.

Resolution 2011-03
Resolution to Apply for North Carolina Department of Natural Resources
Adopt-a-Trail Grant
Wesley Chapel, North Carolina

WHEREAS, the Village of Wesley Chapel desires to build the proposed Dogwood Park, and

WHEREAS, 83% of Village respondents to the Council's Master Plan survey of 2007 indicated a strong preference for parks and recreation facilities in the Village, and

WHEREAS, respondents to the Parks & Recreation Committee survey of 2009 indicated a strong preference for walking trails, and

WHEREAS, outdoor recreation promotes the health, wellness, and desirability of the entire community, and

WHEREAS, the North Carolina Department of Natural Resources offers matching grants for trail opportunities,

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1) The Village Council of Wesley Chapel requests the State of North Carolina to provide financial assistance to the Village of Wesley Chapel for Dogwood Park in the amount of \$5,000;

- 2) The Council assumes full obligation for payment of the balance of project costs, estimated at \$4,210, which will equal or exceed the required 25% match;
- 3) The Council will complete the project by March 31, 2012.

Adopted by the Village of Wesley Chapel this 22nd day of February, 2011.

Clerk to the Council

Mayor

Bradford made a motion to approve Resolution 2011-04 for the RTP grant, with the understanding if we can't use it we will turn it back. Ormiston seconded the motion.

The motion was passed unanimously.

Resolution 2011-04
Resolution to Apply for North Carolina Department of Natural Resources
Recreational Trails Program Grant
Wesley Chapel, North Carolina

WHEREAS, the Village of Wesley Chapel desires to build the proposed Dogwood Park, and

WHEREAS, 83% of Village respondents to the Council's Master Plan survey of 2007 indicated a strong preference for parks and recreation facilities in the Village, and

WHEREAS, respondents to the Parks & Recreation Committee survey of 2009 indicated a strong preference for walking trails, and

WHEREAS, outdoor recreation promotes the health, wellness, and desirability of the entire community, and

WHEREAS, the North Carolina Department of Natural Resources offers matching grants for trail opportunities,

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1) The Village Council of Wesley Chapel requests the State of North Carolina to provide financial assistance to the Village of Wesley Chapel for Dogwood Park in the amount of \$50,000;

- 2) The Council assumes full obligation for payment of the balance of project costs, estimated at \$61,250, through other grants, donations, or funds, which will equal or exceed the required 25% match;
- 3) The Council will complete the project within a two year timeframe.

Adopted by the Village of Wesley Chapel this 22nd day of February, 2011.

Clerk to the Council

Mayor

Beavers at the pond were discussed; Bill Bennett met with the Wildlife Officer about the beaver problem, and they gave us the name of a trapper, the cost would be approximately \$1500 depending on the number of visits. Ormiston noted she knew a bow hunting club that would volunteer. Hess noted we do have a tenant in the house until June. Bradford will bring back more information.

Naming rights were discussed, names can be solicited in the newsletter, also we could sell naming rights to structures. Bennett suggested we might need an overall naming policy. Thank you notes will be sent to the property owners who responded to our letters.

Ormiston noted she had gone to Jeff Shelton Park in Locust, and they put in brick pavers and had a huge fundraising. They have a paved trail and fitness trail that might be relevant to our six acres at the Town Hall.

10. UPDATE ON NEWSLETTER

Ormiston said she decreased the font size and still needs the volunteer spotlight. The newsletter will be ready to go next week.

11. REVIEW AND APPROVAL OF BUDGET ORDINANCE 2010/11 AMENDMENT #7

Added to the proposed amendment was \$2,000 from furniture; Hess asked why we didn't include the amounts in the budget for Computers also; Bennett said she left that because we need a new printer, and her computer and/or Langen's might need replacement before the end of the year. She will have the computers checked and get pricing on a new one. Hess made a motion to approve Budget Ordinance 2010/11 #7; Ormiston seconded the motion.

The motion passed unanimously.

Budget Ordinance 2010/11 #7

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, 2011:

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

	Decrease	Increase
<u>Revenues:</u>		
Appropriated Fund Balance		\$1,293,000
<u>Revenue Sharing:</u>		
Franchise Tax (Electric Power)		\$ 10,000
 <u>Expenditures:</u>		
<u>Transfer to Capital Improvement Fund:</u>		\$1,475,000
<u>Operating Expenditures:</u>		
Contingency	\$24,000	
Election Expense	\$ 7,900	
Insurance – Workmen’s Comp	\$ 100	
Office Expense	\$ 2,000	
Rent	\$ 3,000	
Welcome Committee	\$ 1,000	
<u>Gen. Govt. Salaries</u>		
Allowance for Salary Adj.	\$ 4,400	
Fringe Benefits - Insurance	\$ 2,000	
<u>Planning & Zoning</u>		
Administration (COG)	\$ 2,000	
Planning & Zoning Board Salary	\$ 1,000	
Advertising	\$ 1,000	
Planning/Zoning Expense	\$ 1,000	
<u>Professional Fees:</u>		
Legal Fees	\$ 24,000	
Security	\$ 1,000	
<u>Parks & Recreation:</u>		
Events	\$ 1,600	
Office Expense	\$ 1,000	
<u>Public Safety</u>	\$37,000	
<u>Capital Outlay:</u>		
Reserve for Capital Outlay	\$55,000	
Software	\$ 1,000	
Furniture	\$ 2,000	

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 22nd day of February, 2011.

Attest:

Cheryl Bennett, Clerk

Mayor Brad Horvath

12. OTHER BUSINESS

Brotton questioned whether the area of consideration should be looked at by the attorney due to the State moratorium on annexation, and it might impact the committees since we have verbiage that members can come from the area of consideration.

Hess asked about computer backups; Bennett and Langen's computers have Seagates for backup.

Ormiston said she will take out the Park and Rec openings from the newsletter. She asked that we use the Advance to meet with Committee chairpersons, and come up with templates, boundaries, expectations, and give guidance. She noted the Historic Landmark Commission never met, and do we still need it. She noted the Safety Committee is not sure what they can or should do. More detailed committee charters are needed. Also what is the role of the liaison to the committees. Mayor Horvath suggested before we meet with the Chairs Council needs to make some decisions.

Ormiston noted she needs backup for agenda items earlier, and it was decided to have them three days before the meetings.

Carol Mullis pointed out the need to start the meetings on time and being punctual.

13. COUNCIL COMMENTS - none

14. ADJOURNMENT

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

The motion passed unanimously.

The meeting adjourned at approximately 11:50 pm.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath