

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
WESLEY CHAPEL UNITED METHODIST CHURCH
120 Potter Road, Wesley Chapel, NC 28110
November 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, Ormiston and Hess

Others Present:

Village Clerk/Finance Officer: Cheryl Bennett; Planning and Zoning Administrator Joshua Langen

Concerned citizens: Carol Mullis, Becky Plyler, Chuck & Gayla Adams, Tessie & Rick Morris, Ashleigh Mock, Karen Izzo, Elaine Rosoff

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 Bradford gave the invocation.

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

Item 3A. "CONSIDER CANDIDATE FOR ALTERNATE PLANNING BOARD POSITION" was added; and Item 13. "REVIEW REVISED COMMITTEE CHARTERS (BASED ON CHARTER FORMAT CHANGE PREVIOUSLY APPROVED)" was tabled to January. "Deed Restrictions" and "Dam Prices and Stump Removal Prices" were added under Parks and Rec. Bradford made a motion to adopt the agenda with these changes; Ormiston seconded the motion.

The motion passed unanimously.

3A. CONSIDER CANDIDATE FOR ALTERNATE PLANNING BOARD POSITION

Ashleigh Mock said she has lived here six years, and has done a lot of volunteering. She preferred the Planning Board alternate position although she also was interested in being on Parks and Rec. As secretary of the Master Plan Committee, she learned a lot about town planning. Ormiston asked her about the role of an alternate; and asked if any ordinance issues needed to be brought up, she did not have anything specific in mind. Bradford made a motion to appoint Ashleigh Mock as an alternate on Planning Board. Hess seconded the motion.

The motion passed unanimously.

3B. DISCUSSION OF COMPONENTS OF DOWNTOWN RESOLUTION USING APPROACH APPROVED SEPTEMBER 12TH, 2011

- Types Of Housing
 - Retirement Community
 - Work/Life Residences
 - Town Houses
 - Assisted Living
 - Other
- Density
 - Dependent on Types of Housing?
 - Only allowed in Certain Downtown Sectors?
 - Tied to Developer Exactions?

Mayor Horvath noted there are several types of retirement housing such as small houses on small lots for ages 50 or 55 plus; shall we consider them for Wesley Chapel. Bradford said she went through the Master Plan and some results were conflicting; 75% oppose density more than one house per acre, yet 65% like a range of prices. There seemed to be a dichotomy going on; speaking to people she got a range of replies but there seemed to be an acceptance of it. Brotton said there is an issue with not wanting higher density, this doesn't necessarily increase density; a lot of Wesley Chapel is not one acre lots. Retirement and density don't go hand in hand. A lot of developments have common area. Bradford said Stonegate is overall one house per acre, but most houses are not on acre lots. Langen said straight up zoning would be the best way to address lot configuration and size; an overlay could be used for design restrictions; age restrictions would be addressed in deed restrictions or HOA covenants. Jeannine Kenary asked when would sidewalks realistically be built and how would they interact with the county water detention between the park and commercial areas; Mayor Horvath noted sidewalks are required along thoroughfares and said there is an elevated walkway in Matthews that goes up to a development and is quite nice. Ormiston said the majority of people she talked to don't want condos, apartments or live/work; almost 90% did not want rental properties per the Master Plan survey. In talking to a wide range of people in different areas, there are different perceptions of retirement housing; it can be garden communities, or multi story buildings. When we zone the parcels, we can't say it must be retirement communities; if we could she would consider looking at it, but that would be the only kind she would consider. Bradford agreed it should be restricted to one or two story homes, not towers. Hess noted it depends on what developers find profitable; you can make incentives to make something more probable, our biggest problem is next to the big box. Ormiston said the parcel behind Harris Teeter is not up for sale, so it is an assumption that it would not sell or develop under the current ordinance; for example at Wesley Oaks they share a driveway with the shopping center. In the Master Plan section of housing types, the section of "strongly oppose" is much greater than any other section. People say they don't want higher density, and then you ask them what kinds of housing they like, and they tell you what they like, but they may not necessarily mean they want it

here; we need to find out what we want to do with density. Bradford said when people were answering questions they would assume they meant in reference to Wesley Chapel; she also agreed people did not want other types of housing here. In the Zoning Ordinance we could say we don't want townhomes and this area could be denser for certain types of communities; we could say we could have a conservation subdivision with average density of one house per acre. Langen agreed. Bradford said that would not open us up to higher density. Mayor Horvath said the question of density is a good one; the Master Plan did have an excellent response, but people did say clearly they prefer one home per acre. Jeannine Kenary said the Land Use Plan goal number one is one acre housing. Mayor Horvath said Wesley Chapel today is not mostly one acre housing; he is hearing townhouse, apartments and live/work is a no; most people like what they have in terms of shopping but don't want too much more; that is out of our control because it has already been established. Jeannine Kenary asked when the survey was done; around 2007. Hess said if we want to build a narrow sector with higher density it would be the only incentive to build sidewalks and green space. Tessie Morris said she is in the higher density area of Wesley Oaks and it is mostly rental and that is why most of the community is against this. Single family patio homes and homes on top of each other are not the answer; it affects traffic, sidewalks, schools and connectivity. Bradford agreed, and that is why the retirement community is the most palliative because it has less impact. She said when people said no to quarter acre housing they were thinking of that, not of retirement housing. Chuck Adams asked how you can know what people were thinking of. Bradford said when you ask specific questions and people are okay with retirement housing but not with quarter acre lots, there is a dichotomy, and they were okay with a specific type of higher density housing. Tessie Morris said there has been a lot of discussion for a long time that should be considered. Rick Morris noted the picture on the Villager of the cows is there for a reason. Bradford said everyone likes that but the reality is that landowners have the right to sell their property and it will be gone, but we can control what comes next to make it as green and friendly as possible. Mayor Horvath noted the premise of the Master Plan was the rate at which development was going on, Wesley Chapel was going to lose that feel quickly. Since then we had an economic downturn but we can have a plan for the area. A lot of things don't fit next to the stores, do you want one acre homes next to the shopping center. Jeannine Kenary noted we already have that higher density but it doesn't seem to satisfy anything. Mayor Horvath noted it is not a matter of satisfying anything, we are trying to plan for the future. Hess said what goes best next to a box store is another box store, if a developer comes in with plans for a big box, we have to consider it. Jeannine Kenary noted it is zoned residential right now and it is an assumption you won't get one acre homes there. Hess said he didn't think it would stay residential; Ormiston and Chuck Adams asked how can you say that, you don't know. Kenary said if they come and ask for re-zoning, it is already zoned residential; why would you change that and dangle a carrot. Mayor Horvath said we are having a discussion, we may not change it, we also need to talk to the landowners, but we need to know what we want. Carol Mullis asked about discussions with

landowners; Mayor Horvath said we had general conversations with only a few owners before this document. Tessie Morris said she understood landowners may have their land as an investment toward retirement, but Wesley Chapel can't take much more density at the intersections. Brotton asked if we can say only if it is a retirement community, then we can have higher density. Langen said under a CUP you can put any restrictions you want. Bradford asked if you can require road improvements at the intersections. Langen said there are a number of solutions to roadway improvements. Hess said exactions are allowed in North Carolina as long as it has a beneficial impact on the development. Jeannine Kenary asked if there are any plans for greenways. Mayor Horvath said at this juncture, no, it depends on landowners' desires. Bradford said with an R-40 conservation area, you can have green space and denser housing in a portion of the land. Mayor Horvath said you could come up with a conditional district to have either R-40 or conservation subdivision.

Mayor Horvath surveyed Council on preferences; the result was against townhouses, rental housing and work/live. Hess said the Committee was in favor of work/live; they were in favor of no more highway commercial, but thought some small work/live things were okay. He thinks there is a space for work/live, but a concern that they might rent it out and then he would not be in favor of it. Mayor Horvath then surveyed Council about assisted living; Brotton said the definition is broad citing the rehab center; Bradford said we could define it in the Zoning Ordinance. Hess said assisted living could be defined. Ashleigh Mock said someone came and explained it to the Master Plan Committee and it could be defined. Mayor Horvath agreed it could be defined narrowly enough, to avoid the things we don't want. Jeannine Kenary noted there is White Oak five miles down the road, do we also need it here. Mayor Horvath noted we were approached by someone who felt there was a need in the area for that.

Ormiston asked if retirement communities are always zoned residential or commercial. Langen said the more you get toward a clinical situation it becomes commercial. Ormiston noted you would want to define a line. Bradford asked if you would need a strip of OI or just put it in the downtown overlay. Langen said we don't re-zone, we can put together zoning districts and a developer can choose to apply for re-zoning or you can use a conditional use process. Ormiston asked for Langen to provide some documentation on this area.

Mayor Horvath asked if there were any other types of housing to consider.

Ashleigh Mock said horse farm communities were considered. Mayor Horvath said this would not typically be in the downtown.

Mayor Horvath said it sounds like we want to keep net one acre whether it is a conservation subdivision and if it is floodplain it might be palatable. Council consensus agreed.

Tessie Morris noted assisted living and nursing homes are two entirely different things, and the zoning would differ. Commercial companies usually own a skilled facility. Rick Morris asked if you couldn't change it down the road if a need arose to add assisted living. Mayor Horvath said you can always change it, but it is a twofold process you define what you want and don't define it too narrow to make the land less saleable. Jeannine Kenary asked if you have to put them in the

same spot, assisted living was defined for Highway 84 and Potter Road. Mayor Horvath noted that intersection is at least as crowded as the commercial corners. Bradford asked how we can incentivize to encourage rural areas. Langen replied with conservation subdivisions where a farmer may continue to farm his land and sell the other half of the land.

Mayor Horvath said we wanted to revisit the zones once we narrowed the types of housing. Ormiston said she would like to revisit it after we finish the individual topics. Council agreed.

4. DISCUSSION such AND POSSIBLE VOTE ON AMENDMENTS TO SUBDIVISION AND ZONING ORDINANCES

SUBDIVISION ORDINANCE

- Section 405 Road Standards and Buffering along Thoroughfares

ZONING ORDINANCE

- Article 4 .16 Applicability of Planned Right-of-Way
- Article 6.13 Transportation Impact Analysis

Langen had a handout of state law examples from NC GS 160A-307. Section 405.7 is being done by all four LARTP communities. Sidewalks are frequently done around the state. He added a requirement for sidewalks around the perimeter of a subdivision. There are two types of exactions; a physical requirement such as sidewalks is legal to do. Langen said he is trying to take the low impact route at this point. Waxhaw requires multiple entrances to major subdivisions; he is requiring multiple entrances if there is at least 150 lots. He recommended deceleration lanes but not left turn lanes because it requires bulging out the road. He didn't required acceleration lanes; you may just have to wait to get out of your subdivision. He gave examples of other cities where deceleration lanes are required; it is legal and has been upheld. He suggested changing the requirement on deceleration lanes from all major subdivisions which may only have 11 lots to those containing 120 or more peak AM or PM vehicular trips. He was comfortable with the deceleration lane and taper lane lengths as Planning Board did a complete review of that. Access distances and offsets are done across the state, he recommended 125 feet instead of 90 feet, so in case the subdivisions are on both sides of the street they would be staggered if they can't line up. Carol Mullis asked about the left hand turn lanes. Langen said it would affect land on the other side of the street and requires an improvement that is not on your own property. Mullis noted Stonegate has a left turn lane, and it wasn't on the other owner's land and is greatly needed, there is also one at Wesley Oaks. Langen said a Traffic Impact Analysis will require one if needed. Also some right of way is not platted but a maintenance right of way. Some property lines go to the center of the road. Bradford asked if you could trigger it by the number of trips; Langen thought you should trigger it from the TIA to be safe. Jeannine Kenary asked about access distances; Langen said you start with the minimums and can increase them if needed; developers can challenge them and we are requiring less than other places. Langen said in section 405.10 (f) he took out the

reference to the County thoroughfare plan and referred to adopted Village or State transportation plans. Ormiston asked about requiring sidewalks on both sides of the street in our current ordinance, and that is expensive. Planning Board will take it up at a future meeting.

Ormiston made a motion to approve the text amendment to section 405.7 including the change to the deceleration section of 120 or more peak hour trips and the change to the access distance of 125 feet instead of 90 feet. Brotton seconded the motion.

Section 12.1.10 requires a statement of why we are making the change, so Ormiston made a motion to amend her motion. Brotton seconded the motion.

The motion passed unanimously.

Ormiston made a motion to say in accordance with Section 12.1.10 it is in the public interest and safety of the Village and in accordance with the LARTP to make the proposed amendments to Section 405 of the Subdivision Ordinance including the change to the deceleration section of 120 or more peak hour trips and the change to the access distance of 125 feet instead of 90 feet, incorporated herein. Brotton seconded the motion.

The motion passed unanimously.

The approved text amendment is as follows:

Subdivision Ordinance

SECTION 405 Road Standards and Buffering Along Thoroughfares

405.7 Cul-de-sacs (Revised 03.12.01, 01.05.06 and 05.14.07)

Permanent dead end streets should not exceed six hundred (600) feet in length unless a modification is granted by the Village Council per Section 206. Said modification may be granted as part of the plat approval process. The length of the cul-de-sac shall be computed from the point where the center line of the dead end street intersects with the center of a through street to the center of the turnaround of the cul-de-sac. Where one cul-de-sac intersects with another cul-de-sac, the end of each cul-de-sac shall be no more than 600 feet from a through street, measured as stated above, unless a modification is granted by the Village Council. The ~~mi~~minimum radius of cul-de-sacs shall be sixty (60) feet and a minimum diameter of one hundred twenty (120) feet as measured from the center of the turnaround.

405.8 Improvements Within the Village Limits

Approval of the final plat shall be subject to the subdivider having installed the improvements hereinafter designated or having guaranteed, to the satisfaction of the Village Council, the installation and maintenance of said improvements.

a. Street Improvements

The following requirements shall apply to all streets within the corporate Village limits of the Village of Wesley Chapel, or if annexation of the subdivision to the Village is desired or required by the subdivider.

- (1) Grading. All streets shall be graded to their full right-of-way width. Finished grade, cross section and profile shall be approved by the State of North Carolina DOT standards as established herein.
- (2) Paving. Road base and paving shall be installed in accordance with the State of North Carolina DOT standards as established herein.
- (3) Sidewalks. For all major subdivisions, sidewalks are required along both sides of all residential streets and along any portion of property having an entrance along a major thoroughfare, minor thoroughfare or collector street, as designated by the Village of Wesley Chapel Zoning Map or adopted Transportation Plan. Sidewalks must be four (4') feet wide with four inch depth (4") concrete with a tamped base. Sidewalks shall include a minimum of two (2) feet grass or masonry material, other than cinderblock, buffer from back of curb, buffer from edge of pavement if no curb and gutter exists or is required, to sidewalk edge. Installation and maintenance requirements set forth in Section 309.1 of this Subdivision Ordinance shall apply. (Revised 09.09.02)
- (4) Curbs and Gutters. For all major subdivisions, curbs and gutters are required along both sides of all residential streets. In all cases curb and gutter shall be constructed in accordance with D.O.T. standards. (Revised 09.09.02)
- (5) Bikeways. Bikeways are encouraged, but not required, for major subdivisions. Where proposed, the requirements of Sub-section 405.9(a) (3) shall apply.
- (6) Street Lighting. Decorative pedestrian street lighting is required for all major subdivisions in which public or private streets are proposed. The outdoor lighting requirements of the Zoning Ordinance shall apply. Streetlights shall be installed at the subdivider's expense along streets of new subdivisions at minimum intervals of 120 feet and maximum intervals of 200 feet distance between streetlights on alternating sides of the street. Within the specifications mentioned above, the subdivider shall use his discretion to determine the exact locations of streetlights. (Revised 08.08.05)
- (7) Entrance-Way Lighting. Subdivision entry signs, where provided, shall be illuminated and shall meet all requirements for outdoor lighting as set forth in the Zoning Ordinance.

(8) Multiple entrances. Major Subdivisions are ~~encouraged, but not required to have more than one access to thoroughfares for emergency services purposes~~ required to have one (1) entrance from a public road for every one hundred and fifty (150) lots.

(9) Deceleration Lanes. Major Subdivisions having one hundred twenty (120) or more AM or PM peak hour vehicular trips are required to provide a deceleration lane for each entrance located along a Major or Minor Thoroughfare, as designated on the Village of Wesley Chapel Zoning Map or adopted Transportation Plan. Deceleration lanes shall be a minimum of 180 feet in length, including taper. For proposed subdivisions located on roads having a speed limit equal to or less than forty (40) miles per hour, Tapers are limited to a maximum length of half the distance of the deceleration lane. For proposed subdivisions located on roads having a speed limit of forty five (45) miles per hour or greater, deceleration lanes are limited to a maximum of length of one-third (1/3) the distance of the deceleration lane.

(10) Access distances and offsets. Entrances for Major Subdivisions are required to have a minimum 250 foot spacing from any access points or driveways, existing or proposed, along and on the same side of a Major Thoroughfare, Minor Thoroughfare or Collector road, as designated on the Village of Wesley Chapel Zoning Map or adopted Transportation Plan. Access points located across a Major Thoroughfare, Minor Thoroughfare or Collector road from a public street access point shall be aligned with the opposing street or have a minimum offset of one hundred twenty five (125) feet.

(11) Any improvements specified by an approved Transportation Impact Analysis, as required in Section 6.13 of the Village of Wesley Chapel Zoning Code.

- b. Natural Areas. Developers are encouraged, but not required, to provide natural areas for the mutual enjoyment of residents and the general public as a part of any proposed major subdivision.

405.9 Street Signs

Appropriate street name signs which meet the standards of Village/County specifications shall be placed at all street intersections at the subdivider's expense.

405.10 Street Layout

- a. Conformity to Existing Maps or Plans

Streets shall be designed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, and to the proposed use of land to be served by such streets.

b. Continuation of Adjoining Streets

The proposed street layout shall be coordinated with the street system of the surrounding area. Where possible, existing principal streets shall be extended.

c. Large Tracts or Parcels

Where land is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further re-subdivision.

d. Through Traffic Discouraged on Residential Collector and Local Streets

Residential collector and local streets shall be laid out in such a way that their use by through traffic will be discouraged. Streets shall be designed or walkways offered for dedication to assure convenient access to parks, playgrounds, schools, or other places of public assembly.

e. Permits for Connection to State Roads

An approved permit is required for connection to any existing state system road. This permit is required prior to the start of construction on any street or road. The application is available at both the Charlotte and Monroe offices of the Division of Highways.

f. Reservation of Future Right-of-Way

Whenever a tract of land to be subdivided ~~includes~~ has frontage along any part of a major or minor thoroughfare ~~shown on the Union County Thoroughfare Plan, as designated by the Village of Wesley Chapel Zoning Map or adopted Transportation plan adopted by the Village of Wesley Chapel~~ and whenever such right-of-way has been further defined by an adopted Village or State Transportation Plan ~~acceptable locational procedures sufficient to identify properties to be affected~~, a right-of-way for the major or minor thoroughfare must be platted in the location and to the width specified in the plan. The subdivider is responsible for the reservation of the right-of-way. All measurements involving minimum lot standards under this Ordinance shall be made at the edge of the full/future right-of-way thus reserved.

On Section 4.16, Mayor Horvath noted we talked about taking out “future”. Langen said this section is to reduce the cost of future road changes; we can go to the LARTP to see future right-of-ways. Hess said this is a taking based on future plans, what did our attorney say on this. Langen said the county plan will not have right of way in it; it falls back to the LARTP, Sistrunk asked what plan it was referring to. Mayor Horvath said we need to have Hess send the question to Sistrunk and revisit this section.

Section 6.13 of the Zoning Ordinance was addressed next. Langen said this is a new section and comes from the LARTP. The cost of the TIA is borne by the applicant, reviewed by Langen and transportation engineer as needed. Bradford asked if peak hours would be defined; Langen said it is a commonly used term defined by the Institute of Traffic Engineers. Bradford asked we refer to their definition. Langen will add a section to the first paragraph of Section 6.13.1 to reference where the definitions come from. Ormiston asked what recourse we have if we disagree with the conclusion of the TIA; Langen said we can hire an engineer or put a condition in the CUP. Bradford asked if it will be on the CUP checklist and will they be bound to it. Langen replied we could add it to “g” in the checklist. Mayor Horvath said we could add a reference to this section in the CUP section. Bradford said in reference to 6.13.2(c) (IV) is adjacent right next door; what about parcels two doors down. Langen said it is limiting, how far do you measure, and this can be changed after we do a couple of these. Discussion was held. Mayor Horvath noted this is verbatim from the LARTP. Langen said this comes from the DOT manual. Bradford said she was okay with it as 6.13.2(c)(iii) covers the broader impact.

Ormiston made a motion to approve the text amendment to Section 6.13 of the Zoning Ordinance, with the changes of adding a reference to the ITE manual terms, incorporated herein, and it is in accordance with the public safety, vehicle safety, pedestrian and bicycle safety; Bradford seconded the motion.

The motion passed unanimously.

The approved text is as follows:

Section 6.13 Transportation Impact Analysis

6.13.1 Applicability

The development of a Transportation Impact Analysis (TIA) is required for applicable development projects in order to maintain the capacity, function, safety and level of service for the transportation systems related to those proposed developments. Vehicular, bicycle, pedestrian, mass transit and other modes of transportation are to be considered when preparing a TIA. Terms utilized in this section are taken from the Institute of Transportation Engineers trip generation manual.

- a. Transportation Impact Analysis (TIA) is required for all development or redevelopment projects requiring a Conditional Use Permit not having a residential component and anticipated to generate more than one hundred (100) AM or PM peak hour vehicular trips.
- b. Transportation Impact Analysis (TIA) is also required for all development or redevelopment projects requiring a Conditional Use Permit having a residential component and anticipated to generate more than fifty (50) AM or PM peak hour vehicular trips.
- c. Transportation Impact Analysis (TIA) is also required for all Major Subdivisions that are anticipated to generate more than fifty (50) AM or PM peak hour vehicular trips.
- d. The fifty (50) peak hour vehicular trip and one hundred (100) peak hour vehicular trip threshold shall also apply towards multi-phased development projects where each phase may not exceed the threshold, however, cumulative trips for all phases would. In this case, the TIA would be prepared for the entire project, yet provide transportation improvement requirements to be implemented in accordance with the timing of each phase.

6.13.2 Procedure

- a. The TIA shall be submitted along with applications for Preliminary Plat or Conditional Use Permit. Cost of the TIA shall be the responsibility of the applicant.
- b. The TIA shall be reviewed by the Zoning Administrator and any Transportation Engineer contracted by the Village of Wesley Chapel on an as-needed basis. The Zoning Administrator and Transportation Engineer shall review study area, trip distribution, traffic counts, approved developments in the area, pass-by and internal capture percentages and any other issues related to the TIA. The applicant shall be required to modify the TIA in response to review comments. Reimbursement of cost for any contracted Transportation Engineer shall be the responsibility of the applicant.
- c. The TIA shall, at a minimum:
 - i. Estimate the Traffic Generated
Estimate the peak hour traffic that will be generated as a result of the proposed development. Trips should be estimated for all uses located within the development using

the standard Institute of Transportation Engineer's Trip Generation Manual, including pass-by trips, internal trip assumptions, and trip distribution assumptions;

ii. Evaluate Site Access

Evaluate site access, site distance, parking and internal circulation;

iii. Evaluate Existing Capacity

Evaluate the ability of the street network to support the proposed development;

iv. Identify Specific Improvements

Identify specific improvements to the street network that are necessary in order to support the traffic anticipated to be generated by the proposed development and any adjacent areas being analyzed, including intersection improvements, signalization, and turning lanes;

v. Identify Non-Automobile Modes

Identify specific improvements or facilities provided for bicyclists and pedestrians to support non-vehicular access and access to and within the proposed project, including sidewalks, street crossings, and multi-use paths; and

vi. Improvements Implementation Program

Include a program for proposed transportation improvements necessary to accommodate each phase of development and to maintain existing levels of service, safety and access. Identified transportation improvements should include a timeline, funding sources – including public and private matching funds, and responsible parties.

5. CONSIDER APPROVAL OF THE 2010-2011 FINANCIAL AUDIT REPORT

Brotton made a motion to approve the 2010-2011 financial audit report.

Bradford seconded the motion.

The motion passed unanimously.

6. TOWN HALL BUILDING COMMITTEE UPDATE ON ROAD ENTRANCE PROPOSAL

Brotton reported Bill Meyer was sent back to get firm numbers in writing from Aston, the initial number was about \$23,000 and had gone up to \$40,000. Brotton send out the latest floor plan, changes were made to the left side of the lobby hallway to allow for door openings; there are double doors in the hallway which were changed due to code. The committee ran into a 3-3 deadlock

regarding a second external door just below the kitchen and behind the dais. The main issue was you could not secure the rest of the building without this door during a meeting. Jeannine Kenary noted the entire building would be left open during all functions; also having the door behind the dais allows access to a daylight exit. Ormiston said we should be able to lock off the office corridor and would want to only have public access to the front bathrooms. Brotton noted it is an emergency exit and not for normal traffic. Jeannine Kenary also noted it gives cross-egress in case a fire was on one side of the room. Bradford agreed it makes sense to close off the offices and have direct egress. She asked if we want the kitchen and conference room accessible for rentals, then we need an extra door from the kitchen to the chambers or conference room.

Mayor Horvath said council consensus was to have the exterior door behind the dais. He asked that a door be considered for the kitchen; Brotton said the load bearing walls are on the outside so there are a lot of options. The dotted line in between two offices came from the clerk's suggestion. An accordion door between the conference room was brought up, it might be a code problem. Brotton said the Committee discussed uses and guidelines and a fee policy which would include deposits and a cleaning fee. Bennett will get some other town's policies.

Brotton said the ECS contract has a couple of pages of legalese, and we will have Sistrunk review it. MGES made a proposal for \$2,000 to design the dry pond. Brotton said the pond is not required, but is neighborly toward Blackstone; we could sheet off the run-off and be within standards. Ormiston made a motion to approve \$2,000 to MGES to design the dry pond. Brotton seconded the motion. Bradford asked if three quotes were obtained; Brotton said yes, this was from April.

The motion passed unanimously.

7. PARKS AND REC COMMITTEE UPDATE

- REVIEW AND POSSIBLE APPROVAL OF CONTRACT EXTENSION AGREEMENT ON PURCHASE OF REMAINING SIX ACRES OF DOGWOOD PARK

- CONSIDER COMMITTEE APPOINTMENTS

- DEED RESTRICTIONS

- DAM PRICES AND STUMP REMOVAL PRICES

Hess said as a Village we can't indemnify, so the last paragraph of the contract extension was changed to require adequate liability insurance. Ormiston asked what if the seller doesn't answer by December 29, 2011 and asked if we could close now. Bradford agreed. Hess said you have remedies of contract law. Bradford made a motion to approve the contract extension agreement; Hess seconded the motion.

The motion passed unanimously.

Mayor Horvath appointed Jerry Davis to the regular member position on Parks and Rec. Maura MacKinnon did not attend the last meeting but still intends to help.

Bradford spoke to Vonda Martin regarding the PARTF deed restriction, the options are to either accept that the deed restriction on the land under the house applies, we can subdivide out the house but it introduces setbacks and road access issues, and third we can amend the deed restriction to make it clear that the house is not included and include a survey showing the house location; Sistrunk was also comfortable with this option. Bradford was in favor of this last option. It would cost about \$500 for the deed restriction. Hess said if we tear this house down and build another, I don't think it would be covered under this exclusion, the footprint is part of the land already; the land even where the house is is under the deed restriction. Bradford said the only two non-recreations uses would be a touch down area for the deputy or a lending library for the book club. Hess said we might also store maintenance equipment for other land or long term storage of documents; he could conceive of other uses. Carol Mullis said one selling point was that this is a community center. Bradford said arts and crafts falls under the PARTF guidelines. Hess said what about a welcome center. Mayor Horvath said going with a deed restriction written correctly seems to work best. Ormiston said amending the deed restriction seems the cheapest and easiest way to go; we haven't decided on the uses of the house anyway. Mayor Horvath said if we exclude the house, we can use it for whatever purpose we want and asked Hess to have Sistrunk write it so that it excludes the house and any subsequent structures. Bradford reported on the estimates for the spillway and pipe clearing; originally Wirth got a quote for \$1,700, with volunteers clearing the vegetation the price went to \$1,500. For \$900 they will breach the dam and lower the water and clear the pipe. We would need Sistrunk to approve the contract and get an insurance certificate. TK Browne will do the work; this was previously approved by Council.

The tree stump removal requires a permit – there are four large tree stumps; we need to know who will do the work and get an insurance certificate. Discussion was held on whether this comes from the maintenance or capital budget; Ormiston said we own the 16 acres and some things will require maintenance. We made a transfer to maintenance; Bennett did research and things to make the land ready as a park should be included as part of the cost of the park. Hess said he thought this decision was already made and was based on what he thought was generally accepted accounting principles; engineering for a park is part of the capital project but other items were operating expense, he was not sure about the tree item. Ormiston noted Marvin's position where they are way over budget on their park, and noted there are a lot of costs that we should be cognizant of that have not been included in the budget. Elaine Rosoff noted we can set up a Friends of the Park to supplement the town budget.

Bennett also noted we have a \$10,000 tax bill (less what we collect from the Johnston's), she suggested we pay from Parks and Rec operating budget, and attorney bills for \$911.50 and \$140 have come in. Bradford said the removal of the trees from the dam will be considered a maintenance item. Ormiston said we want to make sure we have the cash on hand to spend for the rest of the land; she didn't want to get to the point where we overspend our budget as we haven't firmed up all the little extras that come up. Hess said he didn't think we were in

any danger of overexpending. Bradford said to move forward with the CUP process we need to spend the \$900 to clear the trees from the dam. Mayor Horvath said if the cost is to maintain the property in a safe manner, it is a maintenance expense. Ormiston asked if the \$900 includes the permit; Bradford thought it did. She will find out who will do the work and get an insurance certificate. Hess made a motion to approve the \$900 cost to remove the tree stumps contingent on getting an insurance certificate. Bradford seconded the motion.

The motion passed unanimously.

Hess asked if we have approached JDH and Aston regarding funding a deputy. Ormiston will follow up.

Bradford noted December 3 is a volunteer work day and we need waivers.

Bennett noted she still needed the waivers from the last work day.

Bradford said Wirth wants approval on the architectural renderings regarding the restrooms; Lepke asked Wirth for estimates at no additional expense before going to schematics.

Ormiston asked about the insurance payment for the roof. Bennett said as finance officer she reported the funds came in as a general revenue; Council can appropriate it however they choose. Brotton said if we have to buy a roof we have to do it, even if the \$6,900 is not enough. Mayor Horvath said there was general agreement the funds were for a roof. Elaine Rosoff asked if the roof was leaking; Mayor Horvath said it is not leaking, but it is deteriorating. Bradford asked if we can make it clear that the money is for the roof; discussion was held on whether we should put it in a restricted account. Brotton said if the roof needs fixing we must do so regardless of the cost. Mayor Horvath said we are in general agreement that the \$6,900 is to fix the roof if needed.

8. DISCUSSION ON GENERAL CONDUCT DURING MEETINGS

Hess requested this item; Mayor Horvath said instances of staff or Council mouthing words to the audience or texting messages can be seen by members of the audience, is unprofessional and defeats the purpose of an open meeting. Hess said the public senses an impropriety and it should not be done. Carol Mullis asked if in the future everyone needs to direct questions only to Mayor Horvath. He noted that we run a fairly loose Council meeting and there is interaction. Chuck Adams said Jeannine Kenary spoke at the last meeting and Hess did not have the courtesy to look up and appeared rude and disrespectful as he was rustling through papers. He asked that Council should pay attention and make eye contact with citizens who are speaking. Hess said he had papers to review and he was listening and was multi-tasking and did not intend to be disrespectful. He said we should get papers in advance of the meeting. Mayor Horvath said in the future unless it is critical and life threatening last minute items will be deferred to the next meeting.

Bradford made a motion to defer items 9-11 to the next meeting. Hess seconded the motion.

The motion passed unanimously.

9. DISCUSSION AND POSSIBLE APPROVAL OF A STANDARD FOR MINUTES
10. DISCUSSION OF POSSIBLE VILLAGE WEBSITE ENHANCEMENTS
11. TOWN SEAL DISCUSSION
12. APPLICATION FOR COMMITTEE PARTICIPANTS
Ormiston noted the application form went out and was used for the Youth Council Committee and is on the website. If there are any requested changes, please let the Clerk know.
13. OTHER BUSINESS - none
14. COUNCIL COMMENTS
Mayor Horvath asked Bradford and Hess that if there is any information in their role as liaison to please pass it forward.
15. ADJOURNMENT
Bradford made a motion to adjourn; Hess seconded the motion.
The motion passed unanimously.
The meeting was adjourned.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath