

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
WESLEY CHAPEL TOWN HALL
6490 Weddington Road, Wesley Chapel, NC 28104
April 13, 2015 – 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, William Rodriguez, Stanley Schwartz, Sandy Fenn, Stan Schwartz, Sondra Bradford, Thomas McMillan, Rich Hearth, Jon Schrader, Anne Cutts

Meeting was called to order at 7:00 PM and a quorum was present.

1. PLEDGE OF ALLEGIANCE AND INVOCATION

Mayor Horvath led the Pledge of Allegiance and Council Member Plyler gave the invocation.

2. PUBLIC COMMENTS

Rich Hearth from Epcon Properties said he appreciated the opportunity to be involved in the senior housing text, and it is something needed here. He started site construction on a 64 home senior living subdivision in Marvin, and already has 14 contracts.

Carol Mullis commented on a statement on page 19 of the January 26, 2015 minutes that said “He (Mayor) talked with Carol after a council meeting in the parking lot, and she asked him not to say anything”. Ms. Mullis said “I am going to be correcting that statement for the third time. In listening to the tape at that meeting, when you stated that I immediately corrected you by explaining that I didn’t say that to you but I said that we the petitioners had been repeatedly told that our issue was newsworthy but I decided not to say anything yet out of respect for your wife and family. So I am the one who said that I would not say anything but that didn’t get in the minutes.” Ms. Mullis described her experience of going to the town hall to listen to the tape, on a player set up in the lobby, and it was difficult to hear when people came in Bill’s office, and Mike was in and out of Cheryl’s office making her wonder how much work she could get done during that time. Also Ms. Mullis questioned the meeting of the committee of two Planning Board members and Bill Duston; she had asked to attend but was told it was not a public meeting, and she called the School of Government and was told the meeting can be two or more individuals and should be a public meeting. Attorney Sistrunk said it was not a public meeting, and Ms. Mullis wanted to know where he got that information. She added this would also apply to the committee of the two Council and two Planning Board members who met with Bill Duston on senior housing, and the Planning Board member and Council member who met with him to tour senior housing.

Mayor Horvath said it was not a committee, it was two members of Planning Board who met to come up with a draft that the whole Planning Board and Council would have to review, and if that were the case for instance, the meetings the petitioners and Senator Tucker and Rep. Horne held could likewise be called a committee and their meetings were not public either. He had not seen what she told the School of Government or the correspondence from the School of Government which she brought tonight to the meeting.

3. ADDITIONS, DELETIONS AND ADOPTION OF AGENDA

An item for “Temporary Use Permits for the Park”, and an item for “Two Week Rule for Documents for Council Meetings”, and an item for “Youth Council Committee” were added; the items in the Parks and Rec Updates on electrical upgrades and water stand pipe were deleted. Mayor Pro Tem Como motioned to approve the amended agenda; Council Member Rosoff seconded the motion.

The motion passed unanimously.

4. APPROVE MINUTES FOR JANUARY 26, 2015, FEBRUARY 18, 2015, FEBRUARY 20, 2015, FEBRUARY 23, 2015, AND MARCH 9, 2015

Council Member Kenary asked to delay the February 18th and 23rd minutes and the March 9th minutes because she said she had not received them. The February 20, 2015 minutes were added for approval. Rosoff motioned to approve the January 26, 2015 and February 20, 2015 minutes. Mayor Pro Tem Como seconded the motion. Discussion was held on the minutes; and should the minutes be verbatim or motion only. Two of the recordings are on Youtube.

The motion passed 3-1, with Kenary voting nay, she did not think the January 26, 2015 meetings were a complete representation of the meeting.

5. STAFF REPORTS – FINANCE REPORT

The Finance Officer reported she moved \$100 in the Capital Projects Fund town hall project from testing fees to legal fees. The park portion of the capital projects fund is complete, so she will close that out before year end. The town hall portion will have final payment to the contractor next week, and the irrigation system is still in process. During the month the town hall was used three times by outside groups (Union County Economic Development Council, Blackstone and Wesley Woods HOA’s) with no rental fees.

Council Member Plyler motioned to approve the March 2015 financial reports; Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

Balance Sheet March 31, 2015

ASSETS

Checking/Savings

Fifth Third Bank checking	210,342.07
Fifth Third Maxsaver	305,664.54
BB&T Money Market	355,723.86
Cash Change Fund	<u>50.00</u>
Total Checking/Savings	871,780.47

Misc. Fees Receivable	2,667.18
Property Tax Rec.	2,274.00
Allow. for Doubtful Accounts	-1,173.00
Prepaid Exp.	448.00
Total Sales Taxes to be Received	<u>3,770.13</u>
Fixed Assets	
Land	813,423.00
Town Hall	1,361,869.00
Town Hall Driveway	29,563.00
Dogwood Park Improvements	705,108.00
Dogwood Park Gate	5,126.00
Dogwood Park Shipping Container	3,200.00
Dogwood Park Sign	1,783.00
Furniture & Equipment	34,846.00
Accumulated Deprec.	<u>-63,101.98</u>
Total Fixed Assets	<u>2,891,816.02</u>
TOTAL ASSETS	<u>3,771,582.80</u>
LIABILITIES & FUND BALANCE	
Other Current Liabilities	
Retainage Payable - Town Hall	7,694.24
Due to Union County Schools	77.11
Escrow from Developers	45,076.00
Payroll Liabilities	2,717.48
Deferred Revenue	<u>1,101.20</u>
Total Other Current Liabilities	56,666.03
Fund Balance	
Fund Bal. inv. in Fixed Assets	2,891,816.02
Fund Bal. non-spendable	45,256.00
FB Restrict for P&R fee in lieu	94,178.39
Fund Bal. Res for Amph. Cover	2,650.00
FB restricted by State Statute	21,514.00
Fund Bal. Committed for CIP	65,626.89
Fund Bal assigned TH land	25,000.00
Fund Bal. Assigned for Com. Cen	51,348.00
Fund Balance Assigned for NNO	313.40
Fund Balance	385,884.11
Excess of Revenues over expense	<u>131,329.96</u>
Total Fund Balance	<u>3,714,916.77</u>
TOTAL LIABILITIES & FUND BALANCE	<u>3,771,582.80</u>

Budget Report March 2015

	<u>Mar 15</u>	<u>Jul '14 - Mar 15</u>	<u>YTD Budget</u>	<u>% of Budget</u>
General Fund				
Income				
Appropriated Fund Balance	0.00	500.00	500.00	100%
Contributions Income				
Restricted	0.00	3,194.00	544.00	587%
Total Contributions Income	0.00	3,194.00	544.00	587%
Property Tax Income				
Current Year Property Tax	1,361.85	149,858.00	146,376.00	102%
Utility Ad Valorem	0.00	1,906.94	1,700.00	112%
Vehicle Registration	801.63	7,913.05	9,058.00	87%
Delinquent Property Tax	33.37	474.92	400.00	119%
Prior Year Motor Vehicle Tax	7.25	92.12	0.00	100%
Interest/Ad Fee on Taxes	50.87	307.57	300.00	103%
Total Property Tax Income	2,254.97	160,552.60	157,834.00	102%
Fees and Licenses				
Privilege Licenses	20.00	22,343.03	19,000.00	118%
Cable Franchise (from Time Warn	0.00	7,835.00	15,200.00	52%
Zoning Permit	550.00	7,100.00	14,000.00	51%
Engineering Fees Reimbursement	7,192.54	29,028.57	22,000.00	132%
Annexation Exp Reimbursed	0.00	0.00	100.00	0%
Misc. Fees	185.70	341.59	200.00	171%
Winter Walk 5K fees	0.00	1,878.00	0.00	100%
National Night Out	0.00	0.00	60.00	0%
Total Fees and Licenses	7,948.24	68,526.19	70,560.00	97%
Interest Earned	40.26	324.88	400.00	81%
Revenue Sharing				
Sales & Use Taxes	4,448.92	24,194.14	41,000.00	59%
Telecommunications Tax	2,569.84	5,514.77	10,200.00	54%
Video Programming(State Cable)	24,550.35	49,529.65	91,000.00	54%
Franchise Tax (Electric Power)	40,822.23	101,542.36	175,000.00	58%
Excise Tax (Piped Natural Gas)	2,575.12	4,514.59	16,000.00	28%
Alcoholic Beverage Tax	0.00	0.00	31,000.00	0%
Total Revenue Sharing	74,966.46	185,295.51	364,200.00	51%
Total Income	85,209.93	418,393.18	594,038.00	70%
Expense				
Total Town Hall Operating Expense	978.34	13,333.50	31,815.00	42%
Total Operating Expenditures	605.00	35,215.00	73,730.00	48%
Total Gen. Govt. Salaries	10,900.63	80,033.34	122,141.00	66%

Total Planning & Zoning	4,997.16	44,148.08	78,991.00	56%
Total Professional Fees	3,760.02	36,703.20	50,900.00	72%
Total Capital Outlay	25,000.00	26,810.30	32,350.00	83%
Total Public Services / Safety	20,185.75	80,778.00	82,283.00	98%
Parks & Recreation				
Total Parks & Recreation Personal Services	0.00	670.00	6,411.00	10%
Total Parks & Rec Supplies & Material	682.88	4,286.23	8,314.00	52%
Total Parks & Recreation Services	<u>1,101.75</u>	<u>24,557.28</u>	<u>66,636.00</u>	<u>37%</u>
Total P&R Capital Outlay	<u>90.13</u>	<u>5,615.79</u>	<u>40,467.00</u>	<u>14%</u>
Total Parks & Recreation	<u>1,874.76</u>	<u>35,129.30</u>	<u>121,828.00</u>	<u>29%</u>
Total Expense	<u>68,301.66</u>	<u>352,150.72</u>	<u>594,038.00</u>	<u>59%</u>
Net General fund	16,908.27	66,242.46	0.00	100%
Capital Projects fund				
CIP Income				
PARTF Grant	0.00	500,000.00	500,000.00	100%
Adopt A Trail Grant	0.00	5,000.00	5,000.00	100%
Water Based Resource Grant-Park	0.00	100,000.00	100,000.00	100%
Transfer from General Fund				
Appropriated for Dogwood Park	0.00	1,209,600.00	1,209,600.00	100%
Appropriated for Town Hall	<u>0.00</u>	<u>1,442,700.00</u>	<u>1,442,700.00</u>	<u>100%</u>
Total Transfer from General Fund	<u>0.00</u>	<u>2,652,300.00</u>	<u>2,652,300.00</u>	<u>100%</u>
Total CIP Income	0.00	3,257,300.00	3,257,300.00	100%
CIP Expense				
Capital Projects				
Dogwood Park Capital Outlay				
Land Acquisition	0.00	673,271.00	673,271.00	100%
House	0.00	411,419.00	411,419.00	100%
Preliminary Planning	0.00	15,526.67	15,527.00	100%
Design/Constr Mgt,etc.	0.00	74,388.05	77,850.00	96%
Site preparation	0.00	238,394.33	238,500.00	100%
Grassing	0.00	50,939.29	51,100.00	100%
Parking lot & drive	0.00	113,869.91	114,574.00	99%
Boardwalk	0.00	36,550.54	36,953.00	99%
Accessible routes	0.00	20,519.48	20,600.00	100%
Paved Walking Trail	0.00	56,900.00	56,900.00	100%
Unpaved trail	0.00	9,888.04	9,888.00	100%
Amphitheater/Stage/Outdoor Clas	0.00	72,100.00	76,100.00	95%
Contingency	0.00	3,674.89	7,435.00	49%
Testing Fees	0.00	11,733.40	12,000.00	98%
Legal Fees - DP	0.00	5,802.50	6,396.00	91%

Utilities	0.00	4,380.00	4,380.00	100%
Site Furnishings-gate,signs,etc	0.00	277.77	278.00	100%
Other Expense	0.00	1,428.24	1,429.00	100%
Total Dogwood Park Capital Outlay	0.00	1,801,063.11	1,814,600.00	99%
Town Hall Capital Outlay				
TH Construction Contract	0.00	1,233,460.67	1,262,981.00	98%
TH Architect/Engineer	0.00	104,328.87	108,168.00	96%
TH In House Engineering	0.00	1,200.00	1,200.00	100%
TH Testing/Permit Fees	0.00	12,894.66	14,900.00	87%
TH Telecom Sys/AV/Computers	0.00	179.90	252.00	71%
TH Insurance	0.00	1,374.00	1,374.00	100%
TH Legal Fees	70.00	5,052.50	5,100.00	99%
TH Furnishings/Seasonal Dec.	0.00	28,575.14	28,945.00	99%
TH Irrigation	0.00	400.00	16,000.00	3%
TH Miscellaneous	0.00	3,683.65	3,780.00	97%
Total Town Hall Capital Outlay	70.00	1,391,149.39	1,442,700.00	96%
Total CIP Expense	70.00	3,192,212.50	3,257,300.00	98%
Net CIP Income	-70.00	65,087.50	0.00	100%
Net Excess of Rev. over Exp.	16,838.27	131,329.96	0.00	100%

The final payment on town hall in the amount of \$7,694.24 was discussed; the Mayor noted the final walk through was held, and they will fix the doors, there are five remote sensors for the HVAC system on the plans, and only four in the building. The pond is graded properly. The driveway past the current patch is breaking up and will be re-done. Council Member Kenary said the trees were supposed to be comparable to those on the plans, and the plans called for four inches of soil before seeding which was not done. The Mayor said they will replace the trees if called for, and thought the architect said we were not entitled to the extra soil, as there was an “either or” clause. Council Member Kenary noted then we will have to do something to the landscaping. Mayor Pro Tem Como motioned to approve the final payment to Morlando Construction on town hall of \$7,694.24. Council Member Rosoff seconded the motion. Mayor Horvath reported the problem with the monitors is because they are not HD and the system is set up as HD; Wynncom is getting us numbers on the swap out. Council Member Kenary questioned that we still have outstanding issues but want to release the funds. Mayor Horvath said on a contractual basis we can’t hold up the funds.

The motion passed unanimously.

6. STAFF REPORTS – PLANNING/ZONING AND CODE ENFORCEMENT

Planning and Zoning Administrator Bill Duston reported 15 permits were issued during the last month. Text amendments work continued as Planning Board recommended 4-1 to approve

senior housing text and approved 4-1 sign setback text. Chair Keeney assigned Chuck Adams and John Bowen to work with Mr. Duston on the Land Use Plan changes. Mr. Duston received two development queries this month, one is a ten lot subdivision on Will Plyler Road. Three code violations are under investigation.

6A. TEMPORARY USE PERMITS FOR PARK

Mayor Pro Tem Como noted the ordinance says you can't have more than three temporary use permits per year at a property and a waiting time of 45 days between events; it wasn't meant to prevent more than three events at the park, it was meant to prevent continuous commercial events at a residential property. Bill Duston noted a text amendment to section 4.7.3 might exclude local government and non-profit events. The barbecue in May would be the third park event this year and more events are planned. Mayor Pro Tem Como motioned to allow Bill Duston to work on verbiage to correct the ordinance and will allow more events at the park. There are five park events plus others that outside organizations might hold. Council Member Plyler noted people like to come to the park on Friday and Saturday; Mayor Pro Tem Como noted we tried to have the Easter egg event in a small area and one person did request and was allowed to park there to walk at the park. Council Member Rosoff seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Como motioned to waive the 45 day period between events so we could have the Easter Egg event, barbecue event, and fishing event in July. Council Member Rosoff seconded the motion. Attorney Sistrunk approved waiving the time period.

The motion passed unanimously.

7. FINAL PLAT, BROOKMEADE SUBDIVISION

Bill Duston reported Brookmeade is a 66 lot subdivision on Waxhaw-Indian Trail Road near New Town Elementary School. Modifications were granted by Council at preliminary plat. The plat meets the ordinance regulations. The infrastructure will be bonded in the amount of \$1,597,928 and a road maintenance bond of \$58,937. Cluster mailboxes were discussed, Mayor Pro Tem Como noted it may be difficult to have people parking at a lot to check their mailbox; Keith Cooper, representing the developer, said they try to put cluster mailboxes in common areas and provide parking. In this case they were added between preliminary and final plat, and they will probably add some parking. Bill Duston will bring up the need for text on cluster mailboxes to Planning Board. Council Member Kenary asked what the "borrow area" meant; Mr. Cooper said they had to borrow structural soil and put in stones and other materials, and it may not be suitable for a structure. Council Member Kenary inquired why the sewer line runs through lot 5; Mr. Cooper replied that is the existing location and they had to work around it. Mayor Pro Tem Como motioned to approve the final plat of Brookmeade Subdivision, contingent on the fee-in-lieu, and the bond. Council Member Plyler seconded the motion.

The motion passed unanimously.

8. CALL FOR PUBLIC HEARING ON SILER PRESBYTERIAN CHURCH CUP

Bill Duston noted they want to add a net 13 additional parking spaces and 530 square feet of bathrooms. Planning Board recommended unanimously to approve the CUP. A Public Information meeting was held; no one attended. Council Member Rosoff motioned to call for a

public hearing on the Siler Presbyterian Church Conditional Use Permit on Monday May 11, 2015 at 7 pm at Wesley Chapel Town Hall at 6490 Weddington Road, Wesley Chapel, NC 28104. Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

9. CONSIDER APPROVAL OF CONDITIONAL ZONING TEXT CHANGES

Bill Duston reported five changes had been made to the text since the March 2015 meeting: require two community meetings, notice within 1320 feet of the property, updated details of the mailings, changes proposed by Council Member Kenary and agreed to by Bill Duston have been made, and completed applications be submitted no less than 18 days before the Planning Board meeting. Mayor Horvath noted we have had two days of public hearings on this. Council Member Rosoff motioned to approve the Chapter 3 and Chapter 12 conditional zoning text. Mayor Pro Tem seconded the motion. The second was rescinded, and the motion amended to add the statements of consistency (The proposed changes are neither consistent nor inconsistent with the Village's Land Use Plan given that the Village did not have the statutory authority to adopt conditional zoning at the time the Land Use Plan was adopted) and statements of reasonableness (The proposed changes are deemed reasonable as conditional zoning gives property owners an additional tool to use when rezoning property). Mayor Pro Tem Como seconded the motion.

Council Member Plyler felt the time period at section 12.3.6 which allows Village Council to revoke the conditional zoning district designation after one year was short, and noted other towns allow two or three years. Mr. Duston noted you don't have to revoke it if there are good reasons, but he would send a reminder to the developer; he said we use two years in CUP's so it would be more consistent. The second was rescinded.

Council Member Rosoff motioned to approve the Chapter 3 and Chapter 12 conditional zoning text with the change at Section 12.3.6 to two years, and including the statements of consistency (The proposed changes are neither consistent nor inconsistent with the Village's Land Use Plan given that the Village did not have the statutory authority to adopt conditional zoning at the time the Land Use Plan was adopted) and statements of reasonableness (The proposed changes are deemed reasonable as conditional zoning gives property owners an additional tool to use when rezoning property). Mayor Pro Tem Como seconded the motion.

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

The text is as follows:

Section 3.5 Conditional Zoning Districts

Conditional rezoning is established to provide for flexibility in the development of property while ensuring that the development is compatible with neighboring uses. Conditional rezoning affords a degree of certainty in land use decisions not possible when rezoning to a general district. The procedures for approving a conditional rezoning request are set forth in Section 12.3. Guidelines for the establishment of a conditional zoning district are as follows.

- A. Each conditional zoning district (CD) will have a corresponding general zoning district (i.e., an applicant can request to have their property rezoned to a CD only for the specific general zoning districts which have been identified as allowable in Section 3.1).

- B. Conditional zoning districts will be designated only in accordance with the procedures and requirements set forth in Section 12.3 of this Ordinance.
- C. Any conditional zoning district approved by the Village Council shall not contain conditions which are less restrictive than found in this Ordinance or other applicable state and/or federal laws. Any such conditional zoning district shall be noted on the Zoning Map with the prefix "CD".
- D. No use will be permitted within a conditional zoning district that is not allowed within the corresponding general zoning district. Thus, for instance, any request for CD B-2 rezoning may only be allowed to contain uses that are allowed in the B-2 general zoning district.
- E. All standards and requirements that apply to the corresponding general zoning district will apply to the conditional zoning district. Fair and reasonable conditions and requirements that are mutually agreed to by the applicant and the Village Council can be added to any conditional rezoning request.
- F. A property may be considered for rezoning to a conditional zoning district only in response to and consistent with a petition submitted by the owners of record for all the property in its entirety, included in the rezoning petition. A petition for conditional rezoning must include a site plan, detailed information and consistent text describing the purpose for the project, the intended uses of the property, the benefit of the proposed project and detailed rules, regulations, and conditions that in addition to the general district use conditions, will apply to the proposed project.

3.5.1 Application Procedures

All applications must include a conceptual plan, drawn to scale, and consistent supporting text that, if approved, will become a part of that Conditional rezoning. The conceptual plan, drawn by an architect, landscape architect, professional surveyor, and/or engineer licensed to practice in North Carolina, shall include any details of architectural and landscape features and materials, along with any added benefit or detriment those materials or plantings may have to the community or environment, if applicable, supporting information and consistent text that specifies the actual use or uses intended for the property and any rules, regulations, and conditions that are in addition to all Zoning and or Subdivision Ordinance requirements, that will govern the development and use of the property.

- A. The applicant shall, at a minimum, include as part of the application, each of the items listed below
 1. **A boundary survey showing the total acreage, present zoning classifications, date, and north arrow;**
 2. **Legal description of the property (ies) included in the petition;**
 3. The owners' names, mailing addresses, and the tax parcel numbers of all properties within a 1.320 foot (i.e., 1/4 mile) radius. The information shall be provided in a digital format as well as in printed labels. This information shall be used for public hearing notification purposes. The applicant shall reimburse the Village for all expenses incurred to provide public hearing mail notifications. This fee shall be paid irrespective of whether the rezoning petition is approved by the Village Council. Additional information for providing notice for the required community meetings, as called for in Subsection C (4) shall also be provided by the applicant
 4. **All existing or proposed easements, reservations, and rights-of-way on the property(ies) to be rezoned.**
 5. **Existing location of buildings on the parcel(s) included in the petition.**
 6. **Lot sizes for residential uses and proposed out parcels, if applicable.**

7. Proposed principal uses for the parcel(s) included in the petition. For residential uses this shall include the number of units and an outline of the area(s) where the structures will be located. For non-residential uses, designate the area(s) within the parcel where particular types of uses will occur with reference made to the list of uses found in the corresponding general zoning district.
8. A traffic impact analysis (TIA) for the proposed service area as required by Section 6.13.1 of this Ordinance. Prior to submitting an application for a conditional rezoning, the applicant/property owner shall consult with the Village's consulting transportation engineer (CTE). The TIA shall receive preliminary approval from the Village's (CTE) prior to the first community meeting being scheduled. If modifications to the proposed project are made after the first community meeting, the Village's consulting transportation engineer shall be authorized to require any necessary revisions to the preliminary approved concept plan prior to the Planning Board's review of the application. The applicant shall bear all costs associated with the (CTE) review.
9. Detailed information on the number, height, size and location of structures.
10. All proposed setbacks, buffers, screening and landscaping required by these regulations or otherwise proposed by the applicant shall be delineated on a conceptual plan. Actual approval of landscaping plans shall be part of the site plan review process.
11. Generalized traffic, parking, and circulation plans.
12. All existing and proposed points of access to public streets.
13. A detailed description of all proposed phasing of development for the project.
14. Number, location, type, and size of all signs proposed to be erected by the developer at entrances to the site. Additionally, a general description of other proposed signs including number, location, type and size of all commercial signs. Actual approval of signs shall be part of the site plan review process.
15. Conceptual renderings of the proposed development delineating the exterior treatments of the structures including proposed materials and general architectural design. Actual approval of all proposed buildings shall be part of the site plan review process.
16. Approximately identify all environment constraints on the subject property including but not limited to the following: flood plain, ponds, streams, wetlands and Carolina Thread Trail. Approximately delineate areas within the regulatory floodplain as shown on the official Flood Insurance Rate Maps (F.I.R.M.) published by the Federal Emergency Management Agency (F.E.M.A.)
17. Existing and proposed topography at two-foot contour intervals or less.
18. Scale and physical relationship of buildings relative to abutting properties. This may be accomplished by providing existing and proposed topographic elevation cross-sections of the site showing proposed structures relative to existing adjacent properties.
19. Letter of water and sewer availability from Union County Public Works.

20. A stormwater management concept plan showing all information contained in Sections 14.6.5(1), (2), (3), (6), (7), (8), and (9) of the Wesley Chapel Zoning Ordinance. In addition, the applicant shall provide engineering analysis in sufficient detail to support the preliminary selection and location of all proposed storm water management practices to be installed and to show that the proposed stormwater management measures are capable of controlling runoff in compliance with the Village's Storm Water Management Ordinance and specifications of the Storm Water Design Manual. Prior to submitting an application for a conditional rezoning the applicant/property owner shall consult with the Village's consulting stormwater engineer. The stormwater concept plan shall receive preliminary approval by the Town's consulting stormwater engineer prior to the first community meeting being scheduled. If modifications to the proposed project are made after the first community meeting, the Village's consulting stormwater engineer shall be authorized to require any necessary revisions to the preliminary approved concept plan prior to the Planning Board's review of the application. The identified revisions, if applicable, will be provided to the Village Council and Planning Board members. The applicant shall bear all costs associated with the consultant stormwater engineer's review.

Conceptual plans, including all additional information shown on it, shall constitute part of the petition for rezoning to a conditional zoning district. No application shall be deemed complete unless accompanied by a fee in accordance with the Village's most recently adopted fee schedule.

Additional requirements

When reviewing an application to rezone property to a conditional zoning district, the Planning Board and/or the Village Council may request additional information as they deem necessary.

Community Meetings

Once the conceptual plan and the required number of associated documents have been submitted to the Village and the required fees have been paid, the applicant shall schedule and hold a minimum of two (2) separate Community meetings, in coordination with the Village planning staff. All Community meetings are understood to provide for the opportunity of every citizen to attend and thus will follow the required rules associated with posting notice of quorums for each body of the Village government, including its committees and any sub-committees who have adopted a regular meeting schedule. Such meetings shall occur prior to the petition being scheduled on the Planning Board agenda. Community meetings are designed to provide a framework for creating a shared vision with community involvement inviting citizens to provide suggestions, and/or changes to the applicant. The meetings will be directed by the applicant in accordance with the following requirements:

1. The applicant shall provide an agenda, schedule, location, an electronic version of the project summary including renderings and a list of participants such as landscape architects, engineers, etc. to answer questions from citizens and service providers for the project. This information shall be provided to the Village prior to the community meeting notification being mailed.
2. The purpose of the first community meeting is to introduce the project to the citizens with a presentation at the Town Hall. This meeting shall be a minimum of two (2) hours and allow for sufficient time for all comments, questions and suggestions to be heard and recorded. During the community meeting sufficient time will be allowed for service providers (such as NCDOT, utilities, NCDENR) to participate as needed. Citizens may arrive and depart at will, within the scheduled time frame.

3. After requisite review of the proposals and suggestions by the citizens, the applicant shall hold another community meeting addressing the citizens and advising of any modifications to the proposal.
4. Notice of community meetings shall at a minimum, be given as follows:
 - a. A notice shall be sent by first class mail by the Village of Wesley Chapel to the property owner(s) affected by the proposed conditional rezoning and to the owners of all properties that lie within 1320 feet (1/4 mile) radius as measured from the exterior boundaries of the proposed project. The applicant shall furnish the Village with stamped and addressed envelopes (or postcards) along with information regarding the community meetings time, date, and location as well as a general description of the proposal.
 - b. Such notice shall be mailed by the Village not less than ten (10) days prior to the date of the first community meeting. A community meeting notification sign shall be prominently posted by the Village in a conspicuous place at the property subject to rezoning not less than ten (10) days prior to the first community meeting.
 - c. All conceptual plans submitted for review during the community meeting process shall conform to all current Village Ordinances. In addition, a disclaimer statement shall be added to all community meeting notifications indicating that the proposed application and the conceptual plan in no way has been endorsed or approved by the Village of Wesley Chapel.

Village staff shall keep notes of citizen comments received during the community meetings. In addition, all input received at the meetings shall be recorded by the Village.

Following the first community meeting, the applicant shall have the opportunity to make changes to the application to take into account information and comments received. Revised copies of the conceptual plan shall be submitted to the Planning Director for review and shall be discussed at the second community meeting.

Planning Director Review

The applicant shall schedule a meeting with the Planning Director upon initial submittal of the conditional rezoning application. The purpose of this meeting is to familiarize the Planning Director with the rezoning process and timeline and for the Planning Director to give initial thoughts and comments on the submittal. The Planning Director will inform Council and Planning Board of any application and provide to them a brief, detailing the application, discussions and his initial comments. The Planning Director shall give comments to the applicant within fifteen (15) days of submittal.

Following the second community meeting, the applicant will have an opportunity to finalize his application prior to its submittal to the Planning Board. The finalized application revised plan shall be submitted to the Planning Director no less than eighteen (18) days prior to the Planning Board meeting at which the conditional rezoning petition is to be heard.

3.5.2 Planning Board Review and Village Council Decision

The procedures for Planning Board recommendation and the Village Council's decision on the rezoning petition shall be as provided in Section 12.3.2 and 12.3.3 of this Ordinance.

Section 12.1 Amendments to Text and Map

NOTE: Additional requirements for submittal of petitions for a conditional zoning (CD) district are found in Section 12.3.

Section 12.3 Conditional Zoning District Map Amendments

12.3.1 Application Procedures

The procedures for submittal of a conditional zoning district application shall be as found in Section 3.5.1 of this Ordinance.

12.3.2 Planning Board Review

- A.** The Planning Board will review the application for consistency with this Ordinance and all adopted Village plans.
- B.** The Planning Board will consider applications in a timely fashion and will forward a written recommendation to the Village Council for its consideration within the time frame authorized. Prior to making a recommendation, the Planning Board may request additional information from the applicant.
- C.** In response to suggestions made by the Planning Board, the applicant may revise the application before it is submitted to the Village Council.
- D.** The Planning Board shall have up to sixty-two (62) days from the date it first heard the application to make a recommendation to the Village Council. Unless mutually agreed by the applicant and the Planning Board for an extended review period, if a recommendation is not made by the Planning Board during this period, the application shall be forwarded to the Village Council without a recommendation.
- E.** Any recommendation made by the Planning Board shall be accompanied by a statement that outlines the consistency of the petition with the Village's comprehensive plan and other related and adopted plans that affect growth and development in the Village.

12.3.3 Village Council Public Hearing and Decision

- A.** A public hearing shall be called for and held by the Village Council. Said public hearing shall be advertised per Section 12.1.7 of the Wesley Chapel Zoning Ordinance except that public hearing notices shall be mailed to all property owners within a 1320 foot (i.e., ¼ mile) radius of the subject property. Once the public hearing has been concluded, the Village Council shall take action on the petition. The Village Council shall have the authority to:
 - 1. Approve the application as submitted.
 - 2. Deny approval of the application.
 - 3. Approve the application with modifications that are agreed to by the applicant.

4. Submit the application to the Planning Board for further study. The Planning Board shall have up to thirty (30) days from the date of such submission to make a report to the Village Council. Once the Planning Board issues its report, or if no report is issued within that time period, the Village Council may take action on the application.

- B. The Village Council shall also follow the procedures contained in Sections 12.1.10 through 12.1.12 of the Wesley Chapel Zoning Ordinance.
- C. In approving a petition for the reclassification of a piece of property to a conditional zoning district, the Planning Board may recommend, and the Village Council may request that reasonable and appropriate conditions be attached to approval of the petition. Any such conditions shall relate to the relationship of the proposed use to the surrounding property, proposed support facilities (e.g., parking areas, pedestrian circulation systems), screening and landscaping, timing of development, street and right-of-way improvements, water and sewer improvements, provision of open space, and other matters that the Planning Board or Village Council may find appropriate or the applicant may propose. In no instance shall any of these conditions be less restrictive than any requirements of the Village's Zoning and/or Subdivision Ordinances. Such conditions may exceed any performance criteria or minimum requirements listed elsewhere in this Ordinance that apply to that development. The applicant shall have notice of and a reasonable opportunity to consider and respond to any such conditions prior to final action being taken by the Village Council.
- D. An order of the Village Council's decision shall be prepared by the Planning Director and sent to the applicant per Section 12.19 of the Zoning Ordinance. The applicant shall record the decision (including all applicable site plans approved as part of the Village Council's decision) with the Union County Register of Deeds. No zoning permit shall be issued by the Village for any development subject to conditional zoning without evidence that such recordation has occurred.

12.3.4 Effect of Approval; Zoning Map Designation

If a petition for a conditional zoning district is approved, the development and use of the property shall be governed by the ordinance requirements applicable to the district's zoning classification, the approved conceptual plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the Zoning Map.

12.3.5 Changes to an Approved Conditional Zoning District

Except as provided in this section, a request to change the conceptual plan or the conditions governing an approved conditional zoning district shall be processed in accordance with this Ordinance as a new application to rezone property to a conditional zoning district. The Planning Director shall have the authority to approve an administrative amendment to an approved conditional zoning district conceptual plan or to the governing conditions without the requested change having to be approved as a new application in accordance with this Ordinance. Such administrative amendments shall include only those minor changes that:

- Do not significantly alter the conceptual plan or its conditions;
- Do not significantly impact abutting properties; and
- Do not increase the amount of development or impervious surface coverage.

Any request for an administrative amendment shall be in writing, signed by the property owner(s), and it shall detail the requested change. The applicant must provide any additional information requested by the Planning Director. Accompanying the written request must be the applicable fee for administrative review that is required by the Village of Wesley Chapel fee schedule. Any decision by the Planning Director to approve or deny a request for an administrative amendment must be in writing and must state the grounds for approval or denial. The Planning Director shall always have the discretion to decline to exercise the authority delegated by this section if he or she is uncertain if the requested change would qualify as an administrative amendment or because the Planning Director determines that a public hearing and Village Council consideration is appropriate under the circumstances. If the Planning Director declines to exercise the authority delegated by this section, the applicant can only apply for such changes through a new rezoning petition.

12.3.6 Revocation of Conditional Zoning District

The purpose of this section is to put a time limit on the approval if the project does not move forward in a timely manner. The Village Council may act to revoke the conditional zoning district designation, with Planning Board review and a public hearing being held by the Village Council, if a building permit has not been applied for within two (2) years of the rezoning approval date.

10. CALL FOR PUBLIC HEARING ON ZONING ORDINANCE TEXT CHANGE FOR SIGN SETBACKS

Zoning Administrator Duston reported we have conflicting language on sign locations. Planning Board recommended the text change by a 4-1 vote. With this change signs will be at least ten feet from existing or proposed right-of-way (ROW), when he surveyed signs near the shopping centers the majority were within the future ROW. Existing signs are grandfathered unless the sign needs to be replaced. The CUP's showed where the signs were to be placed; they do not need to be moved.

Council Member Plyler motioned to call for a public hearing on zoning ordinance text changes for sign setbacks for Monday, May 11, 2015 at 7 pm here at Town Hall. Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

11. CALL FOR PUBLIC HEARING ON ZONING ORDINANCE TEXT CHANGES FOR SENIOR HOUSING

Zoning Administrator Duston stated the Planning Board voted in favor of senior housing 4-1. Mayor Horvath explained the nay voter said he was in favor of senior housing, but disagreed on certain issues.

Mayor Pro Tem Como motioned to call for a public hearing on zoning ordinance text changes for senior housing for Monday, May 11, 2015 at 7 pm here at Town Hall. Council Member Plyler seconded the motion. Council Member Plyler thought it overkill to require 2.5 car garages; saying when you move you have garage sales to get rid of items and felt rear setbacks of 40 feet were too high. Front setbacks were also discussed; Mayor Pro Tem Como explained they allowed for 25 feet for two cars in the driveways, plus five feet for sidewalks, and five feet of grass; so you can park in the driveway without blocking the sidewalk. Council Member Kenary thought a 2.5 car garage was appropriate, noting a resident might also have a boat or RV. Rich Hearnth from Epcon Properties said they have a set number of resident options; usually there is 30 – 35 foot setbacks depending on sidewalks, front load garages, one or 1.5 story houses, three floorplans of 1,500 to 3,000 square feet, garages sized for 2.5 cars, three homes per acre, homes

42 feet wide, a 52 foot building pad, provide amenities in a subdivision of at least 64 lots (in Marvin they have a pool, clubhouse, and work-out room). They found that with less than fifty home sites a clubhouse is cost prohibitive; also the larger the lot, the more the HOA dues. In Stallings they did not require sidewalks so the homes appear closer to the street, they are at least 20 feet back. Bill Duston noted the Stallings development is on private streets; we require wider streets and sidewalks if private streets are built. The price point for Stallings is \$350,000 to \$360,000, and in Marvin \$400,000. They are starting a second development in Stallings, with 30 or 35 foot setbacks. Mayor Pro Tem Como noted council members can come to him or Elaine and ask how they came to the conclusions reached. Council Member Kenary asked how the one parking space per three dwelling units was computed. Bill Duston said it was arbitrary; there will be a community center and visitor parking will be located there. The developments are not gated. Site plans are available to look at in the Zoning Administrator's office. Council Member Kenary asked about allowing senior housing in any zoning district; Mr. Duston said there will be a definition of senior housing, in the Table of Uses there will be a use with a large threshold for acreage. The applicant can ask for Conditional Zoning for senior housing. Council Member Kenary said our text requires R-40 or R-20, so how can we go below the standards; Mr. Duston said we will have specs under senior housing. Mayor Pro Tem Como suggested a special meeting on this topic.

The motion passed 3-1, with Plyler voting nay saying she wanted to get the details straight tonight.

12. UPDATE FROM UNION COUNTY BOARD OF EDUCATION LIAISON GARY SIDES

Gary Sides, the Union County Board of Education liaison to Wesley Chapel, reported the appeal by the Board of County Commissioners was upheld by the Appeals Court, and the \$91 million judgment thrown out. The Board of Ed will meet tomorrow to decide what to do next. The Community Construction Equity Plan (CCEP) (on their website) is a long term \$234 million plan for the next ten years, and involves almost all schools. Sun Valley High School will essentially be a new school with a cap of 2,200 students; they will retain the new gym and science wing, and sell some existing land for commercial uses. An advanced technical center is also in the plan. A working group of seven Board of Ed members and seven County Commissioners will put together a financing plan; the earliest bond referendum would be in 2016. Sun Valley Middle School will also have some expansion, Wesley Chapel Elementary School will have some security upgrades and New Town Elementary will have some additions. This is the second year of operating under special legislation; last year there was an \$87 million operating budget and \$19.5 million capital budget; this year the budget is \$87 million plus growth and inflation, required pay increases and a mandate for drivers ed without funding .

We are still in the grandfathering period; the schools can be uncapped anytime if the numbers warrant. Asked about another re-districting, Mr. Sides said he is not on the Facilities Committee, but Dr. Ellis said there are no plans for re-districting. Mayor Pro Tem Como asked about the five year bubble, and noted people don't believe it; also subdivisions are going in right next to a school will affect who goes where. Mr. Sides said McKibben did a report of projections, but he understood the concerns with all the new subdivisions being approved. He added he is only one of nine board members, his family was re-districted to Piedmont, and understood what it does to families. Re-districting was done to fill seats before we add more schools, which would be four

to five years out. Council Member Kenary said it did not fill seats, it moved people to allow others to take their seats. With the Board of Ed majority they can move at will, and has in the past, and there is reason for concerns. Mayor Pro Tem asked Mr. Sides to get some answers and report back to us. Mr. Sides said the earliest re-districting could be is the 2016-17 school year. CCEP is designed to meet our needs for the next ten years. Council Member Kenary said the feedback on the street about CCEP is it doesn't make sense, time factors and detailed explanations are needed behind the construction timeline; for example Porter Ridge middle school has been capped forever, vs. Parkwood with only two mobile units yet it gets first billing. Mr. Sides said he suggested a presentation to go around and answer questions and build public support; it is now in the hands of the working group and the Board of County Commissioners. A citizen asked about the capping at New Town Elementary, the best guess is the earliest uncapping would be next fall when the grandfathered fifth graders move on. When schools are capped you can only get in if there are special needs or a parent teaches at the school. The capacity at New Town has not increased. Council Member Kenary asked about Sun Valley Middle School (SVMS), she understood it was left up to the principals to juggle lunches, they have six lunch periods, yet Cuthbertson has only three, and trailers housing a whole team. She commented you are only increasing capacity to what we currently have, but not planning for all the new construction. Formulas for determining capacity were discussed, she pointed out the SVMS cap is 1,660, but in 2008 the fire marshal said it was only 1,650. Mr. Sides said there is no set formula to determine capacity, there are a couple of different ways. Council Member Kenary asked how can a 74,000 square foot building accommodate 1,660, when a newer 160,000 sq. ft. building can only accommodate 1,400. Council Member Rosoff brought up developer fees; you can't require impact fees or deny permits due to the schools if there is room available somewhere. Council Member Kenary asked that Mr. Sides share these concerns with the Board of Ed. Mr. Sides will return with quarterly updates.

13. EAGLE SCOUT PROJECTS PRESENTATIONS

Chandler Jenkinson proposed building water dispensers in the dog park, similar to those at golf courses. The water will come from Gatorade containers, and Mayor Pro Tem Como and volunteers will refill them. The locked, enclosed structures will be built with 2x4 posts, and shingle sized wood for the walls, and can't be tipped over. Parks and Rec approved the idea. Mayor Pro Tem Como motioned to approve the project; Council Member Rosoff seconded the motion.

The motion passed unanimously.

Thomas McMillan proposed power washing, sanding, and re-staining the eight old benches at the park, which had been designed for an indoor mall. Mayor Pro Tem Como motioned to approve the project; Council Member Rosoff seconded the motion.

The motion passed unanimously.

Council Member Kenary requested in the future that Mayor Pro Tem Como ensure the boy scouts present the whole project and bring written proposals.

Mayor Pro Tem Como said another scout Brandon Turner wanted to build additional benches, but he was not present. Mayor Pro Tem Como motioned to approve Mr. Turner's project of six benches. Council Member Kenary requested a Parks and Rec list of projects we want including

the number of benches needed. Mayor Pro Tem Como said we don't have a list of what we want, the scouts come to us with ideas. Council Member Rosoff seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Como expressed thanks to the Boy Scouts. Mayor Horvath agreed it would be helpful to have a list of things we would like done. Mayor Pro Tem Como noted Boy Scouts researched bats and built bat houses which reduced the number of insects in the park.

A short break was held.

14. YOUTH COUNCIL COMMITTEE

Council Member Kenary reported the Youth Council Committee wanted to expand the recruitment age to freshmen; also to better accommodate the youth schedules they want to meet twice a month, not necessarily the first and third Wednesdays. Council Member Kenary motioned to accept the recommendations of the Committee, and make the two changes to their charter. Council Member Rosoff seconded the motion.

The motion passed unanimously.

15. DE-ANNEXATION UPDATE; CONSIDER POSSIBLE RESOLUTION

Mayor Horvath reported on the March 30th and April 11th meetings. Both Senator Tucker and Rep. Horn attended on April 11th. The Mayor tried to give both sides of the issue; as Mayor he felt the town should stay together which is why we are looking at things like senior housing and conservation subdivisions. Council has repeatedly tried to follow the state legislators' requests while acting consistent with what the community wants, despite not many options presented by the petitioners. The crossover date is April 29th for the bill to move out of committee so it will be voted on the Senate floor and cross over to the House. Because he did not want to see it come to a vote, the Mayor proposed this resolution to send to the state reps that the town be given acknowledgement we are moving in the right direction.

Council Member Kenary motioned to approve the Resolution, incorporated herein, requesting our elected State legislators pull/cancel Senate Bill 214 due to positive actions taken by the Village of Wesley Chapel. Mayor Pro Tem Como seconded the motion.

Council Member Plyler read a note from her husband Butch, stating Butch had told the Mayor he had some ideas on the de-annexation he would like to share with the Mayor and asked him to contact Butch when the Mayor returned from a trip to Texas, and Butch never heard back from the Mayor. The Mayor disagreed.

Mayor Horvath read the proposed resolution.

The motion passed 3-1, with Plyler voting nay saying she could not vote for this saying no alternatives were given because she believed what her husband said.

Council Member Rosoff added she has been waiting for a call from any of the petitioners and has heard nothing. Mayor Pro Tem Como added, ditto. There was some confusion on what conversation was being referred to between the Mayor and Butch Plyler.

The resolution 2015-03 is incorporated herein:

**VILLAGE OF WESLEY CHAPEL
RESOLUTION REQUESTING RECONSIDERATION OF LEGISLATIVE ACTION ON
DE-ANNEXATION PETITIONS**

WHEREAS, the Village has typically been responsive to the majority of its citizens around Planning & Zoning decisions, and;

WHEREAS, the Village of Wesley Chapel Planning & Zoning Ordinances have not changed significantly since the Village's inception, when the majority of de-annexation petition property owners annexed into the Village, and;

WHEREAS, the Village has followed the clear wishes, around housing density, of its residents who responded to a Master Plan survey conducted by UNCC back in 2007 indicating a significant majority of the respondents requesting adherence to the one house per acre property development standard incorporated within the Land Use Plan, and;

WHEREAS, the Village has five (5) current development projects underway within the Village under the current Planning & Zoning Ordinances at one home per acre, by reputable builders, and;

WHEREAS, the Village has shown a willingness to discuss alternatives with de-annexation petitioners by having a Special Meeting on January 26th, and then again during a joint Special Meeting with several of our State Legislators on February 20th, and not being given any alternatives by those petitioners, and;

WHEREAS the Village Council is working on the following Planning & Zoning Ordinances, demonstrating a clear willingness to consider alternatives, despite any cooperation from the petitioners:

- The Village Council will be considering Conditional Zoning in its March meeting;
- The Village Planning Board is working on Senior Housing and should have a proposal to the Council to call for a Public Hearing in the Council's April Meeting;
- The Council will consider having the Planning Board look at Conservation Sub-Divisions in its March meeting.

And, WHEREAS, one petitioner's request for Senior Housing at our February 27th/28th Advance is already being worked on and without clear indication from the de-annexation petitioners nor our State Legislators that the above actions will be sufficient to stop this unwanted and unprecedented intrusion into local, municipal authority;

Therefore, be it known that the Village Council and Mayor respectfully request that the State Legislator rescind any attempt to supersede the State given authority of the Village Council to respect the wishes of the majority of its citizens during this Legislative Session and allow Wesley Chapel to conduct its Planning and Zoning affairs accordingly.

Adopted this 13th day of April, 2015.

Mayor Brad Horvath

Attest:

Cheryl Bennett, Village Clerk

Council Member Kenary asked the Mayor if he had officially asked the NCLM to intercede on our behalf. Mayor Horvath said he called twice and had one conversation, and he will send a letter.

16. PARKS AND REC UPDATES – BUDGET, RE-SEEDING

Mayor Pro Tem Como asked if Council was open to moving funds from where we don't need them, to where we do need them, and combining funds from Electrical Improvements, Pond Aerator Electric Supply, and Pond Aerator to do the fountain. Mayor Horvath inquired what the Parks and Rec priorities are. Mayor Pro Tem Como said electric and water are the top items so we can have events like the barbecue cook-off. Council Member Kenary inquired about the call box. It is still a priority, we just don't have the time to do it now. We only have two electrical bids and one for the water stand pipe. Council Member Kenary noted she has asked for a plan since she has been on Council and felt they were rushing to spend funds by June 30th and questioned the need for a larger pump for the aerator. Mayor Pro Tem Como noted we need a citizen survey to determine needs. Council Member Plyler stated we need to clean the pond out first. Council Member Rosoff noted the fountain adds oxygen to the water for the fish. Originally the pump was thought to be 110 volts, but it should be 240 volts, and we need an electrician to do the upgrades. Council Member Plyler questioned the lack of sealed bids and specs. Council Member Rosoff was in favor of moving the funds so water would be available at the events, and so the fish would not die. Mayor Pro Tem Como noted another example is moving funds from the employee budget line item to plant trees, so the benches will be in the shade. Handicapped benches have to be put where they are ADA accessible, and are not in shady spots. Council Member Kenary asked for specs and information on what size pond aerator is needed; and was told they were researched by John Lepke. Mayor Pro Tem Como noted we need electrical upgrades for the barbecue event, we own one inverter but it is not enough to run things for an event. Discussion was held on what would be needed for the event. A budget amendment will be considered when we have the three bids.

Mayor Pro Tem Como noted Parks and Rec has only spent 29% of their budget in nine months. He asked to create a separate line item for trees and shrubs. Council Member Kenary again requested a plan. Mayor Pro Tem Como motioned to spend \$10,000 on trees, bushes and shrubs moved from the Maintenance/Grounds line item. Council Member Kenary commented every month we move funds that were inappropriately budgeted for some new need, but we have not just been given a chance to enjoy the park as is. We need to have a plan, and this is not how you should handle other people's money. Mayor Pro Tem Como noted we have stretched every penny and used volunteer labor to make the park what it is on a shoestring budget. The motion died for lack of a second.

The water stand pipe was discussed next, and for what purpose it is needed. Mayor Horvath noted when we did the budget the park was not even open, it is warranted to now see what our

priorities are. Mayor Pro Tem Como said Parks and Rec cannot agree on the priorities, so they wanted to survey the community, but they do agree we need water and electrical upgrades for events. Mayor Horvath noted if we need to save for priority items, we don't want to spend the funds now on something else. Council Member Rosoff noted we have two components; the physical operation of the park, and also events. When working with volunteers, aeration will help the health of the pond, and also it is an attractive feature. Council Member Kenary did not want splashing water near where people are fishing. Mayor Pro Tem Como disagreed.

The next topic was re-seeding at the park which was completed March 11th. Questions on who approved this, and whether the window for seeding was closing were discussed. Mayor Pro Tem Como motioned to spend \$1,000 on park re-seeding, knowing the retail value was \$2,000 or \$3,000. Council Member Rosoff seconded the motion. The price from the sod company was \$29,000 for 2.5 acres of sod, not including labor. The park was originally hydro-seeded and re-seeded in the fall. The landscaper suggested the soil analysis and re-seeding be done now. Watering is not a problem with a wet spring and water can be pumped out of the lake. Council Member Kenary questioned the authority to spend the funds; Mayor Pro Tem Como said he had a consensus of council, with himself, Rosoff and Mayor Horvath approving. The other two members had not been contacted. Mayor Horvath advised all council members should be contacted by e-mail, and you cannot break up a job into two or three pieces to avoid the cap. Council Member Plyler was not contacted because her husband was ill. Mayor Pro Tem Como said he talked with Council Member Kenary and she asked him to check on the price of sod. Council Member Plyler noted there was not a choice since the work was already done. Council Member Kenary did not agree with how this was done and felt the Mayor Pro Tem overstepped his authority and acted without Council approval. Council Member Rosoff said she asked Mike not to disturb Becky due to her husband's health.

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

17. APPROVAL OF TEMPORARY SIGNS FOR 2015 WCFOPR EVENTS

This item is to approve the location of the banners at the park at the corner of Lester Davis and Hwy. 84 for each of the approved 2015 events. Sondra Bradford explained she will still obtain the temporary sign permits. Council Member Rosoff motioned to approve banners at the corner of Lester Davis and Hwy. 84 for WCFOPR for their 2015 events. Council Member Kenary seconded the motion.

The motion passed unanimously.

18. RESOLUTION TO DIRECT CLERK TO INVESTIGATE PETITIONS RECEIVED UNDER GS 160A-31

One voluntary annexation petition was received from someone who lived in Champion Forest and moved to Winding Creek, and wanted to remain part of Wesley Chapel. Council Member Kenary motioned to adopt Resolution 2015-04 to direct the clerk to investigate the petitions received under GS 160A-31. Council Member Plyler seconded the motion.

The motion passed unanimously.

RESOLUTION 2015-04 DIRECTING THE CLERK TO INVESTIGATE
PETITIONS RECEIVED UNDER G.S. 160A-31

WHEREAS, petitions requesting annexation of an area described in said petitions was received on March 9, 2015 by the Village of Wesley Chapel Council; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Village Clerk before further annexation proceedings may take place; and

WHEREAS, the Council of the Village of Wesley Chapel deems it advisable to proceed in response to this request for annexation:

NOW THEREFORE, BE IT RESOLVED by the Council of the Village of Wesley Chapel that:

The Village Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the Council of the Village of Wesley Chapel the result of her investigation.

Adopted April 13, 2015

Mayor Brad Horvath

ATTEST:

Cheryl Bennett, Clerk

19. ACCEPT CERTIFICATE OF SUFFICIENCY

The Clerk had reviewed the petition, and everything was in order. Council Member Plyler motioned to accept the Certificate of Sufficiency. Council Member Kenary seconded the motion.

The motion passed unanimously.

Certificate of Sufficiency

To the Wesley Chapel, North Carolina, Village Council:

I, Cheryl Bennett, Village Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all the owners of real property lying in the area described therein, in accordance with G.S. 160A-31.

In witness whereof, I have here unto set my hand and affixed the seal of the Village of Wesley Chapel, this 13th day of April, 2015.

SEAL

Cheryl Bennett, - Village Clerk

Attached:

Petition for Winding Creek Subdivision, Lot 3 (parcel 06009079).

20. RESOLUTION TO CALL FOR PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO GS 160A-31

Council Member Plyler motioned to approve the Resolution to call for a public hearing on the question of annexation pursuant to GS 160A-31. Council Member Kenary seconded the motion. The motion passed unanimously.

**Resolution 2015-05
RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31**

WHEREAS, petitions requesting annexation of the area described herein has been received; and

WHEREAS, the Village of Wesley Chapel has directed the Village Clerk to investigate the sufficiency of the petitions; and

WHEREAS, certification by the Village Clerk as to the sufficiency of the petitions has been made;

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Wesley Chapel, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Wesley Chapel Town Hall, at 6490 Weddington Road, Wesley Chapel, North Carolina at 7:00 pm, on May 11, 2015.

Winding Creek, - Lot 3 (parcel 06009079)

Section. 3. Notice of the public hearing shall be published in the Enquirer-Journal, a newspaper having general circulation in the Village of Wesley Chapel, at least ten (10) days prior to the date of the public hearing.

Approved April 13, 2015.

Mayor Brad Horvath

ATTEST:

Cheryl Bennett, Clerk

21. PROCLAMATION FOR POLICE WEEK AND PEACE OFFICERS MEMORIAL DAY
Council Member Kenary read the Proclamation:

*Village Of Wesley Chapel Proclamation
Peace Officers Memorial Day And Police Week*

WHEREAS, the Congress and President of the United States have designated May 15 as Peace Officers Memorial Day, and the week in which it falls as Police Week; and

WHEREAS, the members of the Union County Sheriff Department, play an essential role in safeguarding the rights and freedoms of the citizens of Union County and Wesley Chapel; and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards and sacrifices of their law enforcement agency, and that we honor all those who devote their lives to making a stronger and safer community; and

WHEREAS, it is important to reflect on their invaluable contributions as we enjoy the peace they bring to our communities, by safeguarding life and property, by protecting citizens against violence and disorder, the innocent against deception and the weak against oppression; and

WHEREAS, we must never take for granted the selfless service of our men and women and the contributions they make to our community, and we must honor those who have given the ultimate sacrifice of their lives in the line of duty, wearing a shield of protection for our community.

NOW, THEREFORE, I, Brad Horvath, call upon all citizens of Wesley Chapel to observe the week of May 10 through May 16, 2015, as Police Week in which all of our people may join in commemorating police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

I FURTHER call upon all citizens of Wesley Chapel to observe Friday, May 15, 2015, as Peace Officers Memorial Day in honor of those peace officers who, have lost their lives or have become disabled in the performance of duty and ask all citizens to fly the flag at half-staff as proclaimed by the President of the United States of America.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Village of Wesley Chapel to be affixed, at the Village of Wesley Chapel, this Monday, April 13, 2015.

Mayor Brad Horvath

We also will fly the flag at half-staff from sunrise to sunset on May 15th.

22. UPDATE ON TOWN HALL IRRIGATION

Mayor Horvath reported we did get approval from Blackstone for the utility easement, however there was a delay in getting the papers back from their management company. It will be filed with the County and then we can move forward with public works and DOT. Council Member Rosoff asked if we will need new bids since it has been a year; if the contractor will honor the bid we can continue with him. Council Member Kenary will contact him.

We do not have an estimate on the cost of the repair to the Blackstone property from the line being cut when town hall was under construction. The Mayor will contact Charlie Horne from their HOA.

Sondra Bradford from WCFOPR asked for consensus to move the barbecue date from May 2 to May 16th. Mayor Pro Tem Como motioned to approve moving the barbecue date from May 2, 2015 to May 16, 2015. Council Member Kenary seconded the motion.

The motion passed unanimously.

Sondra Bradford reported the competition part is only for amateurs, they have not lined up any pros yet. The Easter event had almost 1,300 attend, and will be an on-going event.

23. UPDATE ON SURVEY

In order to have an impartially worded survey, we will check with other towns on a vendor who could facilitate the survey.

24. TWO WEEK RULE FOR DOCUMENTS FOR COUNCIL MEETINGS

The procedure of requiring meeting back-up two weeks before the meeting was discussed. Meetings have not gotten shorter with this procedure, and there is little to no time between Planning Board meetings and council meetings for the Zoning Administrator to give Council information by the two week deadline. Mayor Pro Tem Como motioned to go to a one week deadline. The motion died for lack of a second.

25. UNION COUNTY PROPERTY RE-VALUATION UPDATE

Mayor Horvath noted Wesley Chapel property values went down by about \$60 million with the 2015 re-assessments. Our revenue neutral tax rate is roughly 1.77 cents.

26. 2015/16 VILLAGE BUDGET PROCESS

Council Member Kenary motioned to amend our regular meeting schedule to add meetings on Wednesday May 13, 2015 at 9:30 am and on Wednesday, May 20, 2015 at 9:30 am not to exceed two hours each to work on the budget. Council Member Plyler seconded the motion.

The motion passed unanimously.

Council Member Kenary noted there has been consistent feedback to turn the land adjacent to the town hall into a gathering space, and if we issue an RFQ we can find out the cost so we can begin budgeting. Council Member Kenary motioned to prepare an RFQ for architects to come

up with conceptual drawings for a gathering space next to the town hall, passive in nature, with walking trails, and possibly a gazebo. Council Member Plyler seconded the motion.

The motion was voted on with Kenary and Plyler voting yea, and Como and Rosoff voting nay. The motion passed 3-2 when Mayor Horvath voted yea, saying there is no problem in getting more information.

27. CLOSED SESSION TO CONSIDER PERFORMANCE OF PRESENT EMPLOYEES PER NC GS 143-318.11(A)(6)

Council Member Kenary motioned to go into closed session to consider the performance of present employees. Council Member Plyler seconded the motion.

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

Employee raises were discussed.

Council Member Kenary motioned to leave closed session; Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

28. OTHER BUSINESS

Mayor Pro Tem Como motioned to give a two (2) % raise to the clerk/administrator and finance officer. Council Member Plyler seconded the motion.

The motion passed 3-1 with Rosoff abstaining, and Kenary voting nay saying she felt the amount should be higher.

Council Member Kenary requested we re-address this at the next meeting.

29. COUNCIL COMMENTS

Mayor Pro Tem Como suggested we consider a raise for council. Administrator Bennett noted we have a new link on our website for citizens to sign up for an e-notification list. We can also put new pictures on the top of our website for a cost of \$250, and we need some good photos to use.

30. ADJOURNMENT

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

The motion passed unanimously.

The meeting ended at approximately 12:20 am.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath