

VILLAGE OF WESLEY CHAPEL  
COUNCIL MEETING MINUTES  
WESLEY CHAPEL UNITED METHODIST CHURCH  
120 Potter Road, Wesley Chapel, NC 28110  
September 9, 2013 – 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; Interim Planning/Zoning Admin. Bill Duston; Attorney George Sistrunk

**Citizens Present:** John Banegas, Carmen and Gustavo Arevalo, Daphne Koenigsberg, Peggy Thewes, Susan Winchell, Sandy Fenn, Charles Leiner, Julie Brown, Paul Mateosky, Marie Knox, Jeannine Kenary, W.B. Figuereo, Carol Mullis, Judy Castellion, Diana Bowler, Chuck Adams, John Bowen, Carol Mullis, Drew Rouzer, Van & Katherine Southard, Mr. Gamble, Robert Reddick, Joan Beaulieu, John Lepke, Pete Fridrich, Mitch Davis, Carnetta Rohland, Elizabeth & Jon Schrader, Chris Killion, William Rodriguez, Francisco Espinosa, Gayle & Ray Schreyer, Elizabeth Austin, Loren & Kathryn Koski, Matt Nelson, JN & G Heaton, Chris Maupin, Larry Gordon, Bill Gwinn, John Carmichael, Mike Como

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 gave the invocation.

2. PUBLIC COMMENTS

Diana Bowler said the house at Dogwood Park is much needed, and asked Council to reconsider keeping it for committee and group functions. She said EMS is requesting a separate building; but the fire station is at 60% of capacity; ask them to revamp their space.

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

Mayor Pro Tem Ormiston made a motion to approve the agenda; Council Member Rosoff seconded the motion.

The motion passed unanimously.

4. PUBLIC HEARING ON RE-ZONING REQUEST RZ 13-2 FOR 125 ACRES (OF 175 ACRE PARCEL 06042012A) AT POTTER ROAD AND BEULAH CHURCH ROAD FROM R-40 TO R-20.

The Public Hearing was opened. Bill Duston stated this is a request to re-zone 125 acres from R-40 to R-20; if re-zoned anything allowable under R-20 could be done, there is not a condition attached. There are four options, you can approve, deny, shrink the area, or kick it back to

Planning Board but it already went back to them once. Planning Board voted 3-2 to deny the request. He added that you need to do a statement of reasonableness and consistency with the Land Use Plan and Map with your decision. Mr. Duston said the Land Use Plan calls for low density residential development in this area with approximately one acre gross per home. You are not bound by the Land Use Plan, and any decision is not subject to judicial review.

John Carmichael, an attorney for Meritage Homes from Charlotte spoke. He said the applicant is seeking to amend their application to re-zone 71 of the 125 acres. Per Section 12.1.5 you can do this in your discretion. He showed a map and said the remaining acreage would remain R-40; he noted there are no cluster provisions or conditional zoning under our ordinance.

Rob Reddick from Charlotte and representing the McAdams Co. spoke; he said to the east there is 22 unbuildable acres of floodplain, to the west a power line easement, and to the south 12.15 acres with a creek. It would be costly to cross the creek. To the north is Potter Road. For erosion control they will put in a silt fence and erosion control devices, risers and skimmers. He described the process including inspections weekly and after any rainfall.

Drew Rouzer from Charlotte with Meritage Homes spoke; he said since 2004 he has developed land in municipalities around Charlotte, and he reviewed a list of accolades on Meritage Homes. He described the spray foam insulation they use and showed pictures of model homes. He said they could cross the creek to get five houses on 12 acres, but it buffers the other areas, and they are left with 71 acres to build on.

Citizen comments were heard next.

Joan Beaulieu, from Heather Glen, said she has been here since the Village incorporated, there have been citizen surveys, the Master Plan, the Land Use Plan always called for low density residential; she said Meritage Homes wants special and preferential treatment. She urged Council to not re-zone.

Peter Fradrich, from Quintessa, said he thinks it is good to have some building, and was in favor of the re-zoning.

Jon Schrader from Heather Glen said he has been here 17 years; the first year the Village was incorporated all residents were surveyed and the majority wanted one home per acre, and have not changed their minds since. He asked governing officials not to forget the priority of the majority of residents for one acre per house.

Judith Castellion said she retired to Wesley Chapel and moved in in 1999 and what sold them on Wesley Chapel was the one house per acre. She urged they maintain that, and said once the door is opened you can't close it; she was against re-zoning.

Diana Bowler urged Council to deny the request, she said the community was built on current zoning and it would change the structure and reputation of the community.

Gayla Adams, from Wesley Woods where not every lot is one acre, said she is privileged to know some residents who formed the village and they had the forethought to keep low density. She did not deny change but said it has to be in the right way. The Land Use Plan was written for low density and until changed, needs to stay that way; she urged that Council deny the request.

John Bowen from Wesley Woods and an alternate on Planning Board said the Board was incorrectly shown a site plan; and with the information given there is less disruption with R-20 than R-40, the density will be the same or lower. He spoke as an individual and was in favor of reducing the area to 71 acres and approving.

Chuck Adams is from Wesley Woods since 2001 and on Planning Board for 8 years. As an individual he went through the Land Use Plan and it addresses how we want R-40 as a Village;

in meetings in 1998 people said they wanted R-40, a survey in 1999 called for low density, over 5 public hearings in 2003 called for low density, in 2008 the Master Plan did a survey and over 68% of the Village said they wanted R-40, in 2011 the Downtown Committee presented their Resolution which was denied because the people wanted R-40. As to the history of the land he said it was annexed by a Mr. Adams, the family later wanted R-20 and it was denied, there was a lawsuit which we won, another developer wanted R-20 on this land and was told no, a developer tried to develop it at R-40 but the economy tanked. The Land Use Plan clearly states R-40; there would be an impact to traffic and schools. This would also set a precedent; we already have three others asking for re-zonings. He urged Council to deny the re-zoning.

Chris Maupin passed; he said his concerns were adequately expressed.

Larry Gordon from Embassy Court has been here 11 years, and he bought his lot because it was R-40 and wanted a place where you did not have crowded small lots; he was against the re-zoning.

Rick Beaulieu said he was here when the Village was incorporated, as an umpire you can't favor one team over another, rules are rules and you need to enforce them; you have a responsibility to all the citizens. The Village Mission Statement says you govern in the best interests of all the citizens, this would set a precedent and open the Village to other greedy developers and expose the Village to lawsuits.

Bill Gwinn said he has been a landowner here for 25 years, and on the original Planning Board. The reason Wesley Chapel was able to incorporate quickly, all the land was already listed by the County as R-40, so that is what they put in their charter, and Union County granted it. He thought the article in the Union County Weekly had been written by these guys, because it said our ordinance allowed 40 houses per acre, and these guys wanted 26, citing errors. He said he has friends in South Park, and every time it rains, their basement floods. All these developers are from Charlotte, he came out here because he wanted an acre or more. The people are speaking, please listen.

Jeannine Kenary said this has already been well said, but please deny the re-zoning request.

Bill Duston said he just found in the Land Use Plan that it does say the minimum lot sizes is 40,000 square feet.

The Clerk read citizen comments from emails that had been received.

The first is from David Boyce, as follows.

“My name is David Boyce and I serve as an alternate on the Village of Wesley Chapel Planning Board. Unfortunately, I have another meeting tonight and cannot attend this public hearing. Thank you for considering my thoughts and opinions via this written message.

As a resident, I am opposed to the possible rezoning. I have lived in Wesley Chapel for more than 30 years and I agree with the majority of our citizens that desire the rural character of our village. I believe that rezoning this property will open the floodgates to more and more R20 zoning requests.

At our August 26 Planning Board meeting, Bill Duston asked that we substantiate our recommendation with statements of consistency and reasonableness. I believe our decision to deny rezoning of this property is consistent with our current land use plan. I believe that our current plan is agreeable with the people that make Wesley Chapel their home. And I believe our decision was reasonable. We are working in harmony with the feedback that has been developed from our citizens.

Thank you, again, for allowing me this opportunity to share my thoughts. Wesley Chapel is more than just an investment for me. Wesley Chapel is my home.”

Second email:

“Dear Sir or Madame:

I moved into Wesley Chapel back in 2002. I had been looking for a place to have a home built for several years. One of the biggest features that I was interested in was the lot sizes. I have lived in Long Island, New York for seven years and even down here in Charlotte, where I was so close to my neighbors I honestly believed if I sneezed, that they would hear me and say “God Bless You.” This proposed new zoning is NOT what Wesley Chapel is all about. I do not know if anyone has noticed, but the traffic has gotten tremendously bad of late. I make a point of not taking the road that goes by the proposed rezoning (Potters) at certain times of the day as when I reach the turn off toward at Wesley Chapel Rd and Potters Rd, I can be stuck there for 20 minutes or more trying to make the turn toward HWY 84. And that is without the new development!

Wesley Chapel’s ambiance is the fact that we have R40 zoning. To change it for a development to R20 goes against everything Wesley Chapel is. Do not allow this to happen. I invite everyone to come to that corner or even the one at Potters Road and HWY 84 and see the vastly increased traffic that now goes through Wesley Chapel. I moved out of Charlotte and then Matthews out to here to get away from this!

I like seeing the farms as I drive through. I enjoy the clean air that we have without all the car emissions that Charlotte suffers with bad ozone. This harmful air has the weathermen declaring codes on whether it is safe to breathe the air we live in or go outside! The schools are the top in North Carolina and will stay that way without an influx of new developments. Union County was recently written up for having increased visitors, one, if not, the highest in the state. Trust me; they are not coming for the developments! I enjoy being able to see deer and rabbits in my backyard. New developments would be a deterrent to them living here.

DO NOT ALLOW R20 ZONING or the spirit of what is Wesley Chapel will soon be gone!

Sincerely, Leslie and Ed Harty”

Third e-mail:

“I’m sending you this email because I am unable to attend the public hearing regarding the rezoning request from R40 to R20.

As a resident/homeowner in Wesley Chapel, I urge you to uphold and maintain the R40 ordinance without exception.

I believe that the quality of life within Wesley Chapel would be negatively impacted if the R40 ordinance is not maintained. If this (and any other) rezoning exception is allowed, the goal/design/vision of Wesley Chapel would be severely negated. We must maintain our vision for a low density community to support the quality of life and the reason that many residents have chosen to live here in Wesley Chapel.

Please read these comments at the public hearing on this subject, on Sep 9th at 7pm at Wesley Chapel United Methodist Church, 120 Potter Road. Again, I urge you to not grant any exceptions to R40 ordinance and maintain the quality of life that we enjoy here in Wesley Chapel.

Thank you,  
Richard Pietrus”

Fourth e-mail:

“As a property owner in Wesley Chapel and specifically in the Heather Glen subdivision, I am against the proposed rezoning of the 125 acres parcel 06-042-012A at the intersection of Beulah Church Road and Potter Road. I feel rezoning in Wesley Chapel for higher density is not consistent with the vision and strategy of Wesley Chapel.

In regards to the subject parcel, the parcel has most recently been left fallow or has been planted with crops. The agricultural use does not place any burden on the schools, water and septic systems. Creating a new subdivision will add to already overburdened and restricted systems. I do not understand how the developer figures the project "should have minimal impact on municipal systems, schools or adjacent roadways level of service" since it will clearly on all fronts. Sixty-six homes of the proposed density will draw in families with young children impacting the schools and water systems. The creek and at times Potter Road is overwhelmed during heavy rains, how will adding impervious surface to a large tract help. Currently, the wait to exit the subdivision at 6:30 AM can be problematic and the evening is even worse. Traffic backs up past both Heather Glen entrances in the evening with traffic waiting at the stop sign. Add another subdivision and therefore more traffic on the section of Potter Road will only worsen the situation. The tree canopy on the tract is on the perimeter of the property except for facing on Beulah Church and Potter Roads. Wildlife will be forced to the treed area between the proposed subdivision, Quintessa and Heather Glen with no real exit. The developer's comments are meant to appease those not familiar with the area that it isn't a concern when it is. At some point the tract will be developed but it should be at the zoned R40 density.

In regards to the tax revenue, I believe the commercial development in Wesley Chapel, which is significant for the size of the village, should be the focus of increased tax revenue not from residential development.

Above all, the proposed R20 zoning is not consistent with the Wesley Chapel land use plan of low density, one house per acre vision. I strongly object to rezoning for a higher density.

I urge the board to deny this request.

Thank you for the opportunity to submit written comments.

Regards,

Lori Bailey”

The Public Hearing was closed.

5. APPROVE MINUTES FOR COUNCIL MEETINGS AUGUST 12, 2013 AND AUGUST 20, 2013

On page 189 of the August 20, 2013 minutes a correction was made that David from Morlando is trying to get the grader out. In item 12, the top five (not six) candidates will be interviewed by phone. Council Member Rosoff made a motion to approve the minutes for August 12, 2013 and August 20, 2013, with the corrections noted. Mayor Pro Tem Ormiston seconded the motion. The motion passed unanimously.

6. STAFF REPORTS

a. Review and approve August 2013 financial reports  
 Finance Officer Bennett presented August reports. Council Member Plyler asked what the 2012/13 surplus was; Bennett said it was approximately \$200,000. Mayor Pro Tem Ormiston asked about the Construction in Progress on the Balance sheet – that represents the expenditures on the uncompleted projects. She also asked about the fund balance restricted by State Statute; that is a state mandated calculation. Mayor Horvath noted it is normal to run a deficit at this time of the year. Council Member Plyler motioned to approve the August financial reports; Mayor Pro Tem Ormiston seconded the motion. The motion passed unanimously.

Balance Sheet, August 31, 2013

**ASSETS**

**Current Assets**

**Checking/Savings**

<b>Fifth Third Bank Checking</b>	14,694.20
<b>Fifth Third Bank Money Market</b>	656,328.88
<b>BB&amp;T Money Market</b>	824,918.69
<b>Petty Cash Fund</b>	50.00
<b>Total Checking/Savings</b>	1,495,991.77
<b>Total Accounts Receivable</b>	3,021.25

**Other Current Assets**

<b>Property Tax Rec.</b>	2,722.00
<b>Allow. for Doubtful Accounts</b>	-1,067.00
<b>Prepaid Exp.</b>	1,237.86
<b>Excise, Franchise &amp; Telec. Tax Rec</b>	70,550.00
<b>Total Sales Taxes to be Received</b>	12,484.56
<b>State Sales Tax A/R</b>	3,268.04
<b>Total Other Current Assets</b>	89,195.46

**Fixed Assets**

<b>Land</b>	813,423.00
<b>House at Dogwood Park</b>	411,169.00
<b>Dogwood Park CIP</b>	97,610.00
<b>Town Hall- CIP</b>	671,617.00

TH Driveway CIP	29,563.00
Office Equipment	8,749.00
Accumulated Deprec.	<u>-48,843.98</u>
<b>Total Fixed Assets</b>	<u>1,983,287.02</u>
<b>TOTAL ASSETS</b>	<u><u>3,571,495.50</u></u>
<b>LIABILITIES &amp; FUND BALANCE</b>	
<b>Current Liabilities</b>	
Due to Union County Schools	13.24
Retainage Payable - Town Hall	31,989.77
Escrow from Developers	45,076.00
Deferred Revenue	<u>1,655.20</u>
<b>Total Current Liabilities</b>	<u>78,734.21</u>
<b>Total Liabilities</b>	<u>78,734.21</u>
<b>Fund Balance</b>	
Fund Bal. inv. in Fixed Assets	1,983,287.02
Fund Balance Assigned for NNO	313.40
Fund Bal. non-spendable	47,912.79
FB restricted by State Statute	49,976.00
Fund Bal. Committed for CIP	1,211,474.53
Fund Balance	-944,354.32
Excess of Rev. over Exp.	<u>1,144,151.87</u>
<b>Total Fund Balance</b>	<u>3,492,761.29</u>
<b>TOTAL LIABILITIES &amp; FUND BALANCE</b>	<u><u>3,571,495.50</u></u>

August 2013 Budget Report

	<u>Aug 13</u>	<u>Jul - Aug 13</u>	<u>YTD Budget</u>	<u>% of Budget</u>
<b>General Fund</b>				
<b>Revenues</b>				
Appropriated Fund Balance	176,400.00	176,400.00	176,400.00	100.0%
<b>Contributions Income</b>				
Restricted	<u>0.00</u>	<u>50.00</u>	<u>0.00</u>	<u>100.0%</u>
<b>Total Contributions Income</b>	0.00	50.00	0.00	100.0%
<b>Property Tax Income</b>				
Current Year Property Tax	0.70	11.76	145,015.00	0.01%
Utility Ad Valorem	0.00	0.00	1,600.00	0.0%
Vehicle Registration	623.81	832.03	9,465.00	8.79%
Delinquent Property Tax	111.16	111.16	800.00	13.9%
Prior Year Motor Vehicle Tax	235.69	235.69	200.00	117.85%
Interest/Ad Fee on Taxes	<u>19.82</u>	<u>19.82</u>	<u>213.00</u>	<u>9.31%</u>

<b>Total Property Tax Income</b>	991.18	1,210.46	157,293.00	0.77%
<b>Fees and Licenses</b>				
Privilege Licenses	250.10	21,044.98	27,000.00	77.94%
Cable Franchise (from Time Warn	3,883.00	3,883.00	16,000.00	24.27%
Zoning Permit	450.00	7,795.00	7,000.00	111.36%
Engineering Fees Reimbursement	3,021.25	3,021.25	5,000.00	60.43%
Newsletter/Deputy Sponsor	0.00	0.00	0.00	0.0%
Annexation Exp Reimbursed	0.00	0.00	200.00	0.0%
Misc. Fees	2.00	5.70	200.00	2.85%
National Night Out	73.00	73.00	100.00	73.0%
Fall Festival	0.00	0.00	0.00	0.0%
<b>Total Fees and Licenses</b>	<b>7,679.35</b>	<b>35,822.93</b>	<b>55,500.00</b>	<b>64.55%</b>
<b>Interest Earned</b>	<b>89.36</b>	<b>506.15</b>	<b>1,500.00</b>	<b>33.74%</b>
<b>Revenue Sharing</b>				
Sales & Use Taxes	0.00	0.00	37,000.00	0.0%
Telecommunications Tax	0.00	0.00	10,500.00	0.0%
Video Programming(State Cable)	0.00	0.00	91,000.00	0.0%
Franchise Tax (Electric Power)	0.00	0.00	171,000.00	0.0%
Excise Tax (Piped Natural Gas)	0.00	0.00	16,000.00	0.0%
Alcoholic Beverage Tax	0.00	0.00	33,000.00	0.0%
<b>Total Revenue Sharing</b>	<b>0.00</b>	<b>0.00</b>	<b>358,500.00</b>	<b>0.0%</b>
<b>Total Revenues</b>	<b>185,159.89</b>	<b>213,989.54</b>	<b>749,193.00</b>	<b>28.56%</b>
<b>Expense</b>				
Transfer to CIP	0.00	0.00	0.00	0.0%
<b>Operating Expenditures</b>				
Operating Expenditures	3,542.08	26,442.93	106,419.00	24.85%
Gen. Govt. Salaries	7,848.84	16,004.51	131,141.00	12.2%
Planning & Zoning	2,412.77	7,937.77	73,235.00	10.84%
Professional Fees	3,567.50	3,567.50	40,900.00	8.72%
Capital Outlay	0.00	0.00	50,000.00	0.0%
Public Services / Safety	198.73	20,147.73	81,496.00	24.72%
<b>Parks &amp; Recreation</b>				
Parks & Recreation Personal Services	0.00	0.00	4,472.00	0.0%
Parks & Rec Supplies & Material	2.19	2.19	5,840.00	0.04%
Parks & Recreation Services	45.17	1,209.57	21,110.00	5.73%

<b>P&amp;R Capital Outlay</b>	<u>206,000.00</u>	<u>206,000.00</u>	<u>234,580.00</u>	<u>87.82%</u>
<b>Total Parks &amp; Recreation</b>	<u>206,047.36</u>	<u>207,211.76</u>	<u>266,002.00</u>	<u>77.9%</u>
<b>Total Expense</b>	<u>223,617.28</u>	<u>281,312.20</u>	<u>749,193.00</u>	<u>37.55%</u>
<b>Net General Fund</b>	-38,457.39	-67,322.66	0.00	100.0%
<b>Capital Projects Fund</b>				
<b>CIP Income</b>				
<b>PARTF Grant</b>	0.00	387,975.74	500,000.00	77.6%
<b>Adopt A Trail Grant</b>	0.00	5,000.00	5,000.00	100.0%
<b>Water Based Resource Grant-Park</b>	0.00	100,000.00	100,000.00	100.0%
<b>Transfer from General Fund</b>				
<b>Appropriated for Dogwood Park</b>	206,000.00	1,206,000.00	1,206,000.00	100.0%
<b>Appropriated for Town Hall</b>	<u>0.00</u>	<u>1,442,700.00</u>	<u>1,442,700.00</u>	<u>100.0%</u>
<b>Total Transfer from General Fund</b>	<u>206,000.00</u>	<u>2,648,700.00</u>	<u>2,648,700.00</u>	<u>100.0%</u>
<b>Total CIP Income</b>	206,000.00	3,141,675.74	3,253,700.00	96.56%
<b>CIP Expense</b>				
<b>Capital Projects</b>				
<b>Dogwood Park Capital Outlay</b>				
<b>Land Acquisition</b>	0.00	673,271.00	673,271.00	100.0%
<b>House</b>	0.00	411,419.00	411,419.00	100.0%
<b>Preliminary Planning</b>	0.00	15,526.67	15,527.00	100.0%
<b>Design/Constr Mgt,etc.</b>	378.03	65,617.07	77,850.00	84.29%
<b>Site preparation</b>	0.00	0.00	238,500.00	0.0%
<b>Grassing</b>	0.00	0.00	51,100.00	0.0%
<b>Parking lot &amp; drive</b>	0.00	0.00	106,800.00	0.0%
<b>Boardwalk</b>	0.00	0.00	34,700.00	0.0%
<b>Accessible routes</b>	0.00	0.00	20,600.00	0.0%
<b>Paved Walking Trail</b>	0.00	0.00	56,900.00	0.0%
<b>Unpaved trail</b>	0.00	9,888.04	9,888.00	100.0%
<b>Amphitheater/Stage/Outdoor Clas</b>	0.00	0.00	76,100.00	0.0%
<b>Contingency</b>	0.00	0.00	17,462.00	0.0%
<b>Testing Fees</b>	0.00	0.00	12,000.00	0.0%
<b>Legal Fees - DP</b>	770.00	2,322.50	2,500.00	92.9%
<b>Utilities</b>	0.00	4,380.00	4,380.00	100.0%
<b>Fishing Pier</b>	0.00	0.00	0.00	0.0%
<b>Multipurpose Field</b>	0.00	0.00	0.00	0.0%
<b>Rest room renovation</b>	0.00	0.00	0.00	0.0%
<b>Site Furnishings-gate,signs,etc</b>	0.00	277.77	278.00	99.92%
<b>Other Expense</b>	<u>767.00</u>	<u>1,428.24</u>	<u>1,725.00</u>	<u>82.8%</u>
<b>Total Dogwood Park Capital Outlay</b>	1,915.03	1,184,130.29	1,811,000.00	65.39%

<b>Town Hall Capital Outlay</b>				
<b>TH Construction Contract</b>	73,841.15	626,010.39	1,248,851.00	50.13%
<b>TH Architect/Engineer</b>	0.00	96,732.80	102,020.00	94.82%
<b>TH In House Engineering</b>	0.00	1,200.00	1,200.00	100.0%
<b>TH Testing/Permit Fees</b>	0.00	12,834.66	15,000.00	85.56%
<b>TH Telecom Sys/AV/Computers</b>	0.00	0.00	33,930.00	0.0%
<b>TH Insurance</b>	0.00	1,374.00	1,374.00	100.0%
<b>TH Legal Fees</b>	262.50	4,395.00	5,000.00	87.9%
<b>TH Furnishings</b>	0.00	0.00	26,945.00	0.0%
<b>TH Miscellaneous</b>	0.00	3,524.07	8,380.00	42.05%
<b>Total Town Hall Capital Outlay</b>	<u>74,103.65</u>	<u>746,070.92</u>	<u>1,442,700.00</u>	<u>51.71%</u>
<b>Total Capital Projects</b>	<u>76,018.68</u>	<u>1,930,201.21</u>	<u>3,253,700.00</u>	<u>59.32%</u>
<b>Net CIP</b>	<u>129,981.32</u>	<u>1,211,474.53</u>	<u>0.00</u>	<u>100.0%</u>
<b>Net Excess of Rev. over Exp.</b>	<u><u>91,523.93</u></u>	<u><u>1,144,151.87</u></u>	<u><u>0.00</u></u>	<u><u>100.0%</u></u>

- b. Introduction of Bill Duston / N-Focus Planning as interim planning and zoning administrator

Mayor Horvath introduced Bill Duston from N-Focus Planning who is doing our planning and zoning work on an interim basis.

- c. Update on monthly planning and zoning report

Bill Duston said he had spoken to a number of folks considering re-zoning; he has one re-zoning application on the Planning Board agenda, and one subdivision on their agenda. There are some changes regarding Board of Adjustments from the state level effective October 1, 2013 which he put together some text changes for, and also found a glitch regarding front yard setbacks which he also added to the Planning Board agenda.

- d. Review monthly zoning complaints/violations report

Mr. Duston said there was one violation complaint and someone from N-Focus came out and talked to the property owner.

Mr. Duston said he is here Monday and Thursday if anyone wants to speak with him, please call the Clerk to make an appointment.

- e. Call for public hearing on text amendments to Zoning Ordinance Section 4.7 for changes related to fireworks

Mayor Pro Tem Ormiston amended her motion from last month and called for a public hearing on text amendments to the Zoning Ordinance Section 4.7 for changes related to fireworks on

October 14, 2013 at 7 pm at Wesley Chapel United Methodist Church, 120 Potter Road, Monroe, NC 28110. Council Member Plyler seconded the motion.

The motion passed unanimously.

7. DISCUSSION AND POSSIBLE DECISION ON RE-ZONING APPLICATION RZ 13-2 FOR 125 ACRES OF PARCEL 06042012A AT POTTER ROAD AND BEULAH CHURCH ROAD FROM R-40 TO R-20

Mayor Pro Tem Ormiston made a motion to accept the Planning Board recommendation to deny the request to re-zone from R-40 to R-20. Council Member Brotton seconded the motion. Council Member Rosoff asked about the parcel size. Mayor Horvath said there is 50 acres on the north side of the road with the same parcel number, but this request is for the 125 acres, and they are willing to restrict the request to 71 acres. Council Member Plyler said they did go to Planning Board and propose restricting it to 71 acres, she thought the people were afraid of the 125 acres, people were afraid of the density of the houses there, and the sizes of the homes they might build there, and tonight they have shown these models, if they were proposing 125 total she could understand that, but if you owned 50 acres and you came to us to re-zone 25 acres, we can't tell you what would be on the other 25 because you're not asking for that to be re-zoned, and I think that's what the problem is, they are not asking for the 125 acres, only the 71 with the 66 homes. Attorney Sistrunk said Mr. Duston touched on this earlier, and it is important to consider this request without discussion or recognition to what they plan on the property or where, this is about the re-zoning from R40 to R20. Council Member Plyler said they have said because of the creek and because of the land behind it, it costs \$250,000 to build a bridge to Quintessa, so if you tore all that out, for \$250,000 you could build five extra homes there and they are saying one home per half acre. Council Member Plyler said people are saying you would have to do this for everybody, but she didn't see that; on the basis of a need, or a certain situation, like a pond or creeks or unbuildable land, you have to take that into consideration, and I don't think we are looking at it that way; that's my opinion, because they have unbuildable land; and I think it would be an asset.

Mayor Horvath asked the attorney about the subject of precedence, and noticed this is a legislative process, not a quasi-judicial process; he said he thought each decision is determined on its own matter and determined as such. Attorney Sistrunk said generally speaking that is true it is determined on its own legal facts and circumstances, and does not set legal precedence. The Mayor also asked Bill Duston if he had found that to be the case, and Mr. Duston said it is a tough question, and he can't give a good answer, personally he could not recall having it open up floodgates to big changes.

Council Member Brotton said he personally lives on a lot less than an acre, but his concern is even with 71 acres you are looking at the potential of 142 homes and exceeding the one acre per lot. He said he would probably be in favor of it if we had a clustering ordinance, but we don't have that. Meritage Homes may have great intentions, but the people after them may not, and Council Member Brotton said he was against the re-zoning because he has heard loud and clear over the years from residents that they want R-40 to remain in place as heard tonight. He said clustering would work, but did not think cutting everything down to half acre would benefit the village. Council Member Rosoff asked about Weddington as referenced in Planning Board minutes. Mr. Duston said Weddington went through a difficult process, and it resulted in lots less than 40,000 square feet, but they make up for it with open space; they have parameters such as preserving viewshed or farmland, this is called a conservation subdivision. Their Council

changed it to be a conditional use instead of a right by use, and they may be changing it back to a right by use.

Council Member Rosoff said she was on the Master Plan Committee and clustering should be considered in the future, but unfortunately for now we have steps to take. There were stakeholders on the Master Plan Committee, for some the land is their 401-K, and you have to balance what you do; one house per acre is inefficient, and clustering is very efficient.

Mayor Pro Tem Ormiston said to clarify the Land Use Plan, although it was adopted in 2003, the text was revised in 2005, and reviewed by our Planning Board in 2011 with minimal changes.

We do not control the roads or the schools, but to approve it without considering that is wrong, our infrastructure cannot support it. She said she talks to people in the community and at various events, and it is obvious this is important, there have been three meetings of this size in the last three years, the park, the Downtown Resolution, and tonight, and people resoundingly want the low density. It may not set a legal precedence, but it does set a precedence. It would change the landscape of Wesley Chapel and we have developers waiting in the wings. If we decide to do clustering, we must do our homework first, but we must deny this request.

Mayor Horvath said this is not a black and white issue, you have property owners who may or may not live in Wesley Chapel, and you can't make decisions because this is their 401-K, nor can you say now that we are in, we can close the door. A second thing is there are other options in our zoning ordinance to set conditions, straight approval from R-40 to R-20 allows them to build half acre lots, or they can sell it to someone else to do that. There is a conditional use R-20 zoning that requires a fairly high expenditure of funds and time by the applicant of getting actual plats done which show you every lot, and setbacks which they cannot submit based on their current request. That becomes a combination of a legislative and judicial decision. Under the current Land Use Plan, under goal 1, it says to maintain single family low density residential character of the village, with a gross density of one house per acre; 125 acres with taking out the infrastructure required, that is almost what that is. Mayor Horvath said Land Use Plans, as Bill Duston mentioned, are a guidance document, they showed you on the map, some of those parcels were brought in from the County with R-20 as Bill Gwinn mentioned he was a member of the Planning Board years ago. All that being said, there are a number of factors here, do we believe the developer who has come to five or six meetings and expended funds, will they keep it or sell it, do we feel comfortable with the village having something where we can put conditions on the property such as clustering, would that be acceptable. Mayor Horvath said the Master Plan survey, Chuck Adams quoted it correctly that 68% wanted one acre, but two visual surveys were done, where they show you images of different things, and asked for a favorable or unfavorable reaction. Two had to do with clustering, one was favorable, and one was unfavorable.

Attorney Sistrunk reminded Council that we need statements of consistency and reasonableness with the motion.

Mayor Pro Tem Kim Ormiston amended her motion to deny rezoning of the 125 acres and to include a statement of consistency that it represents what is in our current Land Use Plan and that it is not reasonable due to the majority of the citizens saying they want to deny it, and noting the infrastructure; regarding consistency the number one goal of the Land Use Plan is to maintain the strong single family low-density residential character of the village with one house per acre and there is no other R20 zoning around the property. Council Member Brotton seconded the amended motion.

The motion passed 3-1, with Plyler voting nay.

Mayor Horvath said Planning Board voted 4-0 to have Bill Duston look at a clustering provision. Bill Duston asked for a directive from Council to look at clustering language. Council consensus was to have Mr. Duston do that.

Council Member Plyler asked if she could make a comment. She said she had done a lot of research and reading, and when she checked out the people who were here, sent letters and who said they don't want it, they are not on one house per acre. We took in 11 or 12 subdivisions, and it is because they were zoned under the Union County land use plan, and may live on a quarter of an acre,  $\frac{3}{4}$  acre, or .9 acre, but not an acre. These emails went out, and there are people out there who were not notified of this hearing who own land and would have liked to have been here, it was in the paper, but they may not have seen it. A lot of you were emailed or heard by word of mouth or phone calls, and I like all of you, but that's how you got in here. She said she was elected to represent all the people, and that is what she is trying to do.

Mayor Pro Tem Ormiston said to imply that any citizen that owns less than one acre has less a voice than any other citizen is not looking out for the best interests of the town. This vote is not to say we don't want anyone in Wesley Chapel, it is a vote to say maintain what is currently in our ordinances, and maintain the reason we all did come here. Less than one percent of the citizens in Wesley Chapel own more than 15 acres.

A five minute recess was taken.

Bill Duston left at this point.

8. REVIEW AND POSSIBLE APPROVAL OF REVISED MUMPO MEMORANDUM OF UNDERSTANDING (MOU) CHANGES AS A RESULT OF URBAN AREA EXPANSION

Mayor Horvath noted that dues will go down and MUMPO has been renamed Charlotte Regional Transportation Planning Organization (CRTPO). Mayor Pro Tem Ormiston motioned to approve the revised Memorandum of Understanding; Council Member Rosoff seconded the motion.

The motion passed unanimously.

(Item 10 was done before Item 9).

9. PARKS AND REC COMMITTEE UPDATE

a. Update on construction status

John Lepke, Chair of Parks and Rec, reported the clearing is done, they will start the silt fence, and bring in a chipper and make mulch piles.

b. Review of possible bench donation

Mayor Pro Tem Ormiston said she gave pricing on the bench to the person interested in making a donation.

c. Committee recommendation to demolish house and possible vote

John Lepke got more information that indicate replacing the house with a new structure would probably be cheaper. He said the passion is not about the house itself, it is about the recreation activities it could house. They talked to a lot of experts, and the three scenarios are renovate the existing house, demolish and replace with a new space, or demolish and put in restrooms. He had a sheet with cost elements for each scenario; costs were over \$800,000 to renovate; about \$435,000 to demolish and replace and a PARTF grant could bring that down to about \$272,000,

or to demolish and put in bathrooms about \$255,000 and with a PARTF grant could come down to \$155,000. Lepke said you get a lot more for your money by not just putting in a restroom but also putting in a new building. He said the committee recommendation is to demolish the house, do a design/build process which satisfies the need for space, goes with the new not old, would be easier to raise funds for, incorporates old charm with a similar façade, and you might qualify for a grant. He suggested we do an RFP for design/build so we don't have to pay separately for a design. Mayor Pro Tem Ormiston said when we postponed the decision, they had scheduled a meeting with a Waxhaw developer and he recommended tearing down the house, especially with the mold issues; neither of the two organizations came up with funds for the house, but we did give them a chance. John Lepke drafted an RFP and design for a building, and it would include pricing. If we demolish, the equipment comes in on the existing driveway; if not they plan to lay the new driveway, so they are waiting on us. Mayor Horvath said we have \$13,000 in the budget for demolition; the Morlando quote was about \$28,000, so we need additional funds. PARTF funds are not currently available for this. Mayor Pro Tem Ormiston is working on getting additional quotes for demolition. This item will be on the next agenda.

- d. Committee recommendation for RFP for design/build and possible vote
- e. Other Parks and Rec matters, as necessary

#### 10. TOWN HALL BUILDING COMMITTEE UPDATE

##### a. Construction update / timeline

Council Member Brotton had a proposed contract between the alarm system sub and the Village for the attorney to review. Council Member Brotton reported 98% of the brick is laid, the columns at the employee entrance are up, the A/C pads and units are installed, and a pad at the kitchen poured. Footings for the monument sign pad are in, and they measured for glass windows. The contractor had trouble getting floor tile and carpet installers, and there is a little concern on the timing; painting of the council chambers is behind schedule.

##### b. Committee recommendation on furniture and budget transfer as needed

Council Member Brotton went over the committee recommendations for furniture, on the FSI contract the list price is shown as well as the price we will get. This outfits all the offices. Finance Officer Bennett said this is TCPN (The Cooperative Purchasing Network) pricing; it is an acceptable alternative to state contract (since HON furniture is not on state contract) so we don't have to go out on bid or get three quotes. It was sent to the TCPN contact in Atlanta, and they verified the pricing. The 80 chairs in the council chambers are from KFI, and that falls under GSA pricing; the chairs will cost us \$56.99 each. The only items not under state pricing is the chair hand truck for \$120, and the drafting table top and base which is about \$255. Bennett asked them about installation labor, and they did come down on the price for that, although they send out a crew of 3 people to set up everything so there is not a lot of flexibility there. The only things this doesn't include are chair mats to go under the chairs, chairs in the conference room and council seats and what we were proposing to do on those is to get chairs for \$100. She got prices from Staples, Office Depot and Office Max, and the chairs from Office Max were the lowest list price at \$179 but were on sale for \$99, so the next time they go on sale we could get them. Village of Lake Park has used them for 8 years and they have held up well and also have been comfortable. Colors were reviewed; the 80 council chambers chairs are KFI #1405 which is a yellow/blue pattern that appears greenish, the formal lobby will have a loveseat in MOF 88 Flare (red), and the two chairs Dot 26 Mosaic (tan with red and brown dots). Gayla Adams from the Town Hall Building Committee said with the Council chairs being black, we wanted some

color in the 80 chairs so it would not be a sea of black. The business lobby chairs will be DOT 24 Peat (a neutral dot pattern). Council Member Brotton noted items within the business lobby work well with the floor and walls there, as do the items within the council chambers; items have been chosen from floor colors, to cabinets, to furniture. Options were to come up with all the specifications for all items to bid it out, go through state contract, or use the GSA and TCPN pricing for the furniture that the committee wanted. The committee suggested we go out and get prices from other suppliers, but there was no response. Council Member Brotton motioned to accept the Town Hall Building Committee recommendation on furniture listed in the FSI proposal; and amended the motion to include the Council and conference room chairs to be purchased from Office Max. Mayor Pro Tem Ormiston seconded the motion. Mayor Horvath noted there is sufficient budget to cover this, \$26,945 is available, and the amount here is \$20,908 plus the chairs at about \$2,200, so we are up to almost \$23,100.

The motion passed unanimously.

Mayor Pro Tem Ormiston asked if there might be items available under the TCPN pricing that the park might use. Bennett will forward information to her.

c. Other Town Hall matters, as necessary – none

Council Member Brotton said the alarm system subcontractor had asked to be pulled out of the contract to be paid earlier directly by the Village. We would still have a warranty directly with the alarm company, but not through Morlando. The contract is a very basic contract, amount is \$12,510.99 for the installed equipment; monitoring will be \$24.95 per month, but there is no obligation to contract for that. Bennett noted there were some questions on the sub “Prodigy”, and they have not gotten a privilege license and if it is a new contract it would be subject to E-verify and we would need a W-9 form from them. Attorney Sistrunk asked who certified the work was done; Brotton said David Glass from Morlando. Sistrunk said if there is any issue, you would have to track this person down. This will be put on the next agenda.

#### 11. DISCUSSION OF LAWN MAINTENANCE AND COORDINATION OF EFFORTS FOR ALL VILLAGE OWNED PROPERTIES

This item was tabled.

#### 12. YOUTH COUNCIL COMMITTEE UPDATE/LIAISON DISCUSSION / APPOINTMENT

Mayor Horvath appointed Zachary Maher to the Youth Council Committee. Council Member Plyler suggested council members could take turns as liaison to the committee and that way the youth would get to know three council members. Mayor Pro Tem Ormiston said she will be here through November, but maybe one of the two new council members will be interested in being the liaison. Mayor Horvath noted any group needs consistency from the liaison and this would be the ideal.

#### 13. UPDATE ON HIRING PROGRESS FOR PLANNING/ZONING ADMINISTRATOR.

Mayor Horvath reported they did four telephone interviews, and the fifth top applicant already got a new position. He and Council Member Plyler narrowed it down to the top three for in-person interviews; they talked to two today, and have one more coming in Thursday. They hope to have a recommendation to Council on September 17. He pointed out the salary requirements may require a higher salary range.

14. UPDATE ON VILLAGE WEBSITE REVIEW, UPDATE, ETC .

Mayor Pro Tem Ormiston sent an email explaining the issues with the website; the change was scrapped because we were misled on the capabilities of GoDaddy. Our email provider and domain has been switched to GoDaddy.

15. CONSIDER APPOINTMENT OF BOARD OF ADJUSTMENT MEMBER BRUCE EWING FROM REGULAR TO ALTERNATE, FOR TERM RUNNING THROUGH 8.31.2016

Bruce Ewing's term came up for renewal, and he requested he move from a regular to an alternate position on the board. Mayor Pro Tem Ormiston motioned to appoint Bruce Ewing to an alternate position on Board of Adjustments; Council Member Brotton seconded the motion.

The motion passed unanimously.

Council Member Plyler said Bill Duston said it is important if you end up in a court case that your Board of Adjustment has been trained.

16. OTHER BUSINESS

Administrator Bennett said the Chamber of Commerce asked if we wanted any changes to the blurb on Wesley Chapel in their publication; Mayor Horvath will look at it and make changes and send it to Council members by Wednesday, if they have any changes please send them back to him. It is due by Friday. The e-verify affidavit will be sent to Council Member Brotton.

17. COUNCIL COMMENTS- none

18. ADJOURNMENT

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

The motion passed unanimously.

The meeting ended at 10:22 pm.

Respectfully submitted,

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Cheryl Bennett, Clerk

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Mayor Brad Horvath