

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
WESLEY CHAPEL TOWN HALL
6490 Weddington Road, Wesley Chapel, NC 28104
November 18, 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, Administrative Assistant Lynell Hillhouse, Deputy Brandon Wicker

Citizens Present: Carol Mullis, Julie Brown

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. ADDITIONS, DELETIONS, AND / OR ADOPTION OF AGENDA

Council Member Plyler motioned to approve the agenda; Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

3. INTRODUCE NEW ADMINISTRATIVE ASSISTANT

Lynell Hillhouse introduced herself, and gave some information on herself, her family and her recent experience working in Stallings. Council welcomed her to Wesley Chapel.

4. CONDITIONAL ZONING REVIEW AND POSSIBLY CONSIDER CALL FOR PUBLIC HEARING

Bill Duston stated that the Planning Board members could not attend the meeting as requested. Two sheets were presented, one comparing a C.U.P. versus Conditional Zoning (C/Z), and one comparing the proposed C/Z text here with the text in other local towns. Mr. Duston paraphrased Planning Board's comments; the pro is that C/Z is another constructive tool, and the con that there is potential for backroom deals, and the appearance that the applicant can sell us a bag of goods. Council Member Kenary asked about the financial impact. Mr. Duston replied for a C.U.P. the applicant pays a \$250 fee plus a \$900 engineering deposit and they pay the cost of our engineer review fees; we pay notification costs to adjacent properties. With C/Z the developer will reimburse us for postage to notify other properties, and the re-zoning fee is \$250. He proposed we notify properties within 500 feet, but Planning Board changed the radius to 1,320 feet; other communities ranged from 200 to 1,300 feet. Mayor Horvath noted any conditions have to exceed the existing standards. Bill Duston said you can show a rendering under either method, and if council approves the rendering as a condition, the applicant must

comply. You can do administrative changes with both methods. With either method you can set a list of allowable uses, and the Zoning Administrator cannot change them. In either case, you can specify you do not allow a specific use. Council Member Kenary noted our zoning districts are very broad now; maybe we need to break them down into sub-sets. Mr. Duston noted he is an advocate of C/Z, and the difference is how you get to the result, the neighbors give input at the public information meeting with C/Z, and it is easier to mess up legally with the quasi-judicial process of C.U.P.'s, where you must base your decision on evidence, not hearsay. The end product can likely be the same thing. The importance is the detail that goes into it. With C/Z, once it is approved, it is the only thing you can do on the property. With a C.U.P. you can do what was approved and anything else that is a use by right in the zoning district. A C.U.P. is not a re-zoning, and example is Five Stones Church. There is a time clock, if they don't build the church, they can do any use by right in the zoning district; if it had been approved by C/Z they would have to come back to get it re-zoned. While C/Z could potentially be used for moving from R-40 to R-20, it would more likely be used for residential to non-residential zoning. Council Member Kenary said but C/Z was hooked to senior housing which is residential. Mr. Duston commented you could do senior housing as a C.U.P., it is a major departure from R-40, and neighbors can give input at the ground floor. Council Member Plyler asked how far out you notify neighbors. Mr. Duston said the recommendation was 500 feet, but Planning board wanted 1,320 feet, reasoning some properties are still large and they wanted to err on the inclusive side. Council Member Plyler noted if you were close to a subdivision, there could be a lot of properties, and felt 1,320 feet is overkill. Council Member Kenary asked why Marvin and Waxhaw were not included on the chart; Mr. Duston said Matthews was included because it had C/Z the longest. Marvin allows you to go below the standards with C/Z. Council Member Plyler called for a public hearing on the conditional zoning text at 7 pm on December 8, 2014 here at town hall. Mayor Pro Tem Como seconded the motion. Council Member Rosoff commented she likes C/Z because it is a little less formal and allows neighbor input.

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

5. EAGLE SCOUT PROJECT - FENCING

Mayor Pro Tem Como introduced Tanner Kenison from troop 406 who did his Eagle project at the park last weekend, putting in 200 feet of fencing with 25 volunteer helpers. He turns 18 on the 23rd, so he had to get it done before then. He was thanked for his work.

6. DISCUSSION WITH SHERIFF'S DEPARTMENT AND SAFETY COMMITTEE

7. DEPUTY CONTRACT RENEWAL

Council Member Plyler reported the Sheriff preferred for Capt. Luke to attend our meeting if our deputy is not on duty that night. Mayor Horvath stated the original 3 year term deputy contract was from November 2011; the County recently proposed an automatic renewal amendment, which still includes a 180 day notice for either party to terminate. Council Member Kenary motioned to approve the deputy contract agreement with the amendment as amended by our attorney. Council Member Rosoff seconded the motion.

The motion passed unanimously.

Council Member Plyler stated the Sheriff was helpful at the meeting with herself and a member of the Safety Committee, and provided new helpful reports. The Sheriff suggested the deputy

sound his siren in the daytime when he goes through neighborhoods to let people know the deputies are there. She also noted many times deputies do their reports in the Target parking lot. Council Member Kenary asked about the reports; there is another longer report that includes block addresses that will be distributed. The Sheriff also suggested we consider adding another deputy. Deputy Wicker said most crimes happen when people are at work, so he does vary his hours.

8. MINIMUM LOT SIZE – REVIEW AND CONSIDER CALL FOR PUBLIC HEARING ON ZONING AND SUBDIVISION ORDINANCES TEXT CHANGES

Bill Duston proposed two options to Planning Board; to use the current text but also exclude tree save areas, lakes and ponds, and wetlands. The second option took a different approach, and would require a building envelope of half the required lot size; however as currently written it did not work for R-20 when he applied the calculations. When you take a 100 x 200 foot lot, the setbacks only leave 9,100 square feet of buildable land. For R-40, after setbacks, you have 21,910 square feet. Planning Board recommended option one, but did not include the tree save areas. The Zoning Administrator won't do tree inspections or monitor the tree save areas, so he won't know if someone cuts down part of their tree save area.

Also, the verbiage is currently in the Zoning Ordinance, and should be in the Subdivision Ordinance. Council Member Kenary asked if the forester could meet with Planning Board, Mr. Duston said yes, the forester did have suggestions on the type of tree to save. Council Member Plyler would like this to go back to Planning Board for review of the forester's comments with them.

Council Member Kenary motioned to call for a public hearing on December 8, 2014 at 7 pm at town hall on the text changes for minimum lot size, using option one and taking out the required tree save areas. Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

9. UPDATE ON WCFOPR PARK EVENT ON DECEMBER 6, 2014

WCFOPR asked to put up decorations in advance of the event, and also to have carriage rides at the event. Parks and Rec Committee agreed to the first item, and had some questions on the carriage rides. Council Member Plyler motioned to go ahead with these requests, conditional on the two million dollar insurance certificate. Council Member Kenary seconded the motion.

The motion passed unanimously.

Mayor Horvath reported that Sondra Bradford from WCFOPR wanted funds donated from the event reserved for an amphitheater roof. Council Member Plyler motioned that any funds received from FOPR from this event should go to a special account for the roof at the amphitheater. Council Member Rosoff seconded the motion.

The motion passed unanimously.

10. CONSIDER SAFETY COMMITTEE RESIGNATIONS / NEXT STEPS

Mayor Horvath spoke to Tessie Morris today, and asked that the Committee try to pull together their December 3, 2014 meeting and approve prior meeting minutes. Council Member Plyler said Marty Kohlmeier was still interest in staying on the committee if they were not micromanaged and were supported. There have been problems in getting agendas and information out to members promptly. Council consensus was to let them meet December 3rd and see what happens.

11. TOWN HALL IRRIGATION SYSTEM UPDATE

Mayor Horvath reported Blackstone's HOA meets on November 25, 2014; they will try to get the easement document back to us as soon as possible. We also have to get paperwork to DOT. Mayor Pro Tem Como asked if we can pick up the hoses outside. Council Member Plyler said they were disconnected so they would not freeze.

Mayor Horvath discussed the issue of a one inch connection (cost \$2,900) versus a ¾ inch tap (cost \$1,200). Mayor Pro Tem Como requested we have a pressure reduction gauge. Council Member Kenary motioned to move \$3,000 from the Capital Project Fund Town Hall miscellaneous account to the Town Hall irrigation account. Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

12. NEXT STEPS ON DOGWOOD PAINTING INCIDENT

Council Members Rosoff reported Parks and Rec met and unanimously recommended that Mr. Sherland map out the route for the Youth council Committee 5k race and he also offered to work with the redbox program as restitution. Council Member Rosoff motioned that we do as recommended and forgive the bill for removing the paint from the trees. Council Member Kenary seconded the motion. Mayor Pro Tem Como stated we still had to pay the \$444 bill. Council Member Plyler agreed the taxpayers lose due to having to pay the bill. Council Member Rosoff said what he is doing will help taxpayers; he never did anything intentional to hurt us.

The vote was 2-2, with Rosoff and Kenary voting yea, and Como and Plyler voting nay. Mayor Horvath broke the tie by voting yes, so the motion passed 3-2.

13. PARK MONUMENT SIGN

Council Member Rosoff explained we had pulled the park specs, and changed the wording on the sign, and thought it would match the town hall sign. We got one high bid, and then got some informal prices, one vendor inquired about the trim, and then we realized the drawing did not have the brick at the top like the town hall sign does. The vendor said the park style was more expensive due to the molding on the precast concrete. Also the seal will only be about 8 inches diameter, do we want it on, in what color, and what material. Council Member Kenary said with the road being widened, it might be logical to move the sign in; we might want a simpler sign there, and a more substantial sign on Lester Davis Road. Another factor is that DOT may amend the TIP in early January, which might move up the Rea Road extension project. Consensus was to wait until early January to see what DOT does, and to find out more on the easements. Another factor to consider is to decide if we are committed to this sign, or would we consider a less expensive alternative, especially if we want to have signs at several entrances to the town. The possibility of a scout project to do a sign was also brought up.

14. CONSIDER DANGEROUS WEAPONS ORDINANCE FOR VILLAGE PROPERTIES AND CALL FOR A PUBLIC HEARING

Mayor Horvath noted this would cover all Village owned properties. Council Member Kenary would like to add references to the general statutes that allow the town to do this. Consensus was council is interested in enacting this ordinance. Council Member Plyler recommended we change the exception at E.2 to allow sworn law enforcement officers to be exempted whether or

not they are within their jurisdiction. Council Member Kenary brought up the definition of Dangerous Weapons, suggesting banning all knives over 3.5 inches in blade length, and all razors and razor blades. Discussion was held on occasions where knives might be appropriate to have at the park. All changes should be sent to Mayor Horvath to send to the attorney so we can have a draft ordinance to call for a public hearing.

15. CONSIDER NEW PROPOSAL FOR COUNCIL MINUTES

Mayor Horvath provided two suggested re-writes of a Council meeting minutes section, which tried to keep only relevant items and take out who said what. Council Members were polled. Mayor Pro Tem liked the minutes as is, and noted we always have the option to submit changes to minutes. Council Member Plyler said she won't approve the minutes until they change, and she liked the suggested re-writes. Council Member Kenary suggested bullet points, but was fine with the minutes as is, and will submit changes if needed. Council Member Rosoff said she had no problem with the minutes, but preferred option two to option one. Mayor Horvath asked if anyone feels there is something inaccurate in the minutes, please call the person involved, and then let Ms. Bennett know of any requested changes.

16. UPDATE ON TOWN HALL CHRISTMAS TREE

Mayor Horvath did not receive any information from the Optimist Club about providing a tree, so he got some estimates on purchasing two live trees, one for town hall, and one for the park. Council consensus was to purchase two trees. Mayor Pro Tem Como motioned to give the Mayor approval to spend up to \$1,600 for two suitable Christmas trees, with installation and delivery that would not affect the guarantee on the trees, location at town hall where the electric outlet is, and at the park in a suitable location, and we will check with Parks and Rec Committee. Council Member Rosoff seconded the motion.

The motion passed unanimously.

17. OTHER BUSINESS

Council Member Plyler thanked the finance officer for the available fund balance information. Mayor Pro Tem Como asked to purchase a battery and inverter for less than \$500 to provide power at the park for use in bridge building, Dog Park, picnic table pads, and scout projects. Council Member Rosoff added we need to hire a maintenance person at the park. Council Member Kenary stated we had an Eagle Scout who finished their project before Council approved it, and Parks and Rec hadn't seen all the Eagle Scout projects; the scouts should do a presentation and supply their own materials (this project had used our wood fencing). If we hire a maintenance employee we will need tools, if we hire a maintenance company they supply the tools. Mayor Pro Tem Como described an example where a tree had fallen on a trail, and he had it cleared within an hour.

Council Member Plyler motioned to purchase an inverter at \$299 and a battery at \$114 for a maximum of \$450. Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Como stated a resident gave him \$120 at the park for a dog waste station. Also the Girl Scouts are trying to get one donated. Council Member Kenary stated we have a budget of \$1,500 for three waste stations. Mayor Pro Tem said if we just get the sign and the bag dispenser, they won't cost \$500 each.

Mayor Pro Tem Como stated the timber staircase scout project went to Parks and Rec last night; they want it to be closer to the side, which will entail more materials and labor. Julie Brown, vice chair of Parks and Rec stated the hill was designed for amphitheater overflow use and seating on blankets; Parks and Rec did not want the staircase there. Mayor Pro Tem Como estimated it might entail \$500 of extra materials; he has not been able to speak to the scout yet so we don't know if he can come up with the additional materials. He motioned that we subsidize the Boy Scout Eagle project with \$500 of materials due to the changes in the project. The motion died for lack of a second.

Council Member Kenary motioned that there be a presentation by the Eagle Scout on the project with the change in the project by Parks and Rec, and what he can accomplish at the next Council meeting. Council Member Rosoff seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Como reported Parks and Rec discussed prioritizing projects in the park and getting citizen input, and suggested perhaps a survey for Planning Board and the committees to share the cost and each have some questions to survey. Mayor Horvath said the survey idea has come up, and will be a future agenda item.

18. COUNCIL COMMENTS

A reminder was given to let Mike Giaimo know who will attend the Biz Ed breakfast.

19. ADJOURNMENT

Mayor Pro Tem Como made a motion to adjourn; Council Member Rosoff seconded the motion.

The motion passed unanimously.

The meeting ended at approximately 10:42 pm.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath