

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
WESLEY CHAPEL UNITED METHODIST CHURCH
120 Potter Road, Wesley Chapel, NC 28110
March 22, 2011 – 7:00 P. M.

The Village Council of Wesley Chapel, North Carolina, met in the Fellowship Hall of Wesley Chapel United Methodist Church at 120 Potter Road South, Wesley Chapel, North Carolina.

Present: Mayor Horvath, Mayor Pro-tem Bradford; Council Members Brotton, Hess and Ormiston

Others Present:

Village Clerk/Finance Officer: Cheryl Bennett; Planning and Zoning Administrator Joshua Langen, Attorney George Sistrunk
Concerned citizens: Butch & Becky Plyler, Jim and Carol Mullis, Tessie and Richard Morris, Chauncey Bowers, Chris McFadden, Hank Pressley, Elizabeth Greene

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

1. PLEDGE OF ALLEGIANCE / INVOCATION

Mayor Horvath led the Pledge of Allegiance and Mayor Pro-tem Bradford gave the invocation.

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

Bradford made a motion to adopt the agenda with the deletion of “PRESENTATION BY KAREN PARTEE FROM ASTON PROPERTIES RELATING TO TOWN HALL LAND”. Brotton seconded the motion.
The motion passed unanimously.

3. APPROVE MINUTES FOR:

Council Meeting February 14, 2011
Ormiston made a motion to approve the minutes for the February 14, 2011 Council meeting; Hess seconded the motion.
The motion passed unanimously.

4. SAFETY COMMITTEE UPDATE: 2010 CRIME STATISTICS PRESENTATION

Chauncey Bowers from the Safety Committee did a power point presentation on crime statistics using incident data from Union County for calendar year 2010. There were 1236 responses; 27% were business checks, 24% were traffic stops, 20% were alarms, 16% were crashes, and 13% preventative patrol. Of the 84 incidents with reports, 38% were larceny – misdemeanor, 16% were larceny from

automobile, 11% were breaking and entering – felony, 11% were injury personal property, 8% assault & battery, 8% assault on female, and 8% shoplifting. Sixteen were violent crimes, 88% were assault, 6% robbery and 6% sex offense. Seventy five of the incidents were property crime with 61% being larceny and 39% being burglary. The call volume per 100 population is 44.98 for Wesley Chapel, 21.95 for Weddington, and 19.29 for Marvin. Population data comes from the State Office of Budget and Management – July 1, 2009 estimated population. Average response time is 4:36 minutes in Wesley Chapel, 6:16 minutes in Weddington, and 6:20 minutes in Marvin. Adjusted response time is 8:54 in Wesley Chapel, 11:00 in Weddington, and 12:30 in Marvin. There were 2911 responses and 6% of those generated reports. Reports per 100 population are 2.98 for the County. CAP Index Crime Trend Projection showed figures for burglary, larceny, auto theft and property crime with figures for 2000, 2010 and projections for 2015. 2000 figures were 38, 30, 21 and 26 respectively. 2010 figures are 131, 84, 58 and 80 respectively. Projected 2015 figures are 194, 119, 88, and 116 respectively. Mr. Bowers explained the CAP index is provided by a private company, scores range from 0 to 2,000, and 100 is an average rate of crime. Questions were asked about the data, including why is our call rate higher than Marvin and Weddington. Weddington has a deputy as does Marvin. It is hard to tell if their response time changed after hiring a deputy. Under the new reporting system the year 2010 gives us a baseline. Hess asked if our response time would improve if we hired a deputy; Chauncey Bowers said he thought so. There is a satellite office in Indian Trail. Brotton noted that every 15 calls results in a report, also response time to incident versus a presence being there geographically may reduce calls, and asked if business checks are generated by a call or not. Chauncey Bowers said they are a combination of self initiated and calls. Bennett noted in Lake Park many are self-initiated. Mayor Horvath asked about if three neighbors call in the same incident, Bowers said it would only be one call on the call report. Jim Mullis noted many of the alarm calls he is aware of from the Fire Department are false alarms. Bradford asked what gets to the website; Chauncey noted not all calls get to the website. Tessie Morris, Chairman of the Safety Committee reported the Committee is glad there is a proposed budget for a deputy; with growth and businesses comes crime, and they feel a contract deputy should stay on the table. It was a challenge and took many hours to get this data. Carol Mullis noted there is room available at the Fire Station under construction for a satellite deputy office. Ormiston said the Committee will work on statistics from Marvin and Weddington. Hess asked how many responses do contract deputies respond to in Weddington and Marvin. Bradford asked if there was any before and after data from the other towns regarding hiring a deputy. Tessie Morris said she will get some data.

5. TOWN HALL BUILDING COMMITTEE UPDATE

Butch Plyler, Vice-Chair of the Town Hall Building Committee reported the Committee voted unanimously to terminate negotiations with Creech & Associates. Plyler, Bill Meyer and Karen Partee met with ADW yesterday regarding what we want to see done and the timeframe. They should get a report

Wednesday and the Committee meets Thursday. Brotton said after speaking with Karen Partee, they felt they should get more options on the table before coming to Council with Aston's proposal on the driveway and stormwater detention. Butch Plyler noted we can't give a recommendation on Aston's proposal without some minor things like knowing how large the detention pond should be. Brotton added that the architect couldn't complete the scope of work desired within our budget. Mayor Horvath noted he would like independent cost estimates of maintenance costs for the stormwater pond.

6. CONSIDER APPROVAL OF ORDINANCE 2011-04, AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE VILLAGE OF WESLEY CHAPEL, NORTH CAROLINA

Brotton made a motion to approve Ordinance 2011-04, An Ordinance to Extend the Corporate Limits of the Village of Wesley Chapel, North Carolina. Bradford seconded the motion.

The motion passed unanimously.

Bennett asked attorney Sistrunk when we should apply zoning; at the April meeting we will call for a public hearing in May on zoning the parcels.

Ordinance 2011-04
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE VILLAGE OF WESLEY CHAPEL, NORTH CAROLINA

WHEREAS, the Village of Wesley Chapel has been petitioned under G.S. 160A-58.1 to annex the area described below; and

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

WHEREAS, the Village Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at Wesley Chapel United Methodist Church at 7:00 PM on March 14, 2011 after due notice by publication on February 27, 2011; and

WHEREAS, the Village of Wesley Chapel Council finds that the petition meets the requirements of G.S. 160A-58.1(b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the primary corporate limits of the Village or is contiguous to the satellite corporate limits of the Village;
- b. No point on the proposed satellite corporate limits is closer to another municipality than to the primary corporate limits of the Village.
- c. The area described is so situated that the Village will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;

- d. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits does not exceed ten percent (10%) of the area within the primary corporate limits of the Village; and

WHEREAS, the Village of Wesley Chapel Council further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Village of Wesley Chapel Council further finds that the petition is otherwise valid, and that the public health, safety and welfare of the Village and of the area proposed for annexation will be best served by annexing the area described;

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

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the following described non-contiguous territory is hereby annexed and made part of the Village of Wesley Chapel as of June 30, 2011:

Winding Creek Subdivision, off South Potter Road, Monroe, NC 28110, Lots 1, 2, 8-11, 13-14, 16-21, 23, 31, 33-37, 39-42, 44-46, 49, 51-52, 54, 56, 58-59, 61, 63-67.

Section 2. Upon and after June 30, 2011, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Village of Wesley Chapel and shall be entitled to the same privileges and benefits as other parts of the Village of Wesley Chapel. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Village of Wesley Chapel shall cause to be recorded in the office of the Register of Deeds of Union County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Adopted this 22nd day of March, 2011.

Mayor Brad Horvath

ATTEST:

APPROVED AS TO FORM:

Clerk Cheryl Bennett

Village Attorney George Sistrunk

7. DISCUSSION AND POSSIBLE ACTION ON ORDINANCE CODIFICATION

Discussion was held on the statutes requiring codification of ordinances. Bennett noted NC GS 160A-77 requires a city having a population of 5,000 or more shall adopt and issue a code of its ordinances. The Census shows our population as nearly 7,500. Bradford asked what codification entails. Attorney Sistrunk said codification produces a bound volume of all ordinances organized with an index and accessible to the public. Hess noted a loose-leaf book is allowed in the statutes; he said there are three mandates; and felt we were mostly there. Bennett said the idea is so the average citizen can see what all the ordinances are in one place. Ormiston said she looked at a website for an ordinance company and they verify there are no conflicts; there are general ordinances and a technical code. The \$30,000 allocated had come from an estimate from other towns. Ormiston and Hess thought we were in compliance. Bennett said she spoke to Weddington and their initial cost was \$9,000, their annual fee is \$400, and the updates are \$1,900 each time. Mayor Horvath noted there are two parts, checking for gaps, and putting it in the book. Bennett noted she has a book of all ordinances, but some apply just for one year, like budget ordinances, and some are permanent. In the code of ordinances, you might want just permanent ordinances. Sistrunk suggested having an ordinance book and table of contents so it is clearly set out for the public. Sistrunk said the problem could be if you don't comply with the statutes and you try to enforce a penalty against someone, they might say you have not complied with the statutes. We could apply article numbers, and the zoning ordinance might all be article one, and another ordinance article two. Bennett will look at Weddington's ordinance book and see if anything needs to be tweaked.

8. DISCUSSION AND CONSIDER APPROVAL OF CHANGES TO PRIVILEGE LICENSE ORDINANCE AND FEE SCHEDULE

Nancy Schneeberger, Administrative Assistant, reviewed proposed changes to the ordinance and fee schedule. The first correction is on page 2, section 5(a); the fiscal year for beer and wine should be May 1 to April 30, so a separate license will be issued for it; in section 6, the date after which licenses are pro-rated should be December 31, and a notation added that beer and wine licenses cannot be pro-rated per state statutes. On page 3, Schneeberger proposed eliminating section 10 (d) which requires a license be obtained even if the person is exempt from the fee. Attorney Sistrunk agreed this was not necessary. Schneeberger simplified the fee schedule; the off premise beer fee should be \$5 per state statute; she added an ice cream fee of \$2.50 and chain store fee of \$50, per state statute. She proposed increasing the maximum on gross receipts from \$5,000 to \$8,000. Bennett noted the old fee schedule was very long and cumbersome, so some classifications such as landscaper and Service Company were eliminated and will fall under the gross receipts. Some small companies will benefit because they were paying \$50 for a service company, and will now fall under the minimum in gross receipts of \$15. Bennett noted the state has a lot of rules on what we can charge, for instance on ice cream we can only charge \$2.50, so a grocery store should back out their ice

cream sales, and then pay on the gross less ice cream sales. On a restaurant, we can only charge the \$42.50 if they have more than 5 seats, plus items like the ice cream fee of \$2.50 and sundry fee of \$4.00. Ormiston asked why we were increasing the maximum from \$5,000 to \$8,000; Schneeberger said some towns don't have any cap, but there is a wide range. Ormiston expressed concern that this was a big jump. Schneeberger noted it might not affect any of our stores; it depends on their gross sales. Fees were last changed in 2008, and the maximum at that time went from \$1,000 to \$5,000. Schneeberger will survey the maximums in other towns and report back to Council. It was noted that the privilege license revenue offsets costs that businesses bring. Bradford called for a public hearing on April 19, 2011 at 7 pm here at Wesley Chapel United Methodist Church on changes to the privilege license ordinance and fee schedule. Ormiston seconded the motion.

The motion passed unanimously.

9. DISCUSSION OF SECTIONS OF DOWNTOWN PROPOSAL:

- Recommendations for Amendments to the Zoning Ordinance to Support Development of Village Center
- Conclusions
- Executive Summary

On page 37 new zoning districts are proposed for the Village center; the square footage is not inclusive of green space; they range from R-V60 (60,000 square feet) to R-V40 (40,000 square feet) to R-V20 (20,000 square feet) to R-V10 (10,000 square feet). Under "Development Exactions" the second line should read "higher" density. Bradford asked about the R-V60; it was put in to be consistent. Ormiston asked if R-V10 was typically what a town home would be zoned; Hess replied it is quarter acre. Bradford asked about the pinwheel homes; they are typically quarter acre so one pinwheel would be on an acre. Hess said they are typically condos, and each would be a dwelling unit, you would average what each pinwheel sits on. Langen said with condos, you would want to limit the number of units per building or have dedicated lots. Ormiston asked about the offsets, Hess said they would be provided by the developer, but would not be calculated in the average size of the lots. Bradford asked if the committee was not really recommending conservation subdivisions; Hess said not directly but the exactions such as parks are potential offsets, so could be expanded to conservation districts. Bradford asked if something was mapped out to show the proposed area for R-V10 as opposed to the other zoning; Hess said R-V10 would only be allowed in zones I, III and IV, and could be further defined. Bradford asked if the same setbacks as we now have would apply. Hess said we would have to work that out. Hess read the conclusion on page 39.

The Executive Summary was reviewed next. Hess read the first paragraph, which says that a planned Village Center will develop an image that Wesley Chapel is a lifelong community. It notes sidewalks and pathways are lacking, and that the design of the Village Center should increase access on foot to restaurants, shopping and other amenities. Mayor Horvath asked if we want to be more things to more people; this is the crux of the discussion. The Master Plan showed we

didn't want apartments, maybe not town homes; do we want more starter homes with building standards? Ormiston noted this is not easy to answer; she said she was conflicted; where this is an awesome image to be developed, but it ignores the desires of those already here. She felt it lacked in depth, it looks at a sidewalk plan and no funds are allocated. Residents want to remain rural, that was what she heard from the Master Plan survey, maybe results would change in a survey today, but she heard that people didn't want to go with the image this plan presents. Ormiston said items like architectural standards and working with DOT to put together a sidewalk plan are things we can work on today. Hess said I think you are talking about Wesley Chapel as a whole, and this is isolated to a small part of the Village. He heard residents don't want denser housing, but does that mean throughout the Village or is there an area already defined defacto by the commercial area; it will be planned and can be planned or unplanned. He did not feel there had been a plan other than the CUP limitations and that a planned buffer is needed. Ormiston said it is not that it is unplanned; the plan now is that it is R-40, and half of it adjacent to the commercial is already built. It seemed that the property behind Harris Teeter is what this pertains to. Ormiston said the people she has heard from loudest is the people who live in Wesley Oaks, the area adjacent to the shopping center. She was in favor of another forum to allow people to give feedback. Bradford agreed that area needs the most planning; from the Master Plan survey 75% opposed quarter acre lots, but in direct contrast 60% favored retirement and patio homes. She felt there were perception issues, and a forum could define specifically where people might want nice retirement homes. Mayor Horvath said a forum might want to just look at Zone IV or change the boundaries on the Zone and we might want to provide some examples. Brotton asked why are we intent on making this work; to get the answer that quarter acre is okay. He noted the students who worked on the Master Plan were students in urban planning, so were they trying to make an inner city feel fit into the rural area; what is the end gain. Mayor Horvath do we want to have a plan about how to grow, or keep it as it is; he noted whether we like it or not we are growing. Brotton said if you increase density you are inviting traffic. Hess said the amount of land we are talking about with increased housing is quite small, and the other item is offsets of land for parking, roads, etc. to accommodate the people who move in so they don't have to drive in the car to amenities, they can walk. We will always have transient shoppers come in for the big box, but smaller shops will serve the people who move in. Brotton said the big question is will this happen organically; Hess said for example we have sidewalks at the shopping center that just end, but without a plan in place we can't continue to grow organically. Brotton said he was in favor of a forum or even a series of them; he felt a lot of things had changed in the time span since the Master Plan, why are we jumping ahead to make it fit; you can apply for a CUP, but you are trying to develop something that isn't there. Mayor Horvath noted individual CUPs are not a plan. At the April 11, 2011 meeting Council will discuss more of the recommendations and look at dates for a forum.

10. HISTORICAL PRESERVATION COMMITTEE DECISION

Hess reported Julie Brown wants to resign from the Committee, one member lives in Weddington, and one moved away. The Committee priority was for Houston House. Hess said we would have to adopt a historical preservation ordinance and identify structures; given current priorities is this one high? Brotton noted if we dissolve it now, we could reinstate it if interest was shown. Brotton made a motion to dissolve the Historical Preservation Committee; Ormiston seconded the motion.

The motion passed unanimously.

11. CONSIDER APPOINTMENT TO FESTIVAL COMMITTEE

Mayor Horvath asked if we want to set a precedence on age for members, another issue that has been discussed is whether members should be taxpayers. Brotton said in the specific case of the festival he didn't have an issue with it, and didn't see age to be a factor; however his concern was setting a precedence. Mayor Horvath noted we talked about writing up charters for the committees, and could allow that in one committee. Hess said a child serving on a committee could be more inclined to vote with their parent, or against their parent in other case, or in general not vote independently. He also noted there was a reason we have age restrictions on voting and witness of wills, etc. Ormiston agreed with Hess, she said maybe we should create a youth committee at sometime with specific functions. She started a Teen Leadership program at the YMCA which was effective and productive. Council consensus was not to add youth to committees at this time; Brotton said we should make it clear in our charters what the age would be. It was clear that Julie's daughter's contributions to the festival were appreciated, and she can still help with the dog contest.

12. CONSIDER POSITION ON COUNTY TAX ASSESSMENT RE-VALUATION

Mayor Horvath noted the County has already decided to not do a re-valuation and wait the eight years, and he was fine with not taking a position on it for now. Hess said it might more fairly distribute what taxes are paid; we were assessed higher on average last time. Bradford said if we take a position what does it accomplish? Hess said he was inclined to do a resolution because it is what is fair for our residents. Brotton said he watched channel 16 and one of the big issues is if your value didn't go down, but the average did, your taxes would be increased. Hess said he was in favor of a re-valuation, and would benefit Wesley Chapel residents and a resolution would just express our opinion. Ormiston said she was not in favor of a re-valuation. Bradford said she was in favor of a re-valuation, but was not sure she was in favor of a resolution and noted some residents went directly to the County with their concerns.

13. OTHER BUSINESS

The water meter at Dogwood Acres was discussed; the previous owner was paying the \$5 maintenance fee but had not used the water, and was shutting off the account. Bennett talked to the County public works department and they said

you do not need to pay the monthly fee, if you want to access the water you need an availability letter and then get a plumber permit. Council asked if policy would change and whether paying the \$5 fee would maintain availability for us. Hess will check with the Johnston's to see if they have a letter of water availability for the property and felt paying the \$5 monthly was insurance on getting the water. Bennett will look for policies from the County, but they said we could transfer the account to our name any time. Council directed Bennett to have the account transferred to the Village.

Mayor Horvath noted NCLM Town Hall day is May 4th, where you can meet with your representatives and weigh in on issues in Raleigh. He will send the info to Council; the deadline to respond is April 18, 2011. Ormiston said the DOT Litter Sweep is in April, so we can get gloves and can get a certificate of participation for our clean-up day. Bradford reported she sent in the recycling bin grant and water based grants. Mayor Horvath noted we got correspondence from DOT on enacting new speed limits on Waxhaw-Indian Trail Road; the areas we want to have a speed limit of 35 will fall under municipal jurisdiction where the municipal speed limit is 35. Ordinances will be on the agenda for the next meeting.

Ormiston noted DOT won't do a new speed limit study on Highway 84.

Discussion was held on a letter to local businesses telling them about opportunities to sponsor events such as the National Night Out, Fall Festival and newsletter; Ormiston and Bradford will work on the letter.

14. COUNCIL COMMENTS - none

15. ADJOURNMENT

Brotton made a motion to adjourn; Hess seconded the motion.

The motion passed unanimously.

The meeting adjourned at approximately 10:00 pm.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath