

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
June 16, 2009 – 7:00 P. M.

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

Present: Mayor Clinton, Mayor Pro-tem Croffut, Council Members Bradford, Horvath, Pierce

Others Present:

Village Clerk/Finance Officer: Cheryl Bennett
Planning/Zoning Administrator: Joshua Langen

Concerned citizens: Carol Mullis, Gary D. Ballard, Mike DiGaetano

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

1. PLEDGE OF ALLEGIANCE / INVOCATION

Mayor Clinton led the Pledge of Allegiance and Croffut gave the invocation.

2. PUBLIC HEARING ON: STORMWATER ORDINANCE AMENDMENTS; ADDITION OF ARTICLE 15 (PLANNING BOARD RULES OF PROCEDURE) TO ZONING ORDINANCE; AMENDMENT TO ZONING ORDINANCE TABLE OF USES TO ALLOW "RECREATION FACILITIES, OUTDOOR (PARKS, PLAYGROUND) AS A CONDITIONAL USE IN B-1, B-2 AND L-I DISTRICTS.

The public hearing was opened. There were no comments from the public. Langen added some suggested changes from the Planning Board to the language: at 15.1.7 to add "regular" in front of meetings and make the time frame 15 days in advance of the meeting; also they wanted to add a paragraph between that and the quorum paragraph to add that "Special meetings may be held on an as needed basis at any convenient time and place in the Wesley Chapel area as directed by the Chairman. Each member shall be notified of each special meeting and provided with all necessary materials at least 48 hours in advance of the meeting by the Secretary or other person so designated by the Chairman." Also in the paragraph immediately before 15.1.7, clarification was asked on this: "Prior to a Planning Board meeting, Planning Board members are not permitted to listen to comments regarding a pending case but shall refrain from responding with opinions or views..." Planning Board thought that maybe that should read "are permitted".

The public hearing was closed.

3. ADDITIONS, DELETIONS, AND / OR ADOPTION OF AGENDA
Horvath requested “Item 9A. Discussion of Expiring Planning Board Terms”, and “Item 9B. Discussion of Hampton Meadows Roads” be added. Mayor Clinton requested “Item 9C. Proposed Budget Amendment” and “Item 9D. County Fire Commission Meeting” be added. “Item 9. Other Business” became “Item 9E”. Pierce made a motion to approve the agenda with these changes; Horvath seconded the motion.

The motion passed unanimously.

4. COMMUNITY UPDATE PRESENTATION BY PRESBYTERIAN HOSPITAL MATTHEWS

Gary Ballard and Mike DiGaetano presented an update on Presbyterian Hospital Matthews. They have a 114 bed acute care facility with a wide range of support services and amenities. They have Stroke Center Designation, are a Chest Pain accredited hospital and have earned various quality awards. They have locations in Ballantyne and in Monroe.

5. CONSIDER APPROVAL OF MUNICIPAL RECORDS RETENTION AND DISPOSITION SCHEDULE

Bennett sent out the new municipal records retention and disposition schedule and it must be adopted or we cannot dispose of any records. Horvath asked about budgeting for the microfilming services; Bennett replied that we have used their microfilming services, they have just started to charge for them, and the cost should be very low. Horvath made a motion to approve the new Municipal Records Retention and Disposition Schedule as formatted in page i of the Schedule. Croffut seconded the motion.

The motion passed unanimously.

6. CONSIDER ADDING CATAWBA LANDS CONSERVANCY MEMBERSHIP TO BUDGET

Bradford reported the Conservancy has been providing support, mapping services and suggestions including looking at the Price land. Three towns are sponsors, they have different membership levels, \$500 plus, sponsor \$1,000+ (Weddington), and patron level of \$2,500+ (Marvin and Mineral Springs). Horvath suggested we use parks and recreation line item funds for the sponsor level of \$1,000. Pierce made a motion to join the Conservancy in 2009/2010 at the \$1,000 level and use funds from Parks and Rec. that will be moved to Dues and Subscriptions. Bradford seconded the motion.

The motion passed unanimously.

7. CONSIDER APPROVAL OF ORDINANCE 2009-04 TO ADOPT 2009-2010 BUDGET

Bennett noted she classified the Downtown Committee and the Transportation Study line items to Planning and Zoning for the budget ordinance. Bradford made

a motion to approve Ordinance 2009-04, incorporated herein, for the 2009-2010 budget. Horvath seconded the motion.

The motion passed unanimously.

**Village of Wesley Chapel
Budget Ordinance O-2009-04
2009/2010**

BE IT ORDAINED by the Governing Board of the Village of Wesley Chapel, North Carolina:

Section 1: The following amounts are hereby appropriated in the General Fund for the operation of the village government and its activities for the fiscal year beginning July 1, 2009, and ending June 30, 2010, in accordance with the chart of accounts heretofore established for this Village:

General Government	
Operating Expenditures	\$ 113,800
Salaries	126,918
Planning & Zoning	80,632
Professional Fees	66,500
Parks and Recreation	86,180
Public Safety	2,000
Capital Outlay	8,500
Total	\$ 484,530

Section 2: It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2009, and ending June 30, 2010:

Property Tax Income	\$ 139,780
Revenue Sharing Income	280,000
Fees and Licenses	50,750
Interest	14,000
Total	\$ 484,530

Section 3: There is hereby levied a tax at the rate of one and sixty-five one-hundredths cents (\$.0165) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2009.

This rate is based on a total valuation of real and personal property for the purposes of taxation of \$822,704,286 and an estimated rate of collection of 96%; and a valuation of motor vehicles of \$53,706,118 with an estimated collection of 91%.

Section 4: The Budget Officer is hereby authorized to transfer appropriations as contained herein under the following conditions:

- a. She may transfer amounts between line item expenditures, or from

- Contingency, up to a dollar amount of \$1,000.
- b. An official report on all transfers should be made to Council at the next scheduled meeting.
 - c. Transfers should not be made to salary accounts.

Section 5: Copies of this Budget Ordinance shall be furnished to the Clerk of the Governing Board and to the Budget Officer and Finance Officer to be kept on file by them for their direction in the disbursement of funds.

Adopted this 16th day of June, 2009.

Cheryl Bennett, Village Clerk

Mayor Tracey Clinton

8. CONSIDER APPROVAL OF STORMWATER ORDINANCE AMENDMENTS; ADDITION OF ARTICLE 15 (PLANNING BOARD RULES OF PROCEDURE) TO ZONING ORDINANCE; AMENDMENT TO ZONING ORDINANCE TABLE OF USES TO ALLOW "RECREATION FACILITIES, OUTDOOR (PARKS, PLAYGROUND) AS A CONDITIONAL USE IN B-1, B-2 AND L-I DISTRICTS.

Mayor Clinton said we have a Flood Damage Prevention Ordinance, and we pulled those items that pertain to other lands also and put them in Article 14. Article 14 will include the suggested improvements Bonnie had spoken about; Langen agreed. Since Council just received the information, Pierce made a motion to table the item to the next meeting. Croffut seconded the motion.

The motion passed unanimously.

Mayor Clinton said she had wanted the parts of the Rules of Procedure that pertain to State Statute moved into our Ordinance, and the attorney agreed, but the rest could stay in the Rules of Procedure. She asked that Langen take it back to the Planning Board and just pull out of the Rules of Procedure what is needed per State Statute. Pierce asked that Langen put in writing the actual text instead of reading it. Bennett also asked that this be done for the Stormwater amendments, so when she goes to do the changes she has what text is struck out, and what is added. Langen said there had been some problem with saving the text without the markups. Pierce made a motion to move the Planning Board Rules of Procedure amendment back to Langen and the Planning Board; Horvath seconded the motion.

The motion passed unanimously.

Regarding the amendment to the Table of Uses for the Outdoor Recreational Facilities; Mayor Clinton read from Bennett's e-mail regarding what the Planning Board had done on this item, as follows.

Back in January, the change was brought to the Planning Board, and here is the excerpt from their minutes:

7. *Review of proposed amendment to Zoning Table to allow for "Recreation Facilities, Outdoor, (Parks, Playground,)" as a conditional use in B-1, B-2 and L-1 districts.*

This item came up because it may be possible that we want to do a public park on B-1 or B-2 land. Fairman made a motion to allow "Recreation Facilities, Outdoor, (Parks, Playground,)" as a conditional use in B-1, B-2 and L-1 districts. Adams seconded the motion.

The motion passed unanimously.

The amendment was brought up again in February, and March, but their agendas were very full and it got tabled.

In April they discussed the item briefly, again this is from their April minutes:

7. *Discussion of Recreation Facilities, Outdoor, (Parks, Playground,) Zoning Table Amendment*

The amendment, which was approved at a prior meeting, was to allow parks in commercial areas, and was considered at Council's request. The Planning Board wondered why valuable commercial land would be used as a park. Bush made a motion to revisit this item next month. Davis seconded the motion.

The motion passed unanimously.

There was some confusion on where the request for the amendment originated.

On June 2, 2009 the Planning Board considered the item again. The minutes are not ready yet, but this is what I will put in the minutes:

5. *Discussion of Recreation Facilities, Outdoor, (Parks, Playground,) Zoning Table Amendment*

Langen said the suggestion for the amendment was made by Sondra Bradford, in case Village land was to be used as a park; he had originally mistakenly said the request for the change came from the Planning Board. Langen noted the six acres owned by the Village are zoned O-I, and the land we are expecting to receive at the JDH shopping center is zoned R-40. The only B-1, B-2 and L-1 parcels are at the shopping center and a couple of small parcels elsewhere. On land zoned O-I, a CUP would have to be obtained to build a park. Sandi Bush made a motion that on further discussion, and with additional information that the town property is zoned O-I and allows for a CUP for outdoor recreation use, the Planning Board rescinds their vote in January and recommends no change to the Table of Uses. Stephen Keeney seconded the motion. The motion passed unanimously.

Sandi Bush made a motion to recommend denial of the request to make a change to the Table of Uses for Recreation Facilities, Outdoor, (Parks, Playground,) as a conditional use in B-1, B-2 and L-1 districts. Stephen Keeney seconded the motion. The motion passed unanimously.

Mayor Clinton asked Langen to explain what the Planning Board had done. Langen said they made a motion to rescind their prior approval and recommend denial; there were two main reasons, the first being Langen originally said the request was from the Planning Board and it didn't, it was from Council. Also he had told them the Village land was zoned B-2, but it wasn't. Bradford said she

may have told Langen it was zoned B-2, and apologized for any confusion. Pierce asked if they were confused on the zoning of the village land and if that factored in their change? Langen said yes, their discussion became a discussion of the village land. Pierce said the intent was to have the zoning change for all land zoned B-1 or B-2, not just the village land, which was not even zoned B-1 or B-2. No one was present from the Planning Board to represent them. Bradford asked about a park embedded in commercial land like at Blakeney; she did some research and the Charlotte/Mecklenburg Table of Uses shows a park a use by right in all districts except Urban Industrial and Urban Residential. Pierce said if a developer got property re-zoned to B-1 and they wanted to put a park in it, would we be turning down a free park. Langen said it could be done as an accessory use by right. If it was donated to the town and they take on the maintenance, then it's not an accessory use, then it is a city park. Horvath said he looks at what would be the downside of this, and he would like to understand the Planning Board's interpretation.

Mayor Clinton asked Langen about the definition of an outdoor park, where it says owned and operated by a public entity; would Aston Properties or the YMCA be a public entity? Langen said no, they are private, public would be a government. Mayor Clinton said we have two definitions, the first is **Public Parks**: *Recreational facilities owned by the public, or non-profit organizations. Recreational facilities may include athletic fields, riding or jogging paths, concession stands serving the recreational area, or tennis courts.*

She said she doesn't see land there, she sees things you do at the land, like fields or jogging paths, but when she looks at Recreational Facility, Outdoor, she sees a piece of land, owned and operated by a public entity. Definition is as follows:

Recreational Facility, Outdoor:

A tract of land, owned and operated by a public entity, designated and used by the general public for active and/or passive recreation, primarily conducted outdoors. An example of such a facility shall include a public park.

Horvath made a motion to send this change back to staff and the Ordinance Committee for further review and then back to the Planning Board; Pierce seconded the motion.

The motion passed unanimously.

9A. DISCUSSION OF EXPIRING PLANNING BOARD TERMS

Ray Davis and John Grexa's positions expire in June; we will announce the positions and the current members and alternates can re-apply. Applications are due by July 8, and we will appoint new members July 13, 2009. Applicants will be asked to attend the July 13 meeting. Bennett will contact the Planning Board and put the positions on the website. Jimmy Allison has not been attending the Planning Board meetings, so we will notify him that he has been removed from the Board. Bradford made a motion to remove Jimmy Allison from the Planning Board, Pierce seconded the motion.

The motion passed unanimously.

9B. DISCUSSION OF HAMPTON MEADOWS ROADS

Horvath reported that Barry Moose from NC DOT was trying to get the State to accept the Hampton Meadows roads, but he hasn't been successful due to a specific law passed which precludes it unless the roads are up to par. He has proposed if the Village can come up with some of the funds (\$40,000 - \$50,000) he will certify the roads as minimally acceptable. Horvath would like permission to negotiate with Mary Oakes from Bowie Motors; they spent \$5,000 last year to fix potholes in the roads. The other point is do we have other roads that may not be in the system, and he imagines Bowie Motors would want a legal document indemnifying them from further liabilities on the roads. The original estimate to fix the roads was about \$280,000. Mayor Clinton said she thought Barry Moose had said he thought they could come up with half of the \$50,000 if we came up with the other half. Mayor Clinton wanted to know how many other roads might potentially have this situation. Pierce wondered whether what would happen since DOT struggles with funds, and would they be able to fit this in. Bradford asked what kind of guarantee we would get that this will get it on the roads system. Horvath said Moose said he is the one who certifies roads to the State. The first step will be to figure out what roads are not in the system; Mayor Clinton will send a list to Horvath.

9C. PROPOSED BUDGET AMENDMENT

Bennett proposed an amendment to move \$5,000 from Contingency and \$5,000 from the Master Plan and move \$5,000 into Engineering Consulting and \$5,000 into Legal Fees so that we will come in under budget for 2008/09. Pierce made a motion to approve this budget amendment; Croffut seconded the motion.

The motion passed unanimously.

9D. COUNTY FIRE COMMISSION MEETING

Mayor Clinton said she got an e-mail today regarding a meeting Thursday, June 18th at 7 pm. They requested a spokesman from each municipality to speak regarding the Resolution to Clarify the Union County Policy on Funding Nonprofit Corporation Capital Improvement Projects, which requires entities that receive 25% or more of their funding from Union County, to submit requests for capital expenditures of more than \$20,000 to the County for approval before committing the funds. Bradford made a motion to direct Bennett to send a letter to Dawn Hinkel the Union County Administrative Officer for Homeland Security and a copy to County Commissioner Tracy Kuehler that the Village is in favor of the Resolution. Pierce seconded the motion.

The motion passed unanimously.

9E. OTHER BUSINESS

Mayor Clinton said she would be out of town for the work session meeting in July. Croffut made a motion to cancel the July work session meeting; Horvath seconded the motion.

The motion passed unanimously.

Horvath reported there would be a joint meeting of the Parks and Rec Committee and the Downtown Committee here at the Church on June 29 at 7 pm, and they will go look at the Johnston property which is for sale.

10. COUNCIL COMMENTS - none.

11. ADJOURNMENT

Horvath made a motion to adjourn; Pierce seconded the motion.

The motion was approved unanimously.

The meeting was adjourned at 8:35 pm.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Tracey Clinton