

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
WESLEY CHAPEL UNITED METHODIST CHURCH
120 Potter Road, Wesley Chapel, NC 28110
September 18, 2012 – 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 Ormiston, Council Members Brotton, Plyler and Rosoff

Others Present:

Clerk/Finance Officer Cheryl Bennett; Planning/Zoning Admin. Joshua Langen; Administrative Assistant Melody Graham

Citizens: Carol Mullis, Jeannine Kenary

The 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 Ormiston said the invocation.

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

A bullet point was added to Item 9, "Discussion of Tobacco-less Park Resolution and No Firearms in Park". Council Member Rosoff made a motion to approve the agenda with this addition; Mayor Pro-tem Ormiston seconded the motion.

The motion passed unanimously.

3. PUBLIC HEARING ON APPLICATION OF ZONING TO PARCELS ANNEXED
JUNE 30, 2012

The public hearing was opened; there being no speakers, the hearing was closed.

4. PUBLIC HEARING ON TEXT AMENDMENTS TO ZONING ORDINANCE FOR
SETBACKS AND PERMITTING OF ACCESSORY USE BUILDINGS IN
ORDINANCE 2012-09, REVISED

The public hearing was opened. Carol Mullis asked if the changes went to Planning Board. Zoning Administrator Langen did present them to Planning Board; the changes include striking the definition of "Structure, Accessory"; including the last sentence of the existing Section 10.3; including the last sentence of existing Section 10.4.4; and correcting the numbering of the sub-items in the new Section 10.8. The hearing was closed.

5. REVIEW AND DISCUSS POTENTIAL GRANTS AND GRANT WRITER POSITION
HOURS

Administrative Assistant Melody Graham reported there are a lot of governmental grants, most of which are labor intensive and requiring a match; foundation grants and corporate grants. She is primarily looking for parks and rec grants. She checked with COG to see if there would be a

problem with road grants since we don't own the roads, and it does not seem to be a problem. Active right now are sidewalk planning grants, they would be labor intensive and require the planner's time. There is a national database with pages and pages of grants. Mayor Horvath added the third category is green building grants. Melody Graham asked if she should look at matching grants; Council direction was to investigate those also. Langen noted sometimes we can use volunteer labor or matching state grants. Ms. Graham noted city designations like Tree City or Playful City or Fit Community can also help in applying for grants. Her time is allocated right now about 2-3 hours per week on privilege licenses and 9-10 hours on grants. Mayor Horvath is looking for Graham to create a database with the dates of the call for grants, deadline and eligibility and when awards are made. Melody said she has also looked for grants for the town hall, but hasn't found any pertinent ones yet. Mayor Pro-tem Ormiston said she would like to pursue the designations. Ms. Graham will investigate what is required, and report back at the second October meeting.

6. TOWN HALL BUILDING COMMITTEE UPDATE

- Discuss Town Hall building contract bids received and consider various options
- Consider awarding contract based on updated options, etc.
- Consider giving Mayor authority to sign-off on contract once reviewed by Counsel and Finance Officer

Council Member Brotton reported seven bids were received and all came in over budget. The lowest bid is Morlando Construction with a base bid of \$1,429,700; including deductions for alternates the price is \$1,353,776 which compared to the town's available budget still leaves a shortfall of \$279,455. Options are to re-bid, or negotiate with the lowest bidder. The Town Hall Building Committee voted for the architect and Mayor to negotiate with Morlando. The architect is familiar with Morlando; they were formerly Morlando and Holden. The architect called Morlando and they are comfortable with their bid numbers; and they suggested a couple of ways we could save on the project. Mayor Horvath said the question is how many changes do we want to make on the building without sacrificing its character, and is there any more funds we can allocate. Jeannine Kenary noted the bids were fairly consistent so this is what it will cost to build the town hall. Mayor Horvath noted the architect was also surprised at the bids, but the timing of the process has seen prices go up and there is also a new energy code. Mayor Pro-tem Ormiston said she was not opposed to negotiating but it may delay a re-bid. Administrator Bennett noted the Committee and Council both wanted stained trim in the Council chambers, even though it will be an additional cost (the alternate was to eliminate all stained trim except the Council desk.)

7. DISCUSS AND CONSIDER APPROVAL TO APPLY ZONING TO PARCELS
ANNEXED JUNE 30, 2012

Zoning Administrator Langen noted we advertised the zoning and gave notice and it went to Planning Board who recommended approval; he added that it meets the five finding of facts for a re-zoning. Council Member Brotton made a motion to approve re-zoning petition 12-1 to zone the parcels annexed June 30, 2012 as RUC zoning. Council Member Rosoff seconded the motion.

The motion passed unanimously.

8. DISCUSS AND CONSIDER APPROVAL OF TEXT AMENDMENTS TO ZONING ORDINANCE FOR SETBACKS AND PERMITTING OF ACCESSORY USE BUILDINGS IN ORDINANCE 2012-09, REVISED

Council Member Rosoff made a motion to approve Ordinance 2012-09 Revised, incorporated herein. Mayor Pro-tem Ormiston seconded the motion.

The motion passed unanimously.

**VILLAGE OF WESLEY CHAPEL Ordinance 2012-09, Revised
TO ADOPT ZONING ORDINANCE TEXT AMENDMENT**

THAT WHEREAS the Village of Wesley Chapel would like to preserve a satisfactory environment through the regulation of setbacks and permitting of accessory use buildings, and

WHEREAS the following text amendments address setbacks and permitting of accessory use buildings;

WHEREAS the following text amendments are found to be compatible with the 2003 Village of Wesley Chapel Land Use Plan;

ARTICLE 2

DEFINITIONS

Accessory Use or Structure

A use or structure that exists on the same lot with the principal use or structure and is customarily subordinate to or incidental to the principal use. Porches, patios and decks shall be considered accessory structures unless they are to be considered an increase in heated space of the attached structure. An increase in heated space shall be considered an addition. Separate accessory structures shall not have heated space, kitchens and bathroom facilities as part of the same building, these are to be considered separate dwelling units. In-ground pools shall be considered accessory structures.

~~Structure, Accessory.~~

~~A structure separate and subordinate to the principal structure on the same lot as the principal structure used for purposes customarily incidental to the principal structure. An accessory structure may also be referred to an "accessory building"~~

ARTICLE 10

ZONING ADMINISTRATION

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Section 10.3 Zoning and Foundation Permits

It shall be unlawful to commence the excavation or filling of any lot for the construction of a building or structure, or to begin the construction of any building or structure or part thereof, or to erect or replace a sign (except as permitted in Section 8.2) or to move, alter or add to any structure, or to begin the development of land, until the Zoning Administrator has issued a Zoning Permit for such work. No zoning permit shall be issued except in conformity with the provisions of this Ordinance unless after written order from the Board of Adjustment. No zoning permit shall be issued should the applicant(s) property be associated with any outstanding zoning violations.

10.3.1 Application for Zoning Permit

A zoning permit as well as a foundation permit is required for all residential, institutional, commercial and light industrial uses, excepting those uses delineated in Section 10.7 of this Ordinance.

A zoning permit application form can be obtained from the Village Clerk, and shall contain the following information:

- a. Non-Residential Uses - Two (2) copies of a scaled dimensional plan drawn by and certified as true and correct by a surveyor or engineer registered with the State of North Carolina which show:
(a) the exact shape, dimensions and location of the lot to be built upon, (b) the exact shape, dimensions, use and location of existing structures on the lot, (c) the exact shape, dimensions and location of the structure(s) to be developed upon the lot, (d) all set back lines on the lot once the proposed construction is completed, (e) proposed parking facilities (if required), (f) landscaping and buffering plans (if required) and (g) any other information that may be needed to insure that the proposed construction is in compliance with all applicable provisions of this Ordinance. In the event the subject property is a corner lot as defined in Section 2.2 Sub-section 2.2.41.b, the applicant shall designate which intersecting street shall be the front of the lot.
- b. Single-Family Residences - Two (2) copies of a scaled dimensional survey drawn by and certified as true and correct by a surveyor or engineer registered with the State of North Carolina which show (a) the exact shape, dimensions and location of the lot to be built upon, and (b) the exact shape, dimensions, use and location of existing structures on the lot. Upon this survey shall be sketched the following: (a) the exact shape, dimensions and area of proposed location of the proposed structure(s) to be placed upon the lot; (b) all setback lines on the lot once

the proposed residence is completed, affirmatively showing that the area of proposed location will meet all set back requirements; and (c) any other information that may be needed to insure that the proposed structure is in compliance with all applicable provisions of this Ordinance. Provided, however, that if the tract that the residence is being constructed contains ten (10) acres or more, then the person applying for the zoning permit shall not be required to provide a drawing certified by an engineer or surveyor, but shall be allowed to present a non-certified sketch in lieu thereof; provided that the residence is not to be located closer than 200 feet from any of the boundaries of the tract. In the event that the proposed residence is to be located closer than 200 feet from any of the boundaries of the tract, then the applicant shall submit a certified survey with respect to those boundaries only. The sketch submitted shall in all other respects comply ~~to~~ with the requirements set forth above. In the event the subject property is a corner lot as defined in Section 2.2 ~~Sub-section 2.2.41.b~~, the applicant shall designate which intersecting street shall be the front of the lot.

- c. Accessory Buildings on Residential Property and Buildings for Agricultural Purposes - Two (2) copies of a sketch which show: (a) the shape, dimensions and location of the lot to be built upon; (b) the shape, dimensions, use and location of existing structures on the lot; (c) the shape, dimensions, use and location of the accessory or agricultural structure(s) to be placed upon the lot; (d) all setback lines on the lot once the proposed accessory building is completed; and (e) any other information that may be needed to insure that the proposed accessory structure(s) will be in compliance with all applicable provisions of this Ordinance.
- d. A fee for processing each application for a zoning permits as well as foundation permits shall be charged by the Village in accordance with an adopted fee schedule. Each structure requires a separate zoning permit and foundation permit application and, therefore, a separate fee. The fee shall be as established from time to time by resolution of the Village Council, and must be paid by ~~certified~~ check; or cash at the time an application for a zoning permit is received by the Village. If processing of a zoning permit application necessitates plan review by the Village Engineer, all costs incurred associated with said review shall be reimbursed by the applicant. **(Revised 10.11.04)**

10.3.2 Approval Process

The Zoning Administrator shall promptly review each Zoning Permit application, examine the accompanying plans and specifications, and may inspect the premises upon

which the proposed structure is to be built. A permit shall be issued or denied within thirty (30) calendar days of receipt of application. Failure to issue a zoning permit shall constitute denial. After obtaining a zoning permit from the Zoning Administrator, the applicant shall apply to Union County for a building permit. All building inspections in the Village of Wesley Chapel shall continue to be done by Union County. Zoning permits for conditional uses shall be issued only after the final plans have been approved by the Village Council, as set forth in Section 6.3. (*Revised 03.31.01*)

10.3.3 Conditions for Approval

Zoning permits issued on the basis of dimensional plans approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement, or construction that differs from that authorized shall be deemed a violation of this Ordinance and shall be subject to any and all sanctions as indicated under Section 1.5.

10.3.4 Denial of Permit

If a zoning permit is denied, the Zoning Administrator shall specify the reasons for denial in writing and transmit the written denial within five (5) days of his decision to the applicant by first class mail.

10.3.5 Expiration of Zoning Permit

Any zoning permit shall become invalid unless the work authorized by it shall have been substantially begun within a period of six (6) months of the date of issue of the permit. Once a zoning permit has expired, construction work on the lot(s) in question cannot proceed until a new zoning permit is issued.

10.3.6 Right of Appeal

The applicant may appeal the Zoning Administrator's denial of any such zoning permit to the Board of Adjustments. Appeal of denial of a zoning permit must be made in writing and must specify the grounds thereof and said appeal must be received by the Zoning Administrator and the Village Clerk within ten (10) days of receipt by the applicant of the written notice of denial of a zoning permit application, or the passage of the time period specified in Section 10.3.2 which constitutes denial has occurred.

10.3.7 Records

The Zoning Administrator shall maintain a record of all zoning permits on file, and copies shall be made available upon written request by interested parties. A fee for these copies may be assessed.

10.3.8 Foundation Permit and Survey

A foundation permit application form can be obtained from the Village Clerk, and shall contain the following information:

Upon construction of a building foundation (subsequent to the issuance of a zoning permit for that building or structure) the applicant shall be required to submit a foundation permit application and a copy of the foundation survey of that building or structure to the Zoning Administrator in order to ensure that the foundation is in accordance with all applicable setback and bulk requirements. The foundation survey, in scaled form and certified as being accurate by a surveyor or engineer registered with the State of North Carolina, shall show the location of the foundation on the lot and all applicable front, side, and rear yard setbacks. Failure to submit this foundation survey may result in the denial of a Certificate of Compliance.

Accessory Buildings other than detached garages or pool houses on Residential Property as well as Buildings for Agricultural Purposes shall be required to submit two (2) copies of a non-certified foundation sketch which show: (a) the shape, dimensions and location of the lot as built upon; (b) the shape, dimensions, use and location of existing structures on the lot; (c) the shape, dimensions, use and location of the accessory or agricultural structure(s) foundations as placed upon the lot; (d) all setback lines on the lot once the proposed accessory building is completed; and (e) any other information that may be needed to insure that the proposed accessory structure(s) will be in compliance with all applicable provisions of this Ordinance. Detached garages, in-ground pools and pool house accessory structures shall be required to submit a certified foundation survey if they are to be located within five feet (5') of any setback line.

Should the Zoning Administrator find that such foundation survey is not in compliance with the applicable provisions of this Ordinance; the applicant shall be so advised in writing within five (5) days of receipt of such foundation survey. If corrective action is not taken by the applicant within five (5) days of receipt of such notice, the Zoning Administrator may revoke the Zoning Permit; in which instance he shall so notify the Union County Office that issued the Building Permit, and a violation of this Ordinance shall be deemed to exist, and any and all sanctions under Section 1.5 shall apply.

The requirements for foundation survey submittal shall be waived if the structure is a single-family dwelling or manufactured home located on a tract of at least ten (10) acres in area and the proposed dwelling is also at least two-hundred (200) feet from the boundaries of the tract.

Section 10.4 Certificate of Compliance

No building hereafter erected or structurally altered or changed in use shall be used or occupied until a Certificate of Compliance has been issued by the Zoning Administrator. Such certificate of compliance shall state that the building or portion of a building is in compliance with the provisions of this Ordinance, with the information stated on the zoning permit, and with the Foundation Survey

10.4.1 Application for a Certificate of Compliance

~~A Certificate of Compliance may only be issued after a fee has been paid in accordance with an adopted fee schedule and written application for same has been made in which the applicant must state that the building or structure erected or altered or changed complies in all respects with this Ordinance, or the zoning permit previously issued and/or (in the case of any building) the and an approved zoning permit, and Foundation Permit and Survey (if applicable) has been previously submitted and accepted approved. If the application for certificate of compliance is for any building, the application shall include a scaled, dimensional plat drawn by and certified as accurate by a surveyor or engineer registered with the State of North Carolina which affirmatively shown that the building or structure was erected in compliance with this Ordinance and the zoning permit previously issued. Provided, however, for residential properties only, that the tract that the residence is constructed contains ten (10) acres or more, then the person applying for the certificate of compliance shall be allowed to present a non-certified sketch in lieu thereof, provided that the residence is not to be located closer than 200 feet from any of the boundaries of the tract. In the event that the proposed residence is to be located closer than 200 feet from any of the boundaries of the tract, then the applicant shall submit a certified survey of the improvements with respect to those boundaries only. The sketch submitted shall in all other respects comply to the requirements set forth above.~~

The requirements for a compliance certificate shall be waived for accessory buildings.

10.4.2 Review of Certificate of Compliance (Revised 10.11.04)

The Zoning Administrator shall take all necessary action to assure applicant's compliance with this Ordinance, or the zoning permit and/or the foundation survey (if any) prior to issuing a Certificate of Compliance and shall make written findings that applicant has complied with the zoning permit. After making such findings, the Zoning Administrator may issue a certificate of compliance. If review of an application for a Certificate of Compliance necessitates review by the Village Engineer, all costs incurred associated with said review shall be reimbursed by the applicant.

10.4.3 Denial of Certificate of Compliance

In the event the Zoning Administrator finds that the applicant has not complied with this Ordinance, or the zoning permit previously issued, and/or the foundation survey (if any) previously submitted and accepted, he shall notify the applicant of same stating in writing the reasons, therefore, by first class mail.

10.4.4 Appeal

The applicant may appeal the Zoning Administrator's denial of any such certificate of compliance to the Board of Adjustment. Appeal of denial of a certificate of compliance must be made in duplicate written form, state the grounds thereof, and be received by the Zoning Administrator and the Village Clerk within ten (10) days of applicant's receipt of written notice of denial of said certificate of compliance.

Section 10.5 Fees

A fee for processing each application for a zoning, foundation or compliance certificate permit shall be charged by the Village and shall be in accordance with an adopted fee schedule. In the event of construction of multiple structures on a single lot at the same time, each structure is required to be permitted, approved and charged a separate fee for zoning, foundation and compliance permit applications. The fee shall be as established from time to time by resolution of the Village Council, and must be paid by check or cash at the time an application for a zoning permit is received by the Village. If processing of a zoning permit application necessitates plan review by the Village Engineer, all costs incurred associated with said review shall be reimbursed by the applicant.

Section 10.56 Remedies

Violation of this Article shall subject the violator to those enforcement and penalty provisions as set out in Section 1.5 of this Ordinance.

Section 10.67 Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint with the Zoning Administrator. Such complaint shall state fully the precise nature of the violation and shall be filed with the Zoning Administrator. The Zoning Administrator shall record properly such complaint, immediately investigate, and take action as provided by this Ordinance.

Section 10.78 Zoning Permit Not Required

Notwithstanding any other provisions of this Ordinance, no zoning permit is necessary for the following uses:

- (1) Street construction or repair.

- (2) Electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way.
- (3) Specific signs exempted in Section 8.2 of this Ordinance.
- (4) Mailboxes, newspaper boxes, walls, fences, birdhouses, flag poles, pump covers, and doghouses under fifteen (15) square feet of gross floor area.
(Added 09.09.02)

Section 10.89 Early Vesting Of Development Rights Upon Approval Of Site Plan

Pursuant to G.S. 160A-385.1 and notwithstanding any other provision of this Ordinance or amendment thereto, a landowner may apply for a site specific development plan approval which shall entitle said landowner to develop property in accordance with said site specific development plan. The procedure for establishing a vested right is set forth in this Section 10.89.

10.89.1 Definitions

For the purpose of this Section only, the following definitions shall apply:

1. Landowner
Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of such owner. The landowner may allow a person holding a valid option to purchase to act as his agent or representative for purposes of submitting a proposed site specific development plan in the manner allowed by this Ordinance.
2. Property
All real property subject to zoning regulations and restrictions and within the jurisdiction of Wesley Chapel.
3. Vested Right
The right to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan.

10.89.2 Submission Of A Site Specific Development Plan

To apply for a vested right, a landowner shall first submit to the Zoning Administrator a site specific development plan. The plan shall be submitted in completed form (i.e., contain all information as herein prescribed) with a fee (in

accordance with a fee schedule adopted by the Village Council) and an accompanying application which, at a minimum, shall contain the following information:

- A. All information listed in Section 6.3 of this Ordinance.

Once the Zoning Administrator deems the site specific development plan to be complete, he shall schedule it to be reviewed by the Planning Board at their next regularly scheduled meeting. The Zoning Administrator must receive the complete plan at least ten (10) days prior to the Planning Board's next meeting date to place it on their agenda.

10.82.3 Planning Board Review And Recommendation

Once the site specific development plan is forwarded, the Planning Board shall review the application and make a recommendation to the Village Council. The Planning Board shall have up to forty-five (45) days from their first meeting date to make such recommendation. Alternatively, the Planning Board may request additional information of the applicant in order to aid them in their review of the application. Such request may include additional data in addition to that listed in Section 6.3 of this Ordinance as deemed necessary. If no recommendation is made during said forty-five (45) day period (except as herein provided) the application shall forthwith be forwarded to the Village Council without a recommendation.

10.82.4 Public Hearing

Upon receipt of the plan and the recommendation from the Planning Board, if one is forthcoming, the Village Council shall schedule a public hearing. Notice of the Village Council public hearing shall be given as follows:

- A. A notice shall be published in a newspaper having general circulation in Wesley Chapel once a week, for two (2) successive weeks, the first notice to be published not less than ten (10) days nor more than twenty-five (25) days prior to the date established for the hearing.
- B. At least one (1) notice shall be conspicuously posted on the subject property at least ten (10) days prior to the public hearing. Such notice shall state the nature of the public hearing and the date, time and location at which it is to be held. The notice shall be removed only after the public hearing has been held
- C. A notice of the public hearing shall be sent by first class mail by the Zoning Administrator to all contiguous property owners at least ten (10) days prior to the public hearing.

10.82.5 Village Council Action

Once the public hearing has been conducted and concluded, the Village Council shall determine whether or not to approve the site-specific development plan and accord the vested right. In approving an application for vested rights of a site specific development plan, the Village Council may attach fair and reasonable ad hoc conditions which tend to support the requiring finding of facts as herein listed.

The petitioner shall be given reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Village Council.

The Village Council may not require the landowner to waive his vested right as a condition of developmental approval.

The Village Council may approve the site specific development plan if it has evaluated an application and determined that:

- A. The use meets all required specifications of the Zoning Ordinance, and
- B. The use will not materially endanger the public health, safety or general welfare, and will not substantially injure the value of adjoining property if located where proposed. Conditions, if any, placed on the site specific development plan by the Village Council shall be adequate to fully satisfy this requirement.
- C. If the site specific development plan is vested for a period of greater than two (2) years, this decision shall be based on one or more factors so described in Sub-section 10.8.6 of this Ordinance.

The burden of proof of producing evidence to support these findings (and to overcome any challenges that approval of the site plan would be contrary to one or more of these findings) shall rest entirely with the landowner.

If the use or development for which the site specific development plan is submitted is a conditional use, the Village Council may approve the site specific development plan contemporaneously with the approval of the conditional use permit. In no case, however, may a site specific development plan be approved for a use or development which requires the issuance of a conditional use permit without the conditional use permit having first been issued.

10.82.6 Effect Of Approval

The effect of the Village Council approving a site-specific development plan shall be to vest such site plan for a period of two (2) years from the date of approval.

If the landowner requests, however, the Village Council may approve a vesting period not to exceed five (5) years from the date of approval. The vesting of any site plan beyond a two (2) year period may only be authorized by the Village

Council where it is found that due to **(i)** the sizing and phasing of the development; or **(ii)** the level of investment; or **(iii)** the need for the development; or **(iv)** economic cycles; or **(v)** market conditions, building permits for all phases of the development cannot be secured within two (2) years.

A vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site specific development plan as provided for in this Section. Failure to abide by the terms and conditions placed upon such approval will result in the forfeiture of the vested right previously accorded.

A vested right, once established as herein provided, shall preclude any zoning action by the Village which would change, alter, impair, prevent, diminish or otherwise delay the development or use of the property as set forth in the approved site specific development except under the following conditions:

1. The affected landowner provides written consent to the Village of his desire to terminate the vested right; or,
2. The Village determines, after having advertised and held a public hearing, that natural or man-made hazards exist on or in the immediate vicinity of the property which pose a serious threat to the public health, safety and welfare if the project were to proceed as indicated in the site specific development plan; or,
3. Compensation is made by the Village to the landowner for all costs, expenses, and other losses incurred including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and any other consultant's fees incurred after approval together with interest thereon at the legal rate until paid; or,
4. The Village determines, after having advertised and held a public hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the Village of the site specific development plan; or,

5. Upon the enactment or promulgation of a State or Federal law or regulations which precludes development as contemplated in the site specific development plan. In such case the Village may (after having advertised and conducted a public hearing) modify the affected provisions upon a finding that the change in State or Federal law has a fundamental effect on the plan.

Any public hearing called for in Sub-sections 10.89.6 (4 and 5) herein shall be conducted by the Village Council and advertised as indicated in Sub-section 10.89.4. Recommendation by the Planning Board and final action by the Village Council shall be undertaken provided in Sub-sections 10.89.3 and 10.89.5, respectively.

Once a vested right is granted to a particular site-specific development plan, nothing in this Section shall preclude the Village from conducting subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided such reviews and approvals are not inconsistent with the original approval.

10.89.7 Revocation Or Expiration Of A Vested Right

The vested right resulting from the approval of a site-specific development plan may be revoked by the Village Council as provided for in Sub-section 10.89.6. In addition, a revocation may occur if the Village Council determines that the landowner has failed to comply with the terms and conditions of the approval or with any other applicable portion of the Zoning Ordinance. The vested right shall otherwise expire at the end of the approval period established by the Village Council.

10.89.8 Revocation Of Building Permit

A building permit issued by the Union County Building Inspector pursuant to G.S. 160A-417 may not be revoked because of the passage of time regarding a piece of property for which a site-specific development plan has been approved and the vested right period has not otherwise expired.

~~10.89.9 Amendments To The Zoning Ordinance~~

~~The establishment of a vested right on a piece of property for a site-specific development plan shall not preclude the Village from establishing and enforcing on the property any additional regulations (adopted during the time the vested right was in effect) which are general in nature and applicable to all property subject to the regulations of this Ordinance.~~

NOW, THEREFORE, BE IT RESOLVED that the Village of Wesley Chapel Council hereby adopts the above listed Zoning Ordinance text amendments.

Adopted this __11__ day of __June__, 2012; Revised Sept. 18, 2012

Attest:

Cheryl Bennett, Clerk

Mayor Brad Horvath

9. PARKS AND REC COMMITTEE UPDATE

- Update on wells

Mayor Horvath noted that the plans on the town hall access road were signed off and delivered to Aston last week.

Mayor Pro-tem Ormiston said there are two wells at Dogwood Park. Neither one is in use, one has a pump and can function, the other cannot function. Sewer piping has to go near the wells, and requires ductile iron or abandoning the wells. The architect suggested we might save 15-20% if we contract to fix or abandon the wells directly. There are strict rules on abandoning wells. We need to give direction on whether the wells should be in the drawings and bid.

Ormiston and Rosoff said we want to close the well near the parking area because it would eliminate three parking spaces. Council consensus was to get the price to cap one well and fix the other and take it out of the bid specs.

- Status of permits and bidding timeline

Permits are ready to mail to the engineer; outstanding items are signs, information from NC Wildlife such as how much clearing is needed, and then we can probably go to bid in October. The propane tank has to be moved; Council Member Rosoff is meeting with Piedmont Gas to see the price of a line to the house. The architect asked about the electrical requirements for a future pond aerator; he is working with John Lepke on it.

- Discussion of tobacco-less park resolution and no firearms in park

Mayor Pro-tem Ormiston said the committee discussed rules for the main park sign. She sent an email to the attorney to see if we could have a rule prohibiting firearms and weapons, but still allowing knives for fishing. Other rules include no skateboarding or unauthorized motor vehicles. There will be no swimming signs at the lake.

The County has a no smoking ordinance; and Ormiston would like to put an ordinance on the next agenda to have a tobacco free park; she asked if anyone objected to this. Council Member Brotton opposed it. Administrator Bennett said if you are going to consider a tobacco free ordinance you might want to cover all town property, other ordinances even include things like a shuttle bus to the park. Council Member Brotton said he only supports a tobacco-free ordinance in enclosed areas, not in the park. Council Member Plyler said tobacco can also be a problem

outside. Mayor Horvath noted it also brings a litter problem. Consensus was to pursue a resolution regarding tobacco use.

Mayor Pro-tem Ormiston said the concealed carry law has changed and you are allowed to have a concealed carry weapon in the park unless we prohibit it. Council Member Brotton asked if we should allow people to defend themselves. Discussion was held on how best to ensure safety in the park. Council Member Ormiston will research what neighboring parks are doing. Council Member Brotton asked what the penalty is for violating the tobacco or firearms ordinances. Council Member Rosoff said Parks and Rec would like a sign on the corner of Lester Davis and Highway 84 instead of at the driveway for better visibility. Mayor Pro-tem Ormiston checked with the Zoning Administrator and he said it would be okay regarding the CUP. We probably also have room for a "Welcome to Wesley Chapel" sign should we decide to do that. There will be a small sign at the driveway entrance too. The walkway to cross Highway 84 will stop at the easement; the architect is still awaiting DOT approval.

10. **CONSIDER APPROVAL OF CHANGES TO GENERAL POLICY AND PROCEDURES FOR COMMITTEES**

Administrator Bennett presented changes to Item I regarding scheduling or cancelling a committee meeting, (Council made some further changes), and Item J to allow terms as specified in the committee charter. Council revised Item A. to delete "or the area of consideration", and Item B. to add "consecutive" and delete "unexcused" in two places.

Council Member Plyler made a motion to accept these changes to the "General Policy and Procedures for Committees", incorporated herein. Mayor Pro-tem Ormiston seconded the motion.

The motion passed unanimously.

Approved: Nov. 17, 2009, amended March 16, 2010, amended Sept. 18, 2012
General Policy and Procedures For Committees

Council has a responsibility for the creation and management of all ad hoc and standing committees. Council shall determine the term length of standing committees. (This policy does not apply to Planning Board or Board of Adjustment.)

A. Appointments are made to committees by the Mayor. Any resident of Wesley Chapel is eligible to serve on appointed committees. No person may be appointed, serve or in any way be associated with any committee if that person has unpaid financial obligations to the Village. Such obligations include past due taxes, privilege licenses, or other fees more than 60 days in arrears and any unpaid citations issued by any agency of the Village, unless such obligations are under contestation. A person becomes eligible to serve once the Village Finance officer or Village Clerk certifies that all financial obligations to the Village of Wesley Chapel have been satisfied.

B. Whenever any appointee shall incur three consecutive absences, said appointee's failure to attend shall be reported by the presiding officer of the respective committee. Such absences on the part of any appointee may, at the election of the Chairman of the Board, be deemed to constitute resignation on the part of the appointee, from such committee. Excused absences are

defined as absences caused by events beyond one's control and are subject to approval by the committee on which the appointee is serving.

Upon such resignation and acceptance, the committee may recommend a replacement from the applications of person who applied for the last vacancy on such committee.

Appointments are made by the Mayor.

C. Appointees must uphold Village policies pertaining to the committee on which he/she serves.

D. In the event an issue comes before a committee and a member of that committee has a financial, personal, or employment related interest in the outcome of the issue, that member should notify his/her fellow members that he/she has a potential conflict of interest and request that he/she be excused from voting. All committee members will abide by the Wesley Chapel Ethics Policy.

E. Each year committees should turn in a budget for their projected initiatives. Budgets should be turned into the Village Administrator according to the budget calendar. Any expenditures within the approved budget must be approved by the Council liaison to that committee and be submitted to the Budget Officer for payment. Expenditures must follow the guidelines of the current Purchasing Policy. All unbudgeted expenses (with no prior discussion or beyond budget allocation) must be presented to Council before payment will be made. Committees are not empowered to contractually obligate the Village financially, unless empowered by Council.

F. The Mayor and Council Members will have available to him/her a list of all Village appointments with following data provided:

1. Name of committee
2. Brief function of each committee
3. Motion or statute creating commission
4. Number of members and terms of office
5. Current members, addresses, phone numbers, terms of office, numbers of terms served, and term expiration dates
6. Regular meeting day, time and location

G. All applications received shall be retained for at least one (1) year.

H. All committees are ad hoc and serve at the pleasure of Council.

I. Committee liaison or chair or vice chair may schedule a meeting three business days before the meeting, or cancel a meeting two days before the meeting. Notice will be given to the clerk to post to comply with open meetings law.

J. Committees

1. Elect chairperson and secretary for a term as specified in the committee charter.

2. Committees should be appointed for a specific purpose or to complete a specific task or project, and should not deal with matters outside of that specific charge.
3. Committees shall have a council liaison, and at that time determine the role of the committee.
4. Committee conducts regularly scheduled meetings, open to the public, with actions recorded and notes taken. Open meetings laws applies to all committees.
5. Committee must submit to the Village Clerk approved written meeting minutes on a timely basis. Clerk to distribute minutes to Council. Committees may present to Council at Village meetings, as necessary.
6. Request and Approval for funds shall be submitted to Council based on budget cycle.
7. It is the responsibility of the Council Liaison to ensure committee member decorum.

11. COUNCIL COMMENTS

Mayor Pro-tem Ormiston noted there will be volunteer work days at the park on Saturday October 13 and Sunday November 11 from 10 am to 3 pm. Mayor Horvath noted the MUMPO meeting is tomorrow night; he also had emailed an article about the Harris Teeter 201 Central stores; Wesley Chapel is one of two locations that will be getting a 201 Central store. Mayor Horvath noted there was a change in the posted speed limits on Waxhaw-Indian Trail Road; and he is checking with Sean Epperson at NC DOT about it.

12. ADJOURNMENT

Council Member Brotton made a motion to adjourn; Mayor Pro-tem Ormiston seconded the motion.

The motion passed unanimously.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath