

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
WESLEY CHAPEL UNITED METHODIST CHURCH
120 Potter Road, Wesley Chapel, NC 28110
October 19, 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, Becky Plyler, Don & Ruth Patterson, Julie Brown,

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

1. PLEDGE OF ALLEGIANCE / INVOCATION

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

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

Item 4B “FESTIVAL T-SHIRTS” was added; and Items 5 and 6 were tabled.

Brotton made a motion to adopt the agenda with these changes; Ormiston seconded the motion.

The motion passed unanimously.

3. UPDATE ON FLOODING ISSUE

Langen reported on the issue at 801 Pilgrim Forest Road owned by Mr. Kiker. DOT re-installed a culvert and fixed the flooding on the left side of the property, however there still is a problem on the right side. Langen said our engineer felt it wasn't from Taylor Glenn although Mr. Kiker said there wasn't a problem until Taylor Glenn was built and he is asking for Village help. Pictures of the site were shared with Council. Hess noted the concrete in one of the pictures was put there due to erosion issues; he was not sure we should do something on private property. Mayor Horvath agreed on that and asked if a swale to channel the water would help. Langen noted water has entered Mr. Kiker's crawl space. It appears the property is a low spot for collection of water from Wesley Woods.

The other location is 616 Underwood Road; the property owner has lived there fifty years, and now has flooding almost to the crawl space. The water is coming

from Wesley Chase, across her property and the road, into Quintessa. DOT had concerns that a wider culvert would cause problems downstream. Langen noted the culvert is not straight, it has some humps, and doesn't flow downhill properly. In the backyard he saw some minor check dams. Langen walked the property with the engineer for the new developer of Wesley Chase; he said the check dams were not doing their job and suggested they get backhoes out to fix it; but they didn't do so. Langen said his only administrative option is to withhold building permits. Mayor Horvath volunteered to call the builder and DOT and see if they would improve the check dams; we probably cannot withhold permits.

4. PARK AND REC COMMITTEE UPDATE

- Response from Weddington on Possible Partnering
- Turning Lane Estimate
- PARTF Grant Discussion
- Update on Response from Large Parcel Property Owners

Bradford reported that Weddington Councilman Robert Gilmartin didn't get the subject of a joint park on their agenda; he spoke with members individually and their response was lukewarm. They are focusing on a library. Bradford called Union County and they are not interested; they are working with the schools. She called Indian Trail and it might be an option on the Thread Trail. Bradford is talking to several folks on a turn lane; Sure Shot Sealing is providing a free estimate, they thought it would be about \$58,000 to \$59,000 for asphalt, with no curb or gutter. Hess said they can't estimate right of way costs. Bradford spoke to someone at Monroe, they said the expensive items are moving utilities and obtaining right of way. Hess said if we keep it on our property a lot of fill would be needed. If it impacts the 25 year rain level, it might affect the culvert. Hess said he thought DOT prefers to split it to both sides of the street. Langen said we might also need a deceleration lane too, since the threshold for a deceleration lane is much lower than for a left turn lane. Hess said if we push it all to our side of the street, then when the road is widened, we will lose the dam. Bradford said DOT always says widening the road is far out in the future, and other options could exist. Bradford said Bill Whitley from Union County mentioned Capital Management Engineering could do a ball park engineering review of the site for \$500 and could do it tomorrow. She also asked our engineer Bonnie Fisher and she said it would take \$2,000 and two weeks. Hess said he was skeptical of a \$500 study. Langen asked if we have solid trip generation figures for the park, or are we phasing it for what we could have in the park in phase I and then again for phase II. He said if we do a left turn lane like at Village Commons, we would have to make it long enough so people don't go around it; it also might impact Price Mill access to Highway 84. Bradford said the idea of making it right in and right out at the park is an option, but doesn't have information on that at this point. She said regarding an amphitheater whether it is there or not in the first phase, DOT seems to want a left turn lane, regardless of location on a main road or not, because they lose leverage if you add the amphitheater later. Bradford said based on the surveys it shows it is possible to

have thousands of people attending a performance, but Page Price Park is not the type of park for that type of venue, if it were it would be a once a year type occurrence. Carol Mullis asked about a median being discussed at Parks and Rec; Bradford said whether DOT would allow that and whether we would want it is another issue. Carol Mullis also said safety vehicles would have better access with a turn lane. Bradford said Mr. Underwood at DOT said people could turn left out of the park as long as it is residential across the street and we could conceivably ask for the speed limit to be lowered; also at the Price Mill HOA/Parks meeting they had suggested the speed limit be lowered. Hess asked if that would change the length of the turn lane; Bradford said it would but not substantially; currently we think it would be a two-hundred fifty (250) foot turn lane.

Bradford said Parks and Rec discussed the additional grant for Page Price Park last night. They said if we get the \$225,000 grant and if we have a PARTF grant for \$500,000 and if the turn lane doesn't push us over one million dollars, then they were in favor of pursuing Page Price Park. Hess asked if they have analyzed the properties and where does Page Price Park rank. Bradford said they have just started the analysis. Hess said there are two issues – engineering and legal. We have to know what DOT would require, is it two-hundred fifty feet, or three-hundred fifty feet; we would have to estimate the engineering and the fill, whether we go completely on the Page Price Park side of the street, and what would the right of way on the other side would cost. Hess said it would almost cause condemnation on one property across the street if you take six feet off their front lawn; also would it impact the culvert and would that have to be replaced. Bradford will pursue these issues, and Mayor Horvath said he would call DOT.

Ruth Patterson who owns twenty-six acres to the east of Waxhaw-Indian Trail Road on New Town Road presented a map of her property to Council. It is part of the Davis farm, and backs up to Liberty Hill Church, has seven hundred feet road frontage, it includes some wooded area and some open area, it is about two thousand feet deep. She said she would be thrilled to have a park in her father's name and would give the town the best price she could. Mayor Horvath described the process Parks and Rec is going through to analyze all the potential park properties and what had happened with Page Price Park.

Hess said he would like to see an analysis of all properties, we don't have better information on the turn lane, and it might be more positive to move forward than to take a step back. Mayor Horvath noted any property will have its own concerns. Carol Mullis said at Parks and Rec they mentioned a deadline, and the letter didn't seem clear; it was clarified that the deadline of October 19, 2010 was for getting a list of parcels to evaluate, negotiations on the price do not need to be done as of today. Bradford said they are evaluating all twenty-one parcels regardless of cost although the higher priced ones won't work with the budget. Hess suggested the effort and more detailed analysis be done on the ones they can realistically afford. Julie Brown said that is what they are doing. Brotton said the cut-off was to establish the field of properties, from there they will run the

methodology and look at prices. Mayor Horvath noted we can't negotiate with twenty-one people; when he gets calls he does ask owners if they will subdivide a large parcel. Hess suggested some judgment regarding cost be used; there is a difference between someone asking \$100,000 per acre and someone asking \$60,000 per acre and the owner is interested in naming rights, that might be a bargaining point. Julie Brown said a water element is a big factor in what citizens want; they estimated to dig a one acre pond would cost \$150,000, so Page Price Park has a six acre water element and can also qualify for water related grants as contrasted to building a six acre pond elsewhere. Hess said going back to Page Price Park, Parks and Rec had three items: 1. is the \$225,000 grant available – yes it is; 2. is the PARTF grant available – we don't know; 3. the cost and issues around the turn lane – we don't have an answer; and he added a fourth criteria, is it still compelling enough for us to back away from what we are doing now in Parks and Rec evaluating properties. Julie Brown said she asked John Lepke that and he said it would wash out, other properties may not have one of the problems Page Price has, but it may not provide an amenity Page Price does. Hess said there is still a lot of data collection to be done. Bradford said Page Price Park is the only property with a twelve acre donation and \$725,000 of grants; she also had concerns over competition in the PARTF process from other nearby towns. Hess said other towns may also run into problems when evaluating their parcels, he would rather we finish our analysis. Discussion of the size and cost of building a pond was held. Bradford noted Parks and Rec does not have the authority to negotiate price with anyone but they can estimate the costs on a site and it would be difficult to deliver a park of fifteen plus acres without a grant, and a donation helps. Ormiston said she agreed with Hess, part of the compromise was to look at all properties, we sent letters to parcel owners, and we should follow through with what we are doing. She said we should look at the top five to six properties, and then decide on a park, and deal with whatever issues arise. She was not against Page Price Park if it comes out in the top five or six. Mayor Horvath noted we did not have \$725,000 at one time, there was a grant for \$500,000 that we turned down, and now a grant of \$225,000 has come up. Ormiston noted we could apply for both grants at one time and then know whether both were awarded to us or not. Bradford said she suspected if you keep turning grants down that at some time there would be a negative impact. Carol Mullis asked if the \$225,000 had to be used for Page Price Park; Bradford said no, it could be used elsewhere if we could get a proposal on where it would be used in a timely manner; January would be too late. Brotton asked if Page Price Park is the recommendation of the committee. Julie Brown said it was unanimously recommended last night, they did agree and spent two hours on moving forward with their methodology. She asked about the timing on choosing a property and the grant deadline for the PARTF program; whether we could outright purchase a property, or whether we would have to wait to buy it until the PARTF grant came around. Hess and Mayor Horvath noted the funds are budgeted; the goal was to purchase the property so we could apply for the PARTF grant. Brotton said he wanted to support the committee; however there is a long string of assumptions since we don't know whether we get the \$500,000 grant and the cost on the turning lane.

Julie Brown said the vote last night was based on the park coming in at one million dollars or less. Hess noted the problem is if the park doesn't come in under one million. Brotton said he had asked if we could find out whether we could still get the PARTF grant, and the answer was no; if we knew the range of the cost of the turn lane he would feel more comfortable, but he felt there was a string of assumptions.

Carol Mullis asked if Parks and Rec had been given the same proposal as the Town Hall Building Committee, that they try to come in under budget so we can hire an officer; Mayor Horvath replied yes. It was noted that the cost of the land would probably consume most of their budget. Hess said he supports the committees, but is also in favor of the compromise, and would only feel comfortable if we do a more detailed and more expensive engineering study which would involve scoping out the work and a detailed RFP. Ormiston added if we knew we had the PARTF grant, it would be easier to spend five to ten thousand on an engineering study. Mayor Horvath said he was willing to call PARTF and find out if there was any possibility of getting the grant back. Bradford expressed concern about the ability to get future grants if we ask for the grant back and then reject it due to the results of the turn lane engineering study, also the process of doing a formal RFP would put us out of the time range for the \$225,000 grant. Brotton said if the PARTF grant is still available, he would be in favor of doing the engineering study. Ormiston said she was in favor of asking about the PARTF grant. Mayor Horvath and Bradford will make a joint call tomorrow to the PARTF and the other water based grant people and find out if the grants are available and what the timing is on the water based grant. Hess inquired if the Keels donation is still available; Bradford said yes, but she wasn't sure about the 3.4 acres. Hess said the 3.4 acre donation would need to be included to offset the dam liability. Bennett asked about the impact to Price Mill if there were a median that would prevent them from turning left out of their development; Council said this had not yet been determined, and may not happen. Bradford noted we might need a special meeting if the PARTF grant is available; Hess said he would be willing to write an engineering RFP. Langen noted that if a turn lane encroaches on the spillway, they might have to redesign it. Mayor Horvath noted as a result of the letters he got calls from nine property owners who represent ten parcels. The prices range from \$20,000 to \$100,000 per acre.

4B. FESTIVAL T-SHIRTS

Bradford reported some of the volunteers had not received t-shirts at the festival and funds were available in the budget; thirty t-shirts would cost about \$225 plus shipping. Hess made a motion to purchase t-shirts for the volunteers for up to \$275; Bradford seconded the motion.

The motion passed unanimously.

5. CATAWBA LANDS CONSERVANCY

Bradford said last year we gave the Catawba Lands Conservancy \$1,000; last year there was no difference in the benefits you received for differing donation levels.

They share their expertise and help conserve land in the area. We have consulted with them and they have provided us advice in the grant process. Bradford will get new folders with information from the Conservancy for the next agenda.

6. APPOINTMENT OF COMMITTEE MEMBERS BY MAYOR

Mayor Horvath said he thought he had appointed the members at a prior meeting but we checked the tape and it hadn't been done so he wanted to clarify that he was formally appointing Bill Meyer, Jim Mullis, Butch Plyler, Gary Reader, Jeannine Kenary and Gayla Adams as voting members and Karen Partee as a non-voting member to the Town Hall Building Committee. He thanked them for their work on the Committee.

7. DISCUSSION AND POSSIBLE ACTION ON FALL NEWSLETTER

It was decided to aim for a January newsletter; Mayor Horvath asked Council members to have some topics for the next meeting.

8. OTHER BUSINESS

Mayor Horvath presented three town seal initial sketches from Angela Lubinecki; she would like to know the themes we like and don't like and any other feedback. Bennett noted it would also be nice to see it in the size it would be used for stationery. Ormiston reported the town of Harrisburg had withdrawn from COG. Turning Point sent a letter to the town expressing their appreciation at being honored at the festival and National Night Out.

9. COUNCIL COMMENTS - none

10. ADJOURNMENT

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

The motion passed unanimously.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath