

VILLAGE OF WESLEY CHAPEL  
COUNCIL MEETING MINUTES  
WESLEY CHAPEL UNITED METHODIST CHURCH  
120 Potter Road, Wesley Chapel, NC 28110  
September 21, 2010 – 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/Zoning Administrator: Joshua Langen

Concerned citizens: Carol Mullis, Gayla Adams, Jeannine Kenary, Julie Brown, John Lepke, Anthony Burman

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

Item 8 was moved to before Item 5; Ormiston made a motion to adopt the agenda with this change; Brotton seconded the motion.

The motion passed unanimously.

3. PUBLIC HEARING REGARDING A VERIFIABLE PERCENTAGE GOAL FOR PARTICIPATION BY MINORITY BUSINESSES IN BUILDING PROJECTS

The public hearing was opened. There being no comments, the public hearing was closed.

4. CALL FOR PUBLIC HEARING ON CHANGES TO ZONING ORDINANCE FOR PARK DEFINITIONS (ARTICLE 2) AND TABLE OF USES (ARTICLE 5); BUILDING HEIGHT DEFINITION (ARTICLE 2) AND PLANNING BOARD (ARTICLE 15)

Langen had made changes to the definitions. Ormiston expressed concern with the definitions in light of the decision in the gun range case. She said the definitions may not be specific enough and open to interpretation; perhaps a clause should be added that if the exact use if not listed it is prohibited, or that it would be up to the discretion of the planner. Langen said you could either

broaden or tighten the definitions. Hess said a generic catchall provision would probably not be sufficient because there would be no notice, but you could probably make the definitions more general. Mayor Horvath noted the gun range decision may not have been based on law. Bradford suggested if a use is not specifically listed, then a CUP would be required. Langen will go through all the definitions and remove wording like “such as”, and “may” and put in a clause in Article 8 pointing to a CUP. He will also check with COG for their input, and bring it back November 8, 2010.

#### 5. PARKS AND REC COMMITTEE UPDATE – PROPERTY ASSESSMENT PROPOSAL PRESENTATION

John Lepke, Chairman of the Parks & Rec Committee said the objective was to evaluate properties and recommend a park site that meets the needs, interests, and desires of the community within the budget of one million dollars plus fund raising and any applicable grants, and to deliver the top ten amenities within five years. Lepke said the timeline is to accept the methodology today, close on a list of properties in October, evaluate the sites in October – November, and recommend a site in November; in December the PARTF process and a conditional offer would occur.

The methodology was presented; it includes delivering desired amenities at the lowest possible cost, and with the path of least resistance. The list of desired facilities was used to group similar amenities, like walking/paved trails #1, and paved bicycle trails # 11. Some were skipped as not being feasible to provide, such as fitness center, and miniature golf. Some will be provided in phase I, some in phase II. Points were assigned to each amenity; the more desirable amenity gets more points, and points were subtracted if the amenity is absent. The points weight was based on the Park and Rec committee member votes.

Lepke described how standards and specs were defined for all amenities. For example, for paved walking/biking trails, you would want a hard/durable, flat surface, not to walk in circles, a half mile long, since water is flat walking around a water feature would be suitable and open up other grant opportunities (the length would define the size of the water feature), and a ten foot wide path would be twice the cost of a five foot wide path. Unpaved hiking/biking trails would require a contoured topography, should be mostly wooded, be longer than paved (about a mile), have minimal cost to install, and a one mile trail could be snaked on 20-25 acres. Seventy three percent of the Parks and Rec survey respondents said they were likely or very likely to attend an event, so extending to a five mile surrounding area an outdoor amphitheater would need to fit 8,000 people and need two acres of seating space, on an incline, would cause noise pollution so should not have proximity to large housing developments, have a hard surface stage area, power outlets, lights, and possible shelter, screen and conduit. Lepke said a fishing pond / water feature could be existing or excavated, would need to be 1-2 acres, and a sufficient depth to prevent algae bloom, provide inflow and outflow, be stocked naturally or by intent, and have clear bank areas or piers for

casting. Picnic/BBQ would require tables, garbage cans, not be conducive to forest fires, and shelters could be a fund raising target. Nature center/gardens would require a varied natural flora/fauna/ecosystem; a nature center could be a school/college project, and a garden could be done by volunteers or fundraising.

Some specific site considerations related to a water feature such as wetlands/FEMA, size, inflow/outflow, stormwater, water related grants, and whether it was existing (integrity, remediation) or needed to be built (permits, cost). Other site specific considerations are proximity to downtown, turn lane requirements, existing utilities; a site feature that potentially adds to cost or is undesirable would get negative points, if it is desirable or potentially reduces costs it gets positive points. Lepke noted site independent considerations include construction elements (such as permits, site prep, utilities), engineering and design (such as contractor selection, grading/ plumbing, utilities), parking, restrooms, access road and turning lane/gates, which you would not want to duplicate on more than one site. This leads to the desire for a site big enough to provide all the amenities. A site grading checklist will be used for all sites, and all Park and Rec members will grade the sites, and be averaged to minimize bias. They beta tested it on Page Price Park and felt it worked well. Currently 22 sites are available, but some are too small, some are over budget, some are too big and would need to be subdivided.

Lepke said there will be two phases of site evaluation, first download from the County GIS records a plat map, and draft conceptual designs with measurements, phase two would involve site visits, refine the conceptual design, and draft budget estimates. The proposal to Council would omit address, owner, etc. Bradford thanked the committee and John Lepke for their work. Ormiston said she would want to know where the site is to be responsible to the citizens. Brotton asked about a park size, since the comprehensive plan shows 40 – 66 acres; Lepke said 20-25 acres because we can't afford the larger size. Brotton recommended the process be very transparent. Mayor Horvath suggested when they recommend the top three sites, that the locations be included. Hess said he likes the properties being kept anonymous during the research, and then revealing the locations. Brotton asked if only land within the town is being considered; Bradford said it could be contiguous and be four acres or larger. Criteria range from 25 to 200 points plus and negative. Ormiston recommended we send a generic letter to all the site owners to see if they are open to negotiation or are willing to donate. Hess suggested a general announcement. Hess noted you lose bargaining power when you have to negotiate with more than one property owner for contiguous properties. October 11 was chosen to close the list because they thought some people might become aware of the process at the festival. It was decided to do a press release and letters to the out of town owners of properties over fifteen acres. The closing date was changed to October 19. It was noted that Page Price Park and Dogwood Acres are not yet eliminated. Langen will identify all parcels of fifteen acres or more.

6. BUDGET PROPOSAL AMENDMENT FOR FALL HERITAGE FESTIVAL

Diana Bowler presented a press release, which Council approved. Funds were approved for three signs to be used at the entrance to Wesley Oaks and at Lester Davis were reviewed; the time for road closing was changed to 10:30. The festival grounds map was revised. It was noted that two vendor booths decided not to participate and requested a refund of their \$10 fees. Council decided we would do the refunds; next year the form will specify no refunds. Since we are a week away, no more refunds will be given.

7. TOWN HALL BUILDING COMMITTEE – REVIEW AND APPROVAL OF CHARTER; REQUEST FOR APPROVAL TO CONTRACT FOR SURVEY INCLUDING TOPOGRAPHICAL; RESOLUTION 2010-06 TO EXEMPT FROM NC GS 143-64.31

Brotton presented the Town Hall Building Committee Charter, it provides a timeline and path to follow, there may be some addendum going forward. Bradford asked about the meeting schedule; a set schedule has not been set but the next meeting is Thursday at 6:45 pm. On page 3 of the Charter under Assumption #2, engineering and architectural work was added. On page 8 “moths” was corrected to “months”. Bradford asked about Parks & Rec being asked to fund amenities; the last sentence on page 8 was deleted under potential impact of Parks & Rec Committee.

Brotton made a motion to accept the charter with the edits on pages 3 and 8; Ormiston seconded the motion.

The motion passed unanimously.

Brotton made a motion to approve Resolution 2010-06, incorporated herein; Bradford seconded the motion.

The motion passed unanimously.

**Resolution 2010-06**  
**Resolution for Exemption from the Provisions of G.S. 143-64.31**  
**Regarding Contracting Professional Services**  
**Wesley Chapel, North Carolina**

WHEREAS G.S. 143-64.31 requires the initial selection of firms to perform architectural, engineering, and surveying services without regard to fee; and

WHEREAS G.S. 143-64.32 allows municipalities to exempt themselves from the provisions of 143-64.31 if such professional fees are less than \$30,000; and

WHEREAS the Village of Wesley Chapel proposes to enter into a contract for such surveying services for the six acre parcel where we plan to build a town hall; and

WHEREAS it would be more cost efficient to use the same surveying firm that has done the surveying for the adjacent property at Village Commons; and

WHEREAS professional fees for these services will be less than \$30,000;

NOW, THEREFORE, THE WESLEY CHAPEL VILLAGE COUNCIL  
RESOLVES:

Section 1. The above-described project is hereby made exempt from the provisions of G.S. 143-64.31 for the reasons stated in this resolution.

Section 2. This resolution shall be effective upon passage.

Adopted this 21st day of September, 2010.

ATTEST

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Cheryl Bennett, Clerk to the Board

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Brad Horvath, Mayor

A survey of the property is needed; consensus was not yet apparent on the exact extent of the survey, so Council asked the Committee to bring it back to them in October along with quotes from other surveyors.

Bennett noted there is a class in October in Chapel Hill by the School of Government on Contracting for Construction and Design Services; Hess made a motion to approve Bennett attending the class; Brotton seconded the motion.

The motion passed unanimously.

#### 8. SAFETY COMMITTEE UPDATE

Donna Pasciuta said we had a commitment from JDH to contribute \$5,000 per year for a deputy for two years, but they were a little disappointed that it would be a couple of years out. Hess said he ran the numbers, it would bring us down to a very low fund balance, if we start in year two we go down to a \$180,000 fund balance, and don't recover until year four. Ormiston asked how we proceed with Aston and JDH on this issue. Bradford said we will have more need when we have a park, but what are the statistics now. Chauncey Bowers is working with a deputy to get reports. Ormiston noted the deputy is not just for a park, the need is here today. Bradford noted she hadn't seen statistics that say we need a deputy today. Ormiston noted the Sheriff changed their software program, which affects getting comparable statistics; also 911 statistics do not give a complete picture.

Hess said under the model we adopted, unless the town hall doesn't spend all their funds, we could get a deputy in year two; we will have more info when the town hall contract is let. Ormiston will contact Aston and JDH by e-mail.

Donna Pasciuta said two concerns on traffic on Highway 84 were received; they are also working on Community Watch programs. It was noted that the

Committee hears about things happening that aren't in the crime reports. Ormiston said a police report is not generated for every incident, but the info is in the system, she will get some reports next month.

9. DISCUSSION AND POSSIBLE CHANGE TO COMMITTEE POLICY REGARDING PUBLICATIONS AND USE OF A DISCLAIMER/CODE OF CONDUCT

Ormiston brought a potential Code of Conduct for Wesley Chapel which she largely derived from Aurora, Colorado's Code. She asked that Council members review it and send any changes to her; it will be on next month's agenda.

10. CONSIDER AMENDMENT TO ETHICS POLICY

Brotton said the term "committees" should be added to our Ethics Policy, currently it says "Council and boards".

Bennett noted she still had people who hadn't signed the ethics forms; she will send them an e-mail noting she needs to report to Council.

11. CONSIDER APPROVAL OF RESOLUTION 2010-07 TO SET MINORITY PARTICIPATION GOAL

Brotton made a motion to approve Resolution 2010-07, incorporated herein; Ormiston seconded the motion.

The motion passed unanimously.

**VILLAGE OF WESLEY CHAPEL RESOLUTION 2010-07  
TO ADOPT MINORITY BUSINESS OUTREACH PLAN AND TO ESTABLISH A  
PERCENTAGE GOAL FOR PARTICIPATION BY MINORITY BUSINESSES IN THE  
AWARDING OF BUILDING CONSTRUCTION CONTRACTS PURSUANT TO N.C.G.S.  
143-128.2**

WHEREAS, the North Carolina General Assembly enacted Session Law 2001- 496, Senate Bill 914 to enhance and improve the good faith efforts to recruit and select minority businesses for participation in public building construction or repair contracts by adding N.C.G.S. 143-128.2; and

WHEREAS, N.C.G.S. 143-128.2 requires each city, county, or other local public entity to adopt, after notice and a public hearing, an appropriate verifiable percentage goal for participation by minority businesses in the total value of work for building projects costing \$300,000 or more; and

WHEREAS, N.C.G.S. 143-128.2(b) requires a public entity awarding a building contract where the total cost equals or exceeds \$300,000 to establish, prior to solicitation of bids, good faith efforts that it will take to make it feasible for minority businesses to submit successful bids or proposals for the contracts for building projects; and

WHEREAS, N.C.G.S. 143-128.2(e)(1) requires a public entity awarding a building construction or repair contract where the total cost exceeds \$300,000, prior to awarding a contract, to develop and implement a minority business participation outreach plan; and

WHEREAS, notice of the public hearing was duly published in The Enquirer-Journal Newspaper on Sunday, September 12, 2010 and the required public hearing was held on Tuesday, September 21, 2010;

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE OF WESLEY CHAPEL COUNCIL,

1. That the Village of Wesley Chapel shall have a verifiable ten percent (10%) goal for participation by minority businesses in the total value of work for building projects awarded by the Village of Wesley Chapel and costing \$300,000 or more.
2. That the Village of Wesley Chapel shall make a good faith effort to recruit minority participation in accordance with NC GS 143-128.2 for minority business participation in building construction or repair contracts.
3. That this resolution shall become effective upon its adoption.

ADOPTED this 21<sup>st</sup> day of September, 2010.

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Brad Horvath, Mayor

Attest:

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Cheryl Bennett, Village Clerk

12. CONSIDER APPROVAL OF RESOLUTION 2010-08 AUTHORIZING THE DISPOSITION OF CERTAIN PERSONAL PROPERTY BY PRIVATE SALE

Ormiston made a motion to approve Resolution 2010-08, incorporated herein; Brotton seconded the motion.

The motion passed unanimously.

**Village of Wesley Chapel, NC Resolution 2010-08  
Resolution Authorizing the Disposition of Certain Personal Property  
By Private Sale**

WHEREAS the Council of the Village of Wesley Chapel, NC desires to dispose of certain surplus property of the Village;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL THAT:

1. The following described property is declared to be surplus to the needs of the Village :

IBM ThinkPad Model 1482  
Lanier Voice Writer 160T with foot pedal and microphone  
Lanier Voice Writer 160T  
Radio shack Cassette recorder  
GE 2 cordless phones set 900 MHz  
AT&T answering machine  
GE 6.0 2 cordless phones set model 28112

2. The Village Administrator is authorized to dispose of the described property by private sale at negotiated price, through advertisement on Craig's list.
3. The Village Administrator shall public notice summarizing this resolution on the Village website.
4. The sale may be consummated not earlier than 10 days from the date of publication.

Adopted this 21<sup>st</sup> day of September, 2010.

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Mayor Brad Horvath

Attest:

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Village Clerk, Cheryl Bennett

13. OTHER BUSINESS

Bradford said she received the Adopt A Trail paperwork. Ormiston requested that documents get to Council three days before the meeting to allow adequate time to review them. Council agreed on this.

14. COUNCIL COMMENTS - none

15. ADJOURNMENT

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

The motion passed unanimously.

Respectfully submitted,

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Cheryl Bennett, Clerk

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Mayor Brad Horvath