

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
WESLEY CHAPEL TOWN HALL
6490 Weddington Road, Wesley Chapel, NC 28104
August 11, 2014 – 7:00 P. M.

The Village Council of Wesley Chapel, North Carolina, met in the Town Hall at 6490 Weddington Road, Wesley Chapel, North Carolina.

Present: Mayor Horvath, Mayor Pro Tem Como, Council Members Kenary, Plyler and Rosoff

Others Present:

Clerk/Finance Officer Cheryl Bennett; Planning/Zoning Administrator Bill Duston, Attorney George Sistrunk

Citizens Present: Carol Mullis, Gayla Adams

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 Council Member Rosoff gave the invocation.

2. PUBLIC COMMENTS - none

Council Member Plyler reported that National Night Out had a good turnout and was successful.

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

Council Member Plyler asked to move the Arborbrook decision item up before the second public hearing. Council Member Kenary asked to move up the Youth Council item before code enforcement. She also asked to postpone the minutes approval for a week, add the account explanations to the Finance Report, and add an item for an ABC Resolution. Council Member Plyler said she hadn't seen the ABC Resolution. Mayor Horvath reported the Board of Elections deadline was today, and we need to at least discuss it. Council Member Kenary said that August 18th is the absolute deadline for Board of Elections. Council Member Kenary made a motion to approve the amended agenda; Council Member Rosoff seconded the motion.

The motion passed 3-1 with Plyler voting nay.

4. REMINDER OF APPROVED THREE MINUTE TIME LIMITS FOR COUNCIL DISCUSSION

Mayor Horvath reminded everyone that Council voted to limit discussion to three minutes; everyone should be prepared to be concise. Whoever introduces a topic will do a motion, then it will be seconded, then discussion will be held.

5. PUBLIC HEARING ON CUP 14-1 ARBORBROOK CHRISTIAN ACADEMY

Mayor Horvath opened the public hearing and swore in Bill Duston, and Michelle Beamer and Joy Fisk from Arborbrook. Bill Duston reported the CUP is to continue use of a modular classroom building which was approved five years ago for a five year term. There are no changes, it just expired. Planning Board gave a favorable recommendation with no time limit.

There was also a public information meeting – Francisco Espinosa attended and was in favor of it. Property owners were notified and no calls were received. Staff recommends approval. Council Member Kenary said she had a close personal friend who has children attending the school, should she be recused? Attorney Sistrunk said it is not a financial benefit and it is okay to participate unless you cannot make a decision on the evidence presented tonight; she was not recused.

Michelle Beamer from Arborbrook said they have a mobile building with four classrooms and one office housing about 60 students. There is no water or gas, only electricity. Joyce Fisk noted they added gardens in front and back to beautify it. Mayor Horvath closed the public hearing.

6. DECISION ON CUP 14-1 ARBORBROOK CHRISTIAN ACADEMY

Council Member Kenary asked what if they approved the CUP for an indefinite term, and something were to happen. Mr. Duston said it runs with the land, to make it bigger or replace it with something dissimilar they would have to come back. They don't have to come back if water were added because it wouldn't affect the usage.

Council Member Plyler motioned to approve CUP 14-1 for Arborbrook Christian Academy with no time limit based on staff and Planning Board's recommendations and the findings of fact per the staff report, incorporated herein. Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

FINDINGS OF FACT

ARBORBROOK CHRISTIAN ACADEMY CONDITIONAL USE PERMIT

UDO SECTION	STANDARD	SUGGESTED FINDING
6.4.3(a)	The use will not materially endanger the public health, safety or welfare if located where proposed and developed according to the submitted plan and not create dangerous traffic conflicts, noxious odors/sounds/glare or environmental hazards.	The use will not significantly increase traffic on Waxhaw-Indian Trail Road as the school building has been there for over five years and is not proposed to be expanded.
6.4.3(b)	The use meets all required conditions and specifications.	The use meets or exceeds all specifications of the Zoning Ordinance.
6.4.3(c)	The use will not substantially injure the value of adjoining or abutting property and will not hinder future development potential of adjacent properties by the introduction of incongruous land use or incompatible development scale or intensity.	Nothing has been introduced in the record to indicate that the use will adversely affect adjoining property values. The building has been at the site for over five years.
6.4.3(d)	The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is	Schools are normally viewed as being compatible with residential uses. The property in question is shown on the Future Land Use

	located, not disrupt the integrity of existing land use districts, and will be in general conformity with this Ordinance and the Wesley Chapel Land Development Plan.	Plan as being proposed for low-density residential use. Thus, the proposed use is felt to be in keeping with the Future Land Use Plan.
6.4.3(e)	Availability of services including water, wastewater treatment, gas, stormwater as required by project.	No change in utilities is being requested and there are no known issues with utilities being provided to the site.
6.4.3(f)	Access to public streets and the adequacy of those streets to carry anticipated traffic; and on-site circulation for both pedestrian and on-site and off-site vehicular traffic circulation patterns.	No change in traffic volumes is anticipated on Waxhaw-Indian Trail Road if the CUP is approved as there is no call for an increase in the building size and there have been no reports that the use itself is causing adverse traffic issues along Waxhaw-Indian Trail Road.
6.4.3(g)	Adequate safety and emergency services (police, fire and EMS).	There is no change in the need for safety and emergency services as the building has been at the site for over five years.

7. PUBLIC HEARING ON TEXT AMENDMENT FOR BULLETIN BOARDS

Mayor Horvath opened the public hearing. Bill Duston incorporated the changes Council had made; the size of the bulletin board can be up to thirty square feet, width not to exceed six feet and overall height less than ten feet. Council Member Kenary wanted to also include that the height of the sign face itself should not exceed five feet; Council Member Plyler did not hear that on the tape. Mr. Duston said you can amend the language and do not have to re-advertise. Mayor Horvath closed the public hearing.

8. STAFF REPORTS – FINANCE REPORT AND ACCOUNT EXPLANATIONS

Finance Officer Bennett reported cash in the bank at July 31 is \$595,960.89. Since this is the first month of the year there does not appear to be any problem accounts yet. Council Member Kenary motioned to approve the July 2014 financial reports; Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

Balance Sheet, July 31, 2014

ASSETS

Current Assets

Checking/Savings

Fifth Third Bank checking	34,782.02
Fifth Third Maxsaver	205,641.76
BB&T Money Market	355,487.11

Cash Change Fund	50.00
Total Checking/Savings	595,960.89
Accounts Receivable	
Misc. Fees Receivable	6,284.00
Other Current Assets	
Property Tax Rec.	2,722.00
Allow. for Doubtful Accounts	-1,067.00
Prepaid Exp.	180.00
Excise, Franchise & Telec. Tax Rec	70,000.00
Total Sales Taxes to be Received	24,072.76
State Sales Tax A/R	6,778.47
Total Other Current Assets	102,686.23
Total Current Assets	704,931.12
Fixed Assets	
Land	813,423.00
Dogwood Park CIP	97,610.00
Town Hall- CIP	671,617.00
TH Driveway CIP	29,563.00
Office Equipment	8,749.00
Accumulated Deprec.	-7,727.98
Total Fixed Assets	1,613,234.02
TOTAL ASSETS	2,318,165.14
 LIABILITIES & EQUITY	
Total Accounts Payable	1,049.39
Other Current Liabilities	
Due to Union County Schools	108.61
Retainage Payable - Town Hall	7,694.24
Retainage Pay. Dogwood Park	29,145.00
Pay. for Employee Insurance	50.50
Escrow from Developers	45,076.00
Payroll Liabilities	1,988.30
Deferred Revenue	1,655.20
Next yr Prop Tax prepaid	2,928.18
Total Other Current Liabilities	88,646.03
Total Liabilities	89,695.42
Fund Balance	
Fund Bal. inv. in Fixed Assets	1,613,234.02
Fund Balance Assigned for NNO	313.40
Fund Bal. non-spendable	45,256.00
FB restricted by State Statute	21,514.00

Fund Bal. Committed for CIP	120,239.00
Fund Balance	425,299.92
Reserved for Parks & Recreation	31,851.44
Excess of Rev. over Exp.	<u>-29,238.06</u>
Total Fund Balance	<u>2,228,469.72</u>
TOTAL LIABILITIES & FUND BALANCE	<u><u>2,318,165.14</u></u>

July 2014 Budget Report

	<u>Jul 14</u>	<u>Budget</u>	<u>% of Budget</u>
General Fund			
Income			
Property Tax Income			
Current Year Property Tax	0.00	146,376.00	0.0%
Utility Ad Valorem	0.00	1,700.00	0.0%
Vehicle Registration	0.00	9,058.00	0.0%
Delinquent Property Tax	0.00	400.00	0.0%
Prior Year Motor Vehicle Tax	0.00	0.00	0.0%
Interest/Ad Fee on Taxes	<u>0.00</u>	<u>300.00</u>	<u>0.0%</u>
Total Property Tax Income	0.00	157,834.00	0.0%
Fees and Licenses			
Privilege Licenses	21,610.43	19,000.00	113.74%
Cable Franchise (from Time Warn	0.00	15,200.00	0.0%
Zoning Permit	605.00	14,000.00	4.32%
Engineering Fees Reimbursement	3,069.00	10,000.00	30.69%
Annexation Exp Reimbursed	0.00	100.00	0.0%
Misc. Fees	2.00	200.00	1.0%
National Night Out	<u>0.00</u>	<u>60.00</u>	<u>0.0%</u>
Total Fees and Licenses	25,286.43	58,560.00	43.18%
Interest Earned	10.11	400.00	2.53%
Revenue Sharing			
Sales & Use Taxes	0.00	41,000.00	0.0%
Telecommunications Tax	0.00	10,200.00	0.0%
Video Programming(State Cable)	0.00	91,000.00	0.0%
Franchise Tax (Electric Power)	0.00	175,000.00	0.0%
Excise Tax (Piped Natural Gas)	0.00	16,000.00	0.0%
Alcoholic Beverage Tax	<u>0.00</u>	<u>31,000.00</u>	<u>0.0%</u>
Total Revenue Sharing	0.00	364,200.00	0.0%

Total Income	<u>25,296.54</u>	<u>580,994.00</u>	<u>4.35%</u>
Expense			
Total Operating Expenditures Gen. Govt. Salaries	23,091.14	112,545.00	20.52%
Total Gen. Govt. Salaries	5,954.73	115,141.00	5.17%
Total Planning & Zoning Professional Fees	26.00	78,991.00	0.03%
Total Professional Fees Capital Outlay	0.00	38,900.00	0.0%
Total Capital Outlay Public Services / Safety	0.00	32,350.00	0.0%
Total Public Services / Safety Parks & Recreation	20,185.75	82,283.00	24.53%
Total Parks & Recreation Personal Services	670.00	6,411.00	10.45%
Total Parks & Rec Supplies & Material Parks & Recreation Services	231.66	6,714.00	3.45%
Total Parks & Recreation Services	<u>3,464.27</u>	<u>65,836.00</u>	<u>5.26%</u>
Total P&R Capital Outlay	<u>0.00</u>	<u>41,823.00</u>	<u>0.0%</u>
Total Parks & Recreation	<u>4,365.93</u>	<u>120,784.00</u>	<u>3.62%</u>
Total Expense	<u>53,623.55</u>	<u>580,994.00</u>	<u>9.23%</u>
Net General Fund	-28,327.01	0.00	100.0%
Capital Projects Fund			
CIP Income			
Transfer from General Fund			
Appropriated for Dogwood Park	<u>0.00</u>	<u>0.00</u>	<u>0.0%</u>
Total Transfer from General Fund	<u>0.00</u>	<u>0.00</u>	<u>0.0%</u>
Total CIP Income	0.00	0.00	0.0%
CIP Expense			
Capital Projects			
Dogwood Park Capital Outlay			
Design/Constr Mgt,etc.	911.05		
Parking lot & drive	0.00	0.00	0.0%
Contingency	0.00	0.00	0.0%
Legal Fees - DP	<u>0.00</u>	<u>0.00</u>	<u>0.0%</u>
Total Dogwood Park Capital Outlay	911.05	0.00	100.0%
Town Hall Capital Outlay			
TH Construction Contract	0.00	0.00	0.0%
TH Telecom Sys/AV/Computers	<u>0.00</u>	<u>0.00</u>	<u>0.0%</u>
Total Town Hall Capital Outlay	<u>0.00</u>	<u>0.00</u>	<u>0.0%</u>
Total Capital Projects	<u>911.05</u>	<u>0.00</u>	<u>100.0%</u>

Total CIP Expense	911.05	0.00	100.0%
Net CIP	-911.05	0.00	100.0%
Net Excess of Rev. over Exp.	<u><u>-29,238.06</u></u>	<u><u>0.00</u></u>	<u><u>100.0%</u></u>

The account explanations had been sent to Council earlier, as requested. Council Member Rosoff noted the town hall has been open seven months, and we have a feel for the operating expenses, but the park has only been open one month so we don't know how the expenses will run. She wanted to know what the town hall is costing. The Finance Officer will create a new section of town hall operating expenses in the budget report and move the relevant accounts there.

9. STAFF REPORTS – PLANNING/ZONING AND CODE ENFORCEMENT

Bill Duston reported he issued 10 permits during the month, including one for a computer repair store. Subdivision ordinance text amendments for streets and conditional zoning were presented to Planning Board in July and will be re-visited in August. Mr. Duston, Council Member Plyler and Planning Board Member Ellis discussed the content of proposed text for senior housing and made a site visit to senior housing in Stallings. Mr. Duston suggested a joint meeting of Planning Board and Council on this subject. Mr. Duston did a sign sweep in late July and is working with Wesley Pond and Candella on getting their final plats for submittal. The Fire Department submitted their stormwater self-inspection. A property owner neighboring McKinley Forest complained about run-off, our engineer met with them on August 7 and McKinley proposed a plan B; if the easement moves a tad the attorney said it would be okay. It was discovered that stormwater plans were not being reviewed to address the required ten foot setback of ponds from all adjacent property lines; our engineer contacted Wesley Manor and they will move the pond a foot or two; the engineer looked at other recently approved developments and all are compliant. However, the PetSmart pond is on our town hall property. A re-zoning application to change a 9 acre property at the corner of Baucom and Goldmine Roads from R-20 to R-40 has been filed.

Bill Duston received a query from Duke Energy regarding the possibility of the Village giving Duke an easement at the Park and a meeting was held on August 4. Mayor Pro Tem Como reported they are bringing in new power lines to the new subdivision on Lester Davis, and adding one more pole, but to support it they need an easement on park property, with three cables that go twenty-one feet into the property in a heavily wooded area. Council Member Kenary asked if they have a plan B; Bill Duston reported Duke said they can do something else on the other side of the street. Council wanted them to come explain and give more information on where and how much they will clear trees. Duke Energy will be asked to come to the next meeting.

Mayor Pro Tem asked for staff to print out the 11 x 17 reports for Council in the future.

John Ganus reviewed current complaints and violations. 410 Cottonwood is not really a zoning violation; it would fall under a nuisance ordinance. All code enforcement is done on a complaint basis.

Mayor Horvath reported there have been outstanding flooding issues at Mr. Kiker's house; DOT replaced the conduit on the north side, and he requested they replace the one on the south side of

his house, and DOT would not. The DOT engineer, our engineer, and staff have gone to the site. DOT recommended putting the swale back in the front of the property, but Mr. Kiker did not want that done. Mr. Kiker sent documents to the Mayor, attorney and clerk, summarizing his problems. Mayor Horvath spoke to him today, and told him that Wesley Chapel does not maintain the road. The attorney noted we also do not own or maintain stormwater facilities. Mayor Horvath said the road is deteriorating from the water; based on estimates Mr. Kiker obtained a pipe under the road could cost \$28,000, but DOT does not want a new pipe put in. Council Member Kenary asked for a copy of Mr. Kiker's correspondence to be given to Council, and information from Bill Duston on his inspections.

10. YOUTH COUNCIL COMMITTEE

Council Member Kenary noted Joe Hess has served since the inception of the Youth Council Committee and graduated from high school this year. Mayor Horvath and Council Member Kenary presented a certificate of appreciation to him and thanked him for his contributions. Mayor Horvath accepted the resignations of Joe Hess and Tana Stamper, and appointed Om Dave, McKenzie Hird and Michael Drewery to the Youth Council Committee.

11. REPORT FROM JOHN GANUS ON CODE ENFORCEMENT ORDINANCES

John Ganus who does our code enforcement through N-Focus Planning reported the Village has a zoning ordinance and in 2007 adopted enforcement of the County nuisance ordinance, which is basically a noise ordinance. He gave an overview of potential ordinances. Civil penalties are a tool which should be high enough to motivate property owners, but not too high to beat them up; they should not be issued routinely or without first providing reasonable opportunity to comply with the ordinance. A minimum housing standards ordinance provides standards for dwellings to be considered fit for human habitation. Abandoned, junked and nuisance vehicles ordinances deals with vehicles which may affect property values, public health and safety, and character and integrity of the community. Public nuisances ordinance defines specific conditions or situations that constitute a detriment, danger, and hazard to the health, safety, morals and general welfare of the citizens. Non-residential buildings and structures ordinance establishes minimum standards for non-residential buildings and structures. Most counties do not have a nuisance ordinance; all these ordinances are based on state statute authorization. Mr. Ganus has been doing code enforcement since 1995.

Council Member Plyler asked whose idea this was. Council Member Rosoff said when properties are close it is a more logical thing. Mayor Horvath said we can choose to do it or not; Planning Board looked at grass heights and threw it out. Bill Duston reported two properties had problems and the zoning ordinance did not address them. Mr. Ganus thought there was a potential for ordinances for abandoned, junked and nuisance vehicles and for public nuisances. He can draft ordinances and send them in, he suggested a public hearing, then adopt or not adopt them. Council Member Kenary recommended he do this as soon as he can. Mr. Ganus will submit a rough draft on all five types of ordinances in about three weeks for Council to review and then Council can choose what the next step is.

12. REVISIONS TO LAND USE PLAN – TIMING, COMMUNICATIONS

Mr. Duston reported Planning Board started a review of the Land Use Plan in 2012 and in May 2013 recommended changes to the text and to the map. Mayor Horvath noted before we put something before the public, Council needs to be comfortable with the changes. Council

Member Plyler said the public should be talked to, she thought it unfair to the public and the people who own land. Mayor Horvath noted Planning Board put a lot of time into this, the other alternative is to throw it out, but that would be insulting to Planning Board. Any piece of property that has changed on the map should get an invitation to a public meeting. Council Member Rosoff agreed stakeholders with large tracts of land should be invited.

Bill Duston reviewed the proposed map changes first.

MAP CHANGES

Change #1:

Location: NW, NE and SE corners of NC 84 and Potter Road intersection

Change: Remove Institutional-office designation

Change #2:

Location: NW Intersection of Waxhaw-Indian Trail Road and NC 84 (adjacent to Shops at Wesley Chapel Shopping Center)

Change: Remove the “Town Center Commercial” designation from area to the immediate west of the shopping center that is not part of the shopping center and change it to “low-density residential.”

Change #3:

Location: SW Intersection of Waxhaw-Indian Trail Road and NC 84 (adjacent to the Village Commons Shopping Center)

Change: Remove the “Town Center Commercial” designation from area to the immediate west of the shopping center that is not part of the shopping center and change it to “low-density residential.”

Change #4:

Location: Chambwood Road and Potter Road (i.e., Wesley Chapel United Methodist Church)

Change: Remove “low-density residential” designation and change to “Institutional-office”.

Change #5:

Location: Areas outside of the corporate limits that lie adjacent to the corporate limits (i.e., the former Extraterritorial jurisdiction)

Change: These areas are no longer given a land use designation on the LUP as they are not in the Village’s corporate limits.

Change #6:

Locations: Southeast corner of New Town Road and Waxhaw-Indian Trail Road; lot south of the intersection of New Town Road and Billy Howey Road; two lots that lie to the west of the Underwood Road and NC 84 intersection.

Change: Formerly called “Existing Commercial”; now called “Low Intensity Commercial”.

Note: Property rezoned to B-2 on Waxhaw-Indian Trail Road is still shown on the LUP Map as “low-density residential”.

Change #7:

Location: Shops at Wesley Chapel and Village Commons Shopping Centers.

Change: Formerly called “Town Center Commercial”; now called “High Intensity Commercial”.

Mr. Duston commented the biggest change is the corner of Hwy. 84 and Potter Road where currently the four corners are O-I on the land use map and would leave only the school corner O-I. Regarding change 2 and 3, in 2003 Mr. Duston arced in a general area, and Planning Board changed it to coincide with property lines.

Mayor Horvath asked if there was any map changes that Council doesn't want to change. Council Member Plyler said it affected her property. Council Member Kenary asked if the change for Siler Church would affect the Church; Mr. Duston said no, churches are allowed in residential.

A question came up on changing the park and the rest of the town hall land to a public recreation district; Mr. Duston said that would go back to Planning Board. Bill Duston said we need to add in the text what high intensity and low intensity commercial are.

Mr. Duston reviewed the text changes next.

**SUMMARY OF SUBSTANTIVE CHANGES
WESLEY CHAPEL LAND USE PLAN
RECOMMENDED FOR APPROVAL BY THE
WESLEY CHAPEL PLANNING BOARD
APRIL 22, 2013**

TEXT CHANGES

GOALS AND POLICIES: RESIDENTIAL DEVELOPMENT

Policy 1:

- **Old:** One house per acre shall be standard for residential development except at specifically designated locations. These locations shall be in the vicinity of preferred non-residential nodes.
- **New:** One house per minimum 40,000 sf shall be the standard to which future subdivisions shall be designed and built.

Policy 2:

- **Old:** Areas in the northeastern portion of the Village along NC 84, Airport Road and Goldmine Road that were previously platted with lots smaller than one acre or were zoned R-20 by Union County shall be allowed to be developed at medium densities (i.e., less than 40,000 sf).
- **New:** Areas that were previously platted with lots smaller than one acre or were zoned R-20 by Union County shall be allowed to be developed at medium densities (i.e., less than 40,000 sf).

Policy 3: No changes

Policy 4:

- **Old:** Residential densities shall not be a function of the presence of water and sewer.
- **New:** This policy has been deleted.

Policy 4 (old #5):

- **Old:** Connectivity of streets within and between subdivisions shall be encouraged.
- **New:** Connectivity of streets shall be promoted through the consideration of zoning and subdivision regulations which incentivize the use of street designs that support connectivity through safety measures such as calming infrastructure.

Policy 5 (old #6):

- **Old:** For residential subdivision, protecting existing mature hardwood trees to the greatest degree feasible within subdivisions and along thoroughfares shall be required.
- **New:** For residential subdivisions, protecting existing mature hardwood trees within subdivisions and along thoroughfares shall be required as outlined in the...Subdivision Ordinance.

Policy 6 (old #7):

- **Old:** The Village encourages the voluntary protection of open space and vistas from public roads through dedication of conservation easements and other measures.
- **New:** The Village encourages the voluntary protection of open space and vistas from public roads through the dedication of neighborhood common area and other amenities. In addition, additional conservation measures shall be considered including the utilization of building envelope measures or provision of development incentives.

Policy 7 (old #8):

- **Old:** Residential subdivisions in the vicinity of designated areas for non-residential development shall have sidewalks, curbs and gutters on external streets.
- **New:** Residential subdivisions shall have sidewalks, curbs and gutters along external streets.
- **Note:** The Village currently requires sidewalks, curbs and gutters along all subdivision streets.

Policy 8 (new policy):

- **Old:** N/A

- **New:** Incentives shall be considered which encourage developers of new major subdivisions to dedicate public access easements along the Carolina Thread Trail, if located along the route, as part of any open space conservation measures already required or incentivized. Greenway planning and construction shall be required to have privacy buffers installed and maintained between the Thread Trail and residential subdivision lots.

GOALS AND POLICIES: NON- RESIDENTIAL DEVELOPMENT

Goal 2, Policy 1(old Policy #2):

- **Old:** The Village's commercial, governmental, and institutional hub should occur at the intersection of NC 84 and Waxhaw-Indian Trail Road.
- **New:** The Village's commercial, governmental, and institutional hub at the intersection of NC 84 and Waxhaw-Indian Trail Road should be supported and encouraged to finish build-out.

Goal 2, Policy 2(old Policy #1):

- **Old:** The large majority of planned non-residential development will take place at strategic nodes on NC 84 which is the primary gateway through Wesley Chapel.
- **New:** Commercial development beyond the Village's commercial, governmental and institutional hub will only be allowed at areas designated on the LUP map. Commercial development will be limited to low density, small-scale retail which provides neighborhood services, rural cottage industries and/or small scale recreational opportunities.

Goal 2, Policy 3:

- **Old:** Office/institutional clusters consisting of medical offices and/or continuing care facilities should occur along with the existing elementary school at the intersection of NC 84 and Potter Road. Such development should generate low traffic volumes and occur in a condensed area in the vicinity of this intersection. Medical office developments shall be limited to no more than two acres in size at each of the three undeveloped corners. Uses that generate high traffic volumes shall be prohibited at this intersection. These uses include convenience stores, gas stations and fast food restaurants. Driveway access onto NC 84 shall be limited.
- **New:** Office/institutional clusters including medical offices and/or continuing care facilities should only occur at areas designated on the LUP map. Such development should generate low traffic volumes and occur in a condensed area in the vicinity of major intersections. Uses that generate high traffic volumes shall not be considered outside the Village's Commercial hub. Driveway access onto NC 84 shall be limited. Traffic Impact Analyses shall be required for all such new uses.

Goal 2, Policy 4:

- **Old:** A third area for retail, non-shopping center development is at the southeast corner of New Town Road and Waxhaw-Indian Trail Road...
- **New:** This has been deleted.

Goal 2, Policy 5:

- **Old:** No big box stores shall be allowed except that the Village would consider one big box store at the Town Center.
- **New:** This has been deleted.

Goal 2, Policy 4 (old Policy #6):

- **Old...**Facilities specifically discouraged throughout the Village include those typically not in keeping with a suburban single-family atmosphere. Those facilities discouraged include, but are not limited to, solid waste and County wastewater treatment systems.
- **New...**Facilities specifically discouraged throughout the Village include those typically not in keeping with a rural atmosphere. Those facilities discouraged include, but are not limited to, solid waste and County wastewater treatment systems.

Goal 3, Policy 1:

- **Old:** Shopping center and other non-residential development in the Village should be developed to serve both the pedestrian and the motorist. Shopping centers should be pedestrian-friendly, allowing pedestrians to circulate freely...
- **New:** Non-residential uses having a gross floor area in excess of 10,000 square feet should be developed to serve both the pedestrian and the motorist. Non-residential uses having a gross floor area in excess of 10,000 square feet should be pedestrian-friendly, allowing pedestrians to circulate freely...

Goal 3, Policy 7:

- **Old:** The design of future non-residential development shall have a unified theme, similar to and/or in harmony with the architectural theme of the Village Commons Shopping Center. The Village Commons architectural theme is characterized by its usage of brick and other masonry materials, varied storefront facades, second story windows and roofline architectural details. Exterior facades of such buildings shall have limited usage of materials such as glass, other than for windows, and stainless steel.
New: Form based codes and/or a hybrid zoning ordinance containing form-based code elements shall be considered for application to certain areas and/or certain uses within the Village in order to allow for a greater flexibility of uses while regulating traffic, encouraging pedestrian flexibility, and enhancing overall design of development projects.

Council Member Rosoff commented that Residential policy one doesn't allow for clustering. Bill Duston commented that Residential policy four is a very important change, the old policy suggested that water and sewer should allow higher density, but we want a standard of one acre lots. Mayor Horvath said the second point is we have no control over water and sewer and it conflicted with policy one. Residential policy four incentives could be more density or a lower fee in lieu. Regarding Residential policy five, we now have a tree ordinance and buffering requirements. Council Member Kenary asked how Residential policy 6 accommodates open space or large lots or conservation areas. Council Member Rosoff noted the master plan had an elliptical shape with smaller lots in the center and larger lots as you go further out. Mayor Horvath noted there is a county or statewide tax reduction plan for farmland. Council Member Rosoff asked if you can re-zone from R-40 to larger lot sizes; Mr. Duston said yes. Council Member Plyler asked if there can be a court challenge.

Bill Duston noted that the Non-residential Development Goal 2, Policy 1 is a significant change; it says this is where the center of business should be. Goal 2, Policy 2 is saying no new hubs until the old hub is finished; Council Member Plyler said this is unfair because they got the land cheap and may never build out. Goal 2, Policy 3 added Traffic Impact Analyses which are now required in the code. There is a disconnect on goal 2, policy 4, since the map still shows it as a low intensity commercial area. Non-residential goal 3, Policy 1 added that more than 10,000 square feet of non-residential uses should be pedestrian friendly. Council Member Kenary asked how this applies to a CUP; Mr. Duston said the applicant can do only what is shown on the CUP site plan and meet any conditions placed on the approved CUP.

Mayor Horvath asked Council to come to the next meeting with any map or text change you would want changed or to see Bill Duston in person. Next week we will try to schedule a special meeting on the Land Use Plan.

13. ABC RESOLUTION

Council Member Kenary reported the deadline for the Board of Elections of today, but it was extended due to their County commission meeting tonight. She read the proposed resolution and noted it is to allow the question to go to the citizens to vote on this November. Discussion was held on the pros and cons. Gayla Adams said 201 Central needs this to help their business; their store in Huntersville is thriving, and this is an opportunity to let the people decide. Council Member Plyler noted Harris Teeter and 201 Central knew the rules, that they needed a restaurant to sell beer before they opened. Mayor Horvath noted we are in the business of making a town, not choosing businesses, people should be informed on what this involves, and no one wanted an ABC store six years ago; he had some concerns. Finance Officer Bennett questioned whether adding this to the ballot would cause the town to incur some election expense, she will check on it. Council Member Kenary motioned to pass Resolution 2014-02, incorporated herein, to allow the citizens to vote on the issue. Council Member Rosoff seconded the motion.

The motion passed 3-1 with Plyler voting nay.

A RESOLUTION REQUESTING AN ABC STORE ELECTION AND A MALT BEVERAGE ELECTION FOR THE VILLAGE OF WESLEY CHAPEL, NORTH CAROLINA

WHEREAS, The Village of Wesley Chapel (the “Village”), pursuant to North Carolina General Statutes Section 18B-600 (subsections (c) and (d)), is qualified to hold an ABC store election and a malt beverage election;

WHEREAS, the residents of the Village should be allowed the opportunity to decide for themselves whether or not to permit the operation of ABC stores within the Village and whether or not to permit the on-premises and off-premises sales of malt beverages; and

WHEREAS, in accordance with North Carolina General Statutes Section 18B-601(c), the Village Council desires to request that the Board of Elections of Union County conduct the aforementioned elections.

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE VILLAGE OF WESLEY CHAPEL, NORTH CAROLINA REQUESTS AS FOLLOWS:

The Village of Wesley Chapel requests that the Board of Elections of Union County, North Carolina add the following items to the Village of Wesley Chapel Ballot for the November 4, 2014 election.

To permit the operation of ABC stores.

FOR

AGAINST

To permit the "on-premises" and "off-premises" sale of malt beverages.

FOR

AGAINST

This resolution shall be effective immediately upon adoption.

SO RESOLVED THIS THE 11TH DAY OF AUGUST, 2014

THE COUNCIL OF THE VILLAGE OF WESLEY
CHAPEL

Brad Horvath, Mayor

Attest: _____
Cheryl Bennett, Town Clerk

14. UPDATE ON SOLICITATION/PANHANDLING ORDINANCES

Council Member Kenary asked that some sort of penalty be incorporated in the ordinance. Attorney Sistrunk will bring a draft by next month’s meeting.

15. DECISION ON TEXT AMENDMENT FOR BULLETIN BOARDS

After some discussion, Council Member Kenary motioned we add that the height of the sign itself be no more than five feet. The motion died for lack of a second.

Council Member Plyler motioned that we approve the text amendment to Section 2.2 and Section 8.3 as is. Mayor Pro Tem Como seconded the motion. Council Member Plyler amended her motion to add a statement of consistency that the Village voluntarily developed this park and this

allows for bulletin boards within the park and within other public uses and will enhance the usability of these facilities. Thus, the proposed change is found to be consistent with the Wesley Chapel land use plan. The statement of reasonableness is the proposed text change is found to be reasonable as public uses (such as parks) need for patrons and users to be familiar with user rules, upcoming events, and similar items which will likely be posted in such bulletin boards. Mayor Pro Tem Como seconded the amended motion.

The motion passed 3-1 with Kenary voting nay.

1. **Amend Section 2.2, “Definitions” to add the following verbiage:**

Bulletin Board

A sign on the premises of a church, school, auditorium, library, museum, park, community recreation center or similar noncommercial places of public assembly, which is used to announce meetings or programs or give general user/attendee information.

2. **Amend Section 8.3, “Signs Permitted Without Permit” to add the following verbiage as Subsection M:**

Bulletin boards which contain community or civic information of a non-commercial nature shall be allowed. The bulletin board may have a maximum area of ~~twenty-five (25)~~*thirty (30)* square feet. It shall be located off of a public right-of-way and shall be at least ten (10) feet from any adjoining property line. *The bulletin board shall have an overall height of less than ten (10) feet, a width not to exceed six (6) feet and a depth of not greater than eight (8) inches.*

16. TOWN HALL UPDATE – EXTERNAL REPAIRS, IRRIGATION RFP, PHONE ISSUES, PRINTING OF PARK OPENING EMBLEM

Council Member Plyler asked about the irrigation; Council Member Kenary said she sent two emails with information on July 25. The pink flags designate sprinkler heads, there is drip irrigation for shrubs, 14 zones and a 2 year warranty. She requested any concerns be sent to her, and only Mayor Pro Tem Como replied. An RFP was not sent out, but she contacted irrigation specialists, and obtained two written and one verbal bid. Council Member Kenary motioned to approve the low bid of Stewart Lanier for \$10,200 conditional on two good business references, the contract be approved by the attorney, and the system be completed by September 30, 2014. Council Member Rosoff seconded the motion. Mayor Pro Tem Como asked where the junction box and control panel will be. Council Member Kenary said it will be on the back of the building and we can tap off it and expand in the future.

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

A brief break was held.

Council Member Kenary reported on an irrigation meter, it is \$400 for a 5/8” meter but \$2,900 for a one inch meter, and a larger meter is better for the number of zones and if we expand to the rest of the property. She will check with Union County to confirm prices, so this item will be continued to the next meeting.

The seal cost about \$82; printing the park emblem will be continued to the next meeting also. .

17. DOGWOOD PARK UPDATE – UNAUTHORIZED TRAIL MARKING, RFP FOR MONUMENT SIGN

Mayor Pro Tem Como reported the bridges are completed and the shipping container is painted tan. We need to finish the ADA pad, fish ramp, get gravel, add more signs, and need a fence on Weddington Road because people are parking at the Church and crossing. We need a second information board at the lake to post fishing rules, and pictures of fish. Council Member Kenary did not want pictures posted.

There have been several requests for use of the park; Parks and Rec meets Monday and will make a recommendation on rules.

Mayor Pro Tem Como sent photos of the current status of some of the trees from the spray paint incident; he will get estimates on the repairs, and Mayor Horvath will check with the attorney. Council Member Rosoff asked for approval of the monument sign RFP. Council Member Rosoff motioned to approve the sign; Council Member Kenary seconded the motion. The motion and second were rescinded. Council Member Rosoff amended the motion to add taking out the words “at the” and put “Wesley Chapel” curved at the top, and “Dogwood Park” at the bottom, in letters as large as possible. Council Member Kenary seconded the amended motion.

The motion passed unanimously.

Bill Whitley from Union County Parks has offered to update Council on the county comprehensive parks plan, he will be on a future agenda.

Council Member Plyler said the gate was open at the park late last night; Mayor Pro Tem said it was due to some work being done. Council Member Kenary asked if we got an adjustment on the gate installation invoice; Mayor Pro Tem Como said no, the solar was not included.

18. UPDATE ON EMS DISCUSSION

Council Member Plyler reported the county put off the contract for a few weeks; they are going to a dynamic allocation of ambulances which means no home bases. The response time for our zone stays in “yellow”. Mayor Horvath attended the meeting on EMS also, and said he made a statement that we possibly have a parcel available.

19. ADMINISTRATIVE ASSISTANT JOB DESCRIPTION, ADVERTISEMENT, DAYS/HOURS, TIMING/PROCESS TO REVIEW APPLICANTS

Please send suggestions to Cheryl Bennett.

20. OTHER BUSINESS

Mayor Pro Tem Como brought his personal equipment to work on the footbridges, and his inverter got fried. The footbridges came in \$140 under budget. Council Member Rosoff motioned to reimburse him for a replacement inverter at \$240 plus tax; Council Member Kenary seconded the motion.

The motion passed unanimously.

21. COUNCIL COMMENTS - none

22. ADJOURNMENT

Council Member Rosoff made a motion to adjourn; Council Member Kenary seconded the motion.

2014.08.11 minutes

The motion passed unanimously.
The meeting ended at approximately 12:25 am.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath