

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
January 11, 2010 – 7:00 P. M.

The Council of the Village 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 and Ormiston

Others Present:

Village Clerk/Finance Officer: Cheryl Bennett

Planning/Zoning Administrator: Joshua Langen

Village Attorney: George Sistrunk

Concerned citizens: Carol Mullis, Todd Hess, Julie Brown, Eugene Allison, John Beekman, Jon Wood, Britt Michaelson, Randy Bredell, Mike Patterson, Tonya VanWynsberg, Marnie Holland, Tracey Clinton

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. INFORMAL PUBLIC COMMENTS – none

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

Bradford made a motion to adopt the agenda with these changes; replace item 10. with “QUESTIONS FOR COUNCIL CANDIDATES”, change item 11. to 11A. “INTERVIEW BOA CANDIDATE” , add Item 11B. “ POSSIBLE APPOINTMENT TO BOA”, split Item 18 into 18A. and 18B. for each separate lawsuit. Ormiston seconded the motion.

The motion passed unanimously.

4. APPROVE MINUTES FOR:

Council Meeting November 23, 2009

Council Meeting December 14, 2009

The November 23, 2009 minutes were not yet ready. Brotton made a motion to approve the December 14, 2009 minutes. Ormiston seconded the motion.

The motion passed unanimously.

5. STAFF REPORTS

- a. Review and approve the Village Financial Reports dated December 31, 2009, submitted by Cheryl Bennett, Finance Officer

Bennett reported December revenues are \$167,495, expenses are \$27,699 and the year to date surplus is \$124,235. The Village has \$2,133,494 cash in the bank. Bradford made a motion to approve the December financial reports; Ormiston seconded the motion.

The motion passed unanimously.

	<u>Dec 09</u>	<u>Jul - Dec 09</u>	<u>Budget</u>	<u>% of Budget</u>
Revenues				
Fees and Licenses				
Cable Franchise (from Time Warn	0.00	6,661.00	12,500.00	53.29%
Engineering Fees Reimbursement	0.00	1,750.69	10,000.00	17.51%
Zoning Permit	805.00	3,000.00	7,000.00	42.86%
Privilege Licenses	10.00	21,576.92	21,000.00	102.75%
Annexation Exp Reimbursed	0.00	0.00	150.00	0.0%
Misc. Fees	<u>0.00</u>	<u>34.20</u>	<u>100.00</u>	<u>34.2%</u>
Total Fees and Licenses	815.00	33,022.81	50,750.00	65.07%
Interest Earned	2,711.66	21,225.25	14,000.00	151.61%
Property Tax Income				
Current Year Property Tax	82,939.99	99,905.18	130,316.00	76.66%
Delinquent Taxes	227.26	1,726.83	600.00	287.81%
Interest/Ad Fee on Taxes	25.90	140.28	200.00	70.14%
Utility Ad Valorem	0.00	0.00	600.00	0.0%
Vehicle Registration	<u>635.05</u>	<u>3,566.02</u>	<u>8,064.00</u>	<u>44.22%</u>
Total Property Tax Income	83,828.20	105,338.31	139,780.00	75.36%
Revenue Sharing				
Alcoholic Beverage Tax	0.00	0.00	19,000.00	0.0%
Cable (from State)	22,596.86	24,385.13	75,000.00	32.51%
Excise Tax (Piped Natural Gas)	1,087.00	1,058.00	10,000.00	10.58%
Franchise Tax (Electric Power)	50,486.00	55,273.00	140,000.00	39.48%
Sales & Use Taxes	2,733.25	8,618.04	24,000.00	35.91%
Telecommunications Tax	<u>3,237.00</u>	<u>3,116.00</u>	<u>12,000.00</u>	<u>25.97%</u>
Total Revenue Sharing	<u>80,140.11</u>	<u>92,450.17</u>	<u>280,000.00</u>	<u>33.02%</u>
Total Revenues	<u>167,494.97</u>	<u>252,036.54</u>	<u>484,530.00</u>	<u>52.02%</u>

Expense

Operating Expenditures

Tax Collection Fee	1,171.04	1,443.21	2,200.00	65.6%
Contingency	0.00	0.00	23,000.00	0.0%
Advertising - Clerk	25.19	240.68	500.00	48.14%
Annexation Expense	0.00	200.00	1,000.00	20.0%
Annual Retreat	0.00	0.00	2,000.00	0.0%
Books & Literature	0.00	50.00	600.00	8.33%
Dues and Subscriptions	0.00	6,724.00	12,000.00	56.03%
Election Expense	0.00	1,226.25	9,200.00	13.33%
Insurance - Liability	0.00	9,110.51	9,500.00	95.9%
Insurance - Workmen's Comp	0.00	470.00	600.00	78.33%
Land Maintenance	0.00	0.00	3,000.00	0.0%
Town office Maint.	4.00	243.70	1,000.00	24.37%
Misc town office	0.00	98.49	2,000.00	4.93%
Newsletter	0.00	1,689.28	5,000.00	33.79%
Office Expense				
Office Equipment Repairs	0.00	0.00	1,000.00	0.0%
Office Equipment	0.00	0.00	2,000.00	0.0%
Awards	119.11	119.11	500.00	23.82%
Electronic Commun (Tele/RR)	222.55	1,772.34	4,000.00	44.31%
Office Supplies	29.34	670.75	3,000.00	22.36%
Total Office Expense	371.00	2,562.20	10,500.00	24.4%
Postage and Delivery	17.60	91.47	700.00	13.07%
Rent	1,300.00	7,800.00	20,000.00	39.0%
Seminars	975.00	1,074.00	3,000.00	35.8%
Travel & Entertainment	67.87	707.97	3,000.00	23.6%
Utilities- Temp. Town Hall	126.60	783.56	4,000.00	19.59%
Welcome Committee	0.00	0.00	1,000.00	0.0%
Total Operating Expenditures	4,058.30	34,515.32	113,800.00	30.33%

Gen. Govt. Salaries

Admin. Assistant	330.00	2,006.25	4,680.00	42.87%
Allowance for Salary Adjustment	0.00	0.00	31,354.00	0.0%
Mayor	1,200.00	2,400.00	4,800.00	50.0%
Mayor Protem	625.00	1,375.00	3,000.00	45.83%
Council Salary	1,599.99	3,399.99	7,200.00	47.22%
Clerk Salary	2,084.25	13,055.00	34,944.00	37.36%
Finance Officer Salary	710.76	4,442.25	9,240.00	48.08%
Payroll Taxes	795.30	3,928.04	11,500.00	34.16%

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Payroll exp - Unemployment	0.00	159.04	1,000.00	15.9%
Fringe Benefits - Insurance	592.50	3,317.50	13,200.00	25.13%
Fringe Benefits - Retirement	<u>326.59</u>	<u>1,695.89</u>	<u>6,000.00</u>	<u>28.27%</u>
Total Gen. Govt. Salaries	8,264.39	35,778.96	126,918.00	28.19%
Planning & Zoning				
Transportation Study	0.00	0.00	10,000.00	0.0%
Downtown Committee	0.00	0.00	2,000.00	0.0%
P/Z Seminars	0.00	0.00	900.00	0.0%
P/Z Travel	13.75	163.35	900.00	18.15%
P/Z Dues,Subscriptions	0.00	329.00	800.00	41.13%
Administration (COG)	0.00	0.00	8,000.00	0.0%
P/Z Admin. Salary	3,846.16	24,038.50	50,000.00	48.08%
Planning & Zoning Board Salary	0.00	630.00	4,032.00	15.63%
Advertising	0.00	1,768.00	1,800.00	98.22%
P/Z Office Expense	0.00	127.46	1,200.00	10.62%
Planning/Zoning Expense	<u>0.00</u>	<u>450.00</u>	<u>1,000.00</u>	<u>45.0%</u>
Total Planning & Zoning	3,859.91	27,506.31	80,632.00	34.11%
Professional Fees				
Accounting	3,100.00	3,100.00	3,500.00	88.57%
Engr. Consulting	0.00	0.00	14,000.00	0.0%
Legal Fees	2,291.43	19,776.27	48,000.00	41.2%
Security	<u>0.00</u>	<u>0.00</u>	<u>1,000.00</u>	<u>0.0%</u>
Total Professional Fees	5,391.43	22,876.27	66,500.00	34.4%
Parks & Recreation				
Capital Outlay	5,750.00	5,750.00	84,000.00	6.85%
Operating Expenses	<u>375.00</u>	<u>1,375.00</u>	<u>2,180.00</u>	<u>63.07%</u>
Total Parks & Recreation	6,125.00	7,125.00	86,180.00	8.27%
Public Safety				
Capital Outlay	0.00	0.00	2,000.00	0.0%
Computer Equip.	0.00	0.00	5,000.00	0.0%
Furniture & Equipment	0.00	0.00	1,000.00	0.0%
Software	<u>0.00</u>	<u>0.00</u>	<u>2,500.00</u>	<u>0.0%</u>
Total Capital Outlay	0.00	0.00	8,500.00	0.0%
Total Expense	<u>27,699.03</u>	<u>127,801.86</u>	<u>484,530.00</u>	<u>26.38%</u>
	139,795.94	124,234.68	0.00	100.0%
Surplus	<u>139,795.94</u>	<u>124,234.68</u>	<u>0.00</u>	<u>100.0%</u>

**December 31, 2009
Balance Sheet**

ASSETS

Current Assets

Checking/Savings

Fifth Third Bank Checking	82,217.93
Fifth Third Bank Money Market	539,392.06
CD Ded land 5th3rd 08.30.10	81,870.37
CD Ded land 5th3rd 11.3.10	81,881.54
CD 4.45% ,08.6.10	57,405.23
CD 5th3rd .8%, 8.30.10	95,321.50
CD 5th 3rd 09.06.2010	55,555.46
CD 5th3rd,.8%, 8.30.10	95,321.50
Citizens South CD Bldg 12.3.10	242,743.49
BB&T CD 01.23.10-3.84%	300,000.00
BB&T CD 04.21.10. .568	501,735.04
Petty Cash Fund	<u>50.00</u>

Total Checking/Savings 2,133,494.12

Other Current Assets

Prepaid Exp.	850.00
Property Tax Rec.	5,554.00
Allowance for Doubtful Accounts	-883.00
Sales Taxes to be Received	<u> </u>
Total Sales Taxes to be Received	<u>759.47</u>

Total Other Current Assets 6,280.47

Total Current Assets 2,139,774.59

Fixed Assets

Land	55,757.91
Office Equipment	13,569.26
Accumulated Deprec.	<u>-12,918.36</u>

Total Fixed Assets 56,408.81

TOTAL ASSETS 2,196,183.40

LIABILITIES & FUND BALANCE

Liabilities

Current Liabilities

Pay. for Employee Insurance	47.50
Escrow from Developers	45,076.00
Deferred Revenue	4,671.20
Payroll Liabilities	<u>3,369.46</u>

Total Current Liabilities 53,164.16

Fund Balance

Fund Bal. inv. in Fixed Assets	56,408.81
Fund Balance	1,555,880.35
Reserved for Parks & Recreation	163,751.91
Unres., Designated for Town Hall	242,743.49
Excess of Rev. over Exp.	<u>124,234.68</u>
Total Fund Balance	<u>2,143,019.24</u>
TOTAL LIABILITIES & FUND BALANCE	<u>2,196,183.40</u>

b. Presentation of Planning and Zoning Report by Joshua Langen. In December/January nine permits were issued. A permit application for an all brick McDonalds was submitted. The Edward Jones office is at the JDH shopping center. Langen reported the Planning Board Rules of Procedure ordinance amendment draft is under further review, and changes to the Table of Uses to allow for "Recreation Facilities, Outdoor, (Parks, Playground) as conditional use in B-1, B-2 and L-I districts will be reviewed by the Ordinance Review Committee. Amendments to the Zoning Ordinance Section 8 Signs will be reviewed by the Ordinance Review Committee. The amendment to essential facilities definitions and related regulations will be reviewed by Council at the workshop session. Council will be setting a date for a public hearing on amendments to zoning definitions to include amendments to the Zoning Ordinance Section 4.7 Temporary Structures and Uses to include Mobile Business/Vendor Use; and amendments to Subdivision Ordinance Section 411 Homeowners' Association Required. Langen also gave a summary of where his staff time was spent: 30% on ordinance amendments; 5% for permit processing; 10% for resident technical assistance, 5% for training, 10% for Planning Board, 20% for Downtown Committee, and 5% each for Village Council, Parks and Rec Committee, violation complaints and GIS database. Bradford asked if the elevations for McDonalds looked the same as those Mayor Clinton had seen; Langen said they looked the same, although there is no outdoor play area.

6. PUBLIC HEARING ON CUP 0903; REQUEST BY NEW LIFE CHURCH TO USE 1302 CUTHBERTSON ROAD FOR CHURCH RELATED MEETINGS

Mayor Horvath opened the public hearing. He swore in Eugene Allison. Mr. Allison said he is here as an elder in the New Life Church, and thanked Council for consideration of their application. Mayor Horvath swore in Joshua Langen. Langen explained there had been a misunderstanding with what the attorney had told us, and that the application can be given to Council ahead of the hearing, but not the staff recommendation. The application is for nine acres on Cuthbertson Road, which contains a rural residence which is vacant. The applicant wants to use the location for a future church. In the interim the Church wants to use the existing house for meeting space. There is a house and garage, with a circular gravel driveway, in front of the house there is a paved parking pad. They will add more gravel, and make a separate entrance and exit. Langen said they met the CUP checklist requirements. There is no proposed signage. They expect 10-15

visitors at a time. Langen determined the existing landscaping is sufficient, there is no quarantined vegetation. The applicant submitted a floor plan for the house. The property is not in the floodplain. Since there are no alterations, no stormwater plan or fee was needed. There is no new lights; no adverse effect on neighbors. The house has electricity, gas, public water and septic. The County said the septic is okay for their use. Langen submitted the staff recommendation, which recommended approval of the CUP.

Bradford asked if there would eventually be more than ten families; the applicant said yes, they eventually have plans for about 250 members. What is the trigger for additional review was asked. Langen said the threshold for traffic is difficult to measure, there is only so much room for parking, and they would have to have multiple lots on the site. Langen said zoning violation investigations arise from complaints. Ormiston asked about the lighting plan. Langen said if they do want lighting they need a plan, but if they don't want it, it is not needed. Marnie Holland asked if there would be any new lighting. The applicant responded no. The applicant said the church is currently meeting in Pineville, and they won't do anything until they sell their building there, and then they will come back and go through the process for a new facility. Ormiston asked if there is any required lighting. The applicant said there is a security light as there are horses boarded there.

The public hearing was closed.

Council went through the findings of fact.

6.4.1 Findings to be Made by Village Council *(Revised 09.22.09)*

The Village Council shall issue a CUP only after having conclusively confirmed each of the following findings:

- a) The use will not materially endanger the public health, safety or welfare if located where proposed and developed according to the submitted plan and not create dangerous traffic conflict points, noxious odors/sounds/glare, or environmental hazards.

Bradford commented that it sounded like the location and volume of traffic is not a hazard. Council voted 3-0 to approve this finding.

- b) The use meets all required conditions and specifications.

Council voted 3-0 to approve this finding.

- c) The Use will not substantially injure the value of adjoining or abutting property and will not hinder future development potential of adjacent properties by the introduction of incongruous land use or incompatible development scale/intensity.

Council voted 3-0 to approve this finding.

- d) The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located, will not disrupt the integrity of existing land use districts, and will be in general conformity with this Ordinance and the Village of Wesley Chapel Land Development Plan.

Council voted 3-0 to approve this finding.

- e) Availability of services including water, wastewater treatment, gas, stormwater as required by project.

Council voted 3-0 to approve this finding.

- f) Access to public streets and the adequacy of those streets to carry anticipated traffic; and on-site circulation for both pedestrian and on-site and off-site vehicular traffic circulation patterns.

Council voted 3-0 to approve this finding.

- g) Adequate safety and emergency services (police, fire and EMS).

Bradford commented that the services were adequate for this low impact use.

Council voted 3-0 to approve this finding.

- h) Additional review criteria, as stated in the Ordinance, shall also be considered and addressed where required.

6.10.5 Golf Courses, Churches

- a) Relationships to and impacts upon adjoining and nearby properties and the adequacy of proposed measures to minimize any adverse impacts.

Council voted 3-0 to approve this finding.

- b) That the proposed use will be compatible with the general characteristics of the area with respect to the location of structures and the location, design and screening of off-street parking areas.

Council voted 3-0 to approve this finding.

Council voted 3-0 to approve the overall CUP 09-03.

7. UPDATE FROM PARKS AND REC COMMITTEE

Bradford reported that Committee member Julie Brown had been in touch with the Church of the Redeemer regarding the historic Houston House, and they would allow us to do some salvage work to take some pieces that might be incorporated in a future park or town hall. Julie said we are first in line, and she is looking for storage for the items. A work session will be held on January 23 or 24. The Church requests people sign waivers to enter; attorney Sistrunk said this is potentially a Wesley Chapel organized event, so we should have waivers done also; just add our name to the existing waiver. Julie Brown said wherever the items are stored, they become our property, do we need a legal agreement; Sistrunk said we could have an agreement.

Bradford reported on the appraisal of the Page Price Park property; the appraisal is \$565,000, and the 1.7 acres appraised at \$136,000. The information session on Wednesday was well attended; there are also some community meetings scheduled with Price Mill HOA, Silver Creek HOA, the fishing club, and Heather Glen subdivision. Regarding the dam and upgrade, she spoke with DENR, and we might potentially be eligible for a FEMA grant.

Bradford asked attorney Sistrunk how to pursue purchase of the 1.7 acres; he said Council would determine the price and terms of the deal. The owners' son had offered it to us previously at \$170,000, and they have a tenant there through August. Bradford said the house has septic, which would be adequate for our use for restrooms. It could be used as a temporary town hall, and could also serve as a location for a deputy to work from. The land will also be useful as a parking lot. Mayor Horvath asked if we had gotten feedback from DOT, we have not.

Attorney Sistrunk said Council would decide on the material contract terms, and there is not a statutory obligation regarding paying more than the appraised value. Bradford said the Local Government Commission also said there are no binding rules on that. The house is about twelve hundred square feet. Todd Hess asked about the roadway and easements to the houses behind it. Sistrunk said we have due diligence time for matters like that. Bennett noted the house has one and one half bathrooms, was it built with a perc test, and we would need at least two bathrooms for restrooms. Mayor Horvath said we would schedule for the work session meeting to see the engineers report.

Jon Wood from Haden Stanziale gave out three sheets, showing options one, two and a price list for improvements. Red show the boundary lines, including the 1.7 acres, yellow shows the utility easements for gas and power; white shows existing facilities such as the house, green is what we are applying for in the PARTF grant. Orange shows future improvements. The price sheet shows all the items for full build-out. There is a subtotal for improvements, plus 5% for contingency, and 10% for planning and engineering. The total cost is a little over \$1.4 million. They used \$150,000 for the 1.7 acres, and \$250,000 for dam improvements, although more investigation is going on regarding what is needed. We need an outlet or riser to help with any kind of overflow situation, and a spillway that is built rather than the natural spillway that has formed to make the dam acceptable to DENR. The dam itself appears to be in good shape, a bare bones estimate for the dam improvements is \$250,000 until we can get some geo tech work done to do some borings. The cost estimates are for a couple of years out which is difficult to gauge. Option one shows two fishing piers, the entire trail system including five foot wide nature trails in the back, the main trail is a ten foot wide concrete path, (a future phase would be the five foot wide path with gardens on the west side), half of the playground, \$5,000 for benches and tables, two small picnic shelters, 38 parking spaces, half of the storm drainage work, most of the erosion control, all of the earthwork and clearing; we assume other sources of funds to repair the dam. The subtotal for option one is \$669,370, and the total is \$773,122 so we assume funding with a \$500,000 PARTF grant, \$500,000 from

the Village, and additional Village funds. It gets us trails for walking and biking, playgrounds, picnicking, barbecuing and fishing. The second option gets us closer to the \$500,000 match, the trail is now asphalt, there is one less pier, one picnic shelter, only about a quarter of the playground, still includes parking and the access drive, not doing all the earthwork or erosion control, we still buy the property, and the grand total is just less than \$600,000. A citizen asked about the path to Potter Road, and said it is swamp up there. Jon Wood said that is why it is in a future phase and we need a boardwalk. The amphitheater would be in phase two. Langen asked if there was a chicken and egg situation, does PARTF want to see a contract with the property owner. Jon Wood said they want to see the appraisal information, and have we started some negotiations, those types of things. Ormiston asked which happens first, do we get the grant, and then get the property; if we don't get the property, does it revert to concept A that you first presented. She said it would be nice to see a bullet point list of what has to happen; Ormiston noted that Bradford had said we could pull out at anytime. It is great to see the financials, but with this in hand, she would like to see the bottom line to compare it to option two, not that she is against this park, but she has a real concern with the dam, because the cost could go up to \$750,000, and then does this become the best option compared to the Lester Davis Road land. Bradford asked if we could get better figures on the dam by next week. Jon Wood said they gave me a proposal today for going out and doing some bores and stability analysis for \$12,000 to \$15,000 and that is not in our contract. He would like to talk to some other firms but thought it would take longer than next week. We would probably have the estimate before the contract awards are made. Ormiston said the walkway goes over the dam, and that would change the picture. Jon Wood said we are not driving vehicles over it. Todd Hess said \$250,000 is a bare minimum, it could be substantially more, if it is not over an impervious layer it could go over one million. Bradford said there are FEMA grants that pay 75% but she didn't know the maximum dollar amount. Mayor Horvath said we have an end of January deadline for the PARTF grant, the awards are done in May and July, and we should have a fairly good idea by then of the costs. The 1.7 acres are not formally on the market for sale, but the owner expressed interest, and Bradford spoke to the owner's brother who was originally interested in selling the entire 5.5 acres, and then they said informally they would sell the one lot. Ormiston asked if any further work had been done on Dogwood Acres; Bradford said she would like to ask Council at the work session if Council was interested in getting an appraisal on the property to compare to their asking price, they also have a dam on their property but she didn't think it was high hazard. Also the FEMA grant cycle has deadlines of December 4th. The only advantage of pulling out completely and waiting a grant cycle is that you get 20 extra points for your first park. A citizen asked if there was flexibility if you found out the dam would cost more, could you use the funds for the grant. Jon Wood said they would only give the \$500,000, and we still have to provide what we said we would do in the plan; we can move items around, but must still provide them. Mayor Horvath also noted you cannot apply for a new grant until you close out the old grant. Awarded grants usually are above 65 total points, but some of those are turned

down for not meeting the park and rec direction. Bennett asked about the service drive to the Keels property; it is not in the picture, but is in the cost listing. Bennett asked if you needed emergency vehicle access to the west side of the lake in case a child fell in the lake; Wood said there is a worn down access drive right now, we could improve that and the drainage there. Brotton asked if the Rogers' house is up to the property line, Wood said it encroaches by five feet over the property line. Bradford said there are several encroachment issues, with the drives also. Bennett said the Rogers' driveway is actually over the Keels' property line. The house in the back is just inside the property line. Brotton asked if there would be a problem with the park being right in the backyard of the house in the back, and we would be looking in their back window; would they have a problem if they said they had a sleeping baby for example. Attorney Sistrunk said something like loud fireworks would be a nuisance, but if the use was allowed, there shouldn't be a problem. Ormiston asked if there was any figure included for upfit of the house; Bradford said no, and she had not been inside the house. She said Greg Miller on Parks and Rec thought we could have a work day. Marnie Holland from Parks and Rec asked what the total cost would be including Phase Two; Wood said \$1.222 million and phase one is \$.669 million; phase two is \$.511 million, these figures exclude contingency and planning /engineering. Ormiston asked how high above the swampy area would the boardwalk be, and would they be washed out and replaced often. Wood replied one option is recycled timber which has been used with pretty good success, and the piers are concrete; we need to decide on what the elevation should be. Langen asked if they require a maintenance plan. Wood said they just want to know who will maintain it – volunteers or staff, and so far we have said part time staff/volunteers, and hours are dawn to dusk. Bradford said it will be contracted out for such things as mower service. Bennett noted that is another item where your points can vary, you get the most if you have full time staff, and the lowest if you just use volunteers. She noted they like to see if the park has been loved to death, or neglected. Julie Brown from the Parks and Rec Committee asked about the advantages of doing the earthwork all at once; it was noted that it minimizes disruption in the future and decreases the total cost, the same is true of utilities. A question was asked as to where the septic system was; it is probably in the back near the playgrounds. Bennett noted the house is right next to the playground, and it is difficult to work right next to the noise of a playground. Ormiston asked with the big picture, how long does this push us back to investing in another park. Bradford said the Dogwood property for example is priced at \$1.8 million; it has a large house, we don't know if it has dam problems, until you start looking at it you don't know the problems involved. We can apply for other grant funds, such as trail funds. If we start with the bare bones minimum, we could say we are not going to spend more unless we get a grant for it. Langen asked about the restroom facilities, would they be adequate, as many park facilities are concrete; the line item for utilities is only \$25,000; also would there be costs to possibly demolish the house and construct new restrooms. Julie Brown noted WCWAA uses portapots; Wood said Salisbury also uses them. Mayor Horvath said you would have the same discussions on Dogwood Acres,

and we need to start somewhere; he was reluctant to change direction now. Ormiston said she hadn't seen the figures and she would like to see them; the figures were not to this level, they were really just to acquire the property. Ormiston noted at that point the dam factor was not known. Bennett noted as finance officer she had attended the grant workshop, and what you can do is apply for a grant one year to purchase property, and apply the next year for amenities. Bradford noted they want to see the land used for amenities, not for things like fixing a dam. Bennett said they also assume every site is average, and they come out, and if they find the site impressive, you can get more points. Brotton asked what our annual surplus is; Bennett said it is about \$250,000, it could be used for future needs such as deputy, maintenance on parks, and town hall. Bradford said Council will be voting on what options to include in the park, they decided to wait until the January 19, 2010 work session to allow them time to review the financial information and consider the survey wants. Bradford asked if she should pursue more information on the FEMA grant; Council said yes.

8. PUBLIC HEARING ON THE PROPOSED PAGE PRICE PARK DESIGN, TO BE LOCATED ON HIGHWAY 84 ACROSS FROM PRICE MILL SUBDIVISION

Mayor Horvath opened the public hearing. Julie Brown noted the Village has a lot of money in the bank. The public hearing was closed.

9. PUBLIC HEARING ON PROPOSED PARKS AND REC MASTER PLAN FOR VILLAGE OF WESLEY CHAPEL

Mayor Horvath opened the public hearing. He noted it was an excellent document. Todd Hess commented that until a capital spending plan is in place, you may want a plan for five years out for funding. Jon Wood reported it is more strategic for the grant; they look at when it was last done. We do get additional points for a CIP plan. Bradford noted she had made a few minor changes from the original document. The public hearing was closed. Bradford made a motion to adopt the Comprehensive Parks and Recreation Master Plan; Ormiston seconded the motion.

The motion passed unanimously.

10. QUESTIONS FOR COUNCIL CANDIDATES

Council discussed possible questions for candidates, and agreed on this list.

1. What are your key three to four priorities in Wesley Chapel over the next few years?
2. What is your position on commercial development?
3. What are your ideas to make Wesley Chapel a more cohesive area?
4. Why are you interested in the Council position now as opposed to running in the election?
5. How would you ensure the focus of Council is in keeping with the general community?

6. Council meets twice monthly, there are committees and external organizations with meetings we attend; while we spread the responsibilities across all Council members, are various meetings something you can make a commitment to (excused absences are okay)?
7. How would you describe your conflict management style?
8. How do you approach complex issues to get up to speed?
9. What are the additional skills or personality traits that make you an asset to the Council?

(Note: Items 11A and 11B. were done before Item 10).

11A. INTERVIEW BOA CANDIDATE

Tonya VanWynsberg had originally applied for the open Council seat, but withdrew her application, and asked to be considered for the Board of Adjustment seat. She said she lives in Potters Trace, has three kids in Wesley Chapel schools, and has been on their HOA three and a half years. Bradford asked about her experience with ordinances and hearings. VanWynsberg said she didn't mind the dryness of bylaws. Ormiston noted she had worked together with Tonya on the HOA and they re-wrote the covenants and restrictions. Mayor Horvath advised her of the normal BOA meeting dates.

11B. POSSIBLE APPOINTMENT TO BOA

Bradford made a motion to appoint Tonya VanWynsberg to the term ending August 31, 2012. Brotton seconded the motion.

The motion passed unanimously.

12. DISCUSSION OF NC DOT'S RESPONSE TO OUR REQUEST FOR A LOWER SPEED LIMIT AT THE INTERSECTION OF HIGHWAY 84 AND WAXHAW-INDIAN TRAIL ROAD

Mayor Horvath reported he had had discussions with DOT officials, and they suggested if we still want the speed limit reduced that we could write a letter so requesting. It was noted that other towns such as Stallings and Weddington had a 35 mile per hour speed limit in their downtown areas. Council agreed to have Mayor Horvath send a letter to DOT.

13. DISCUSSION OF THE PROCESS FOR RECEIVING COMMITTEE PROGRESS UPDATES

At present we do not have a formal process to get updates from the various committees. Ormiston suggested we receive an update quarterly to ensure we are all on the same page. Brotton said he would like to see the goals of each committee, and he volunteered to do a template which would include goals, timeline, funds needed, and expected outcome. Bradford commented this would also provide the committees support and two way communication. The Downtown, Ordinance Review, Parks and Recreation, and Safety Committees will be invited to each send a spokesman from their committee to the February 16 Council meeting. Brotton will create a template.

14. UPDATE FROM ZONING ADMINISTRATOR ON PATH FORWARD FOR RUC ZONING

Langen said the Ordinance Review Committee thought an RUC district would help, the question is do we apply it to all subdivisions or add a clause to our Zoning Ordinance under the existing districts. He checked with the School of Government and got no response; Centralina Council of Governments said you could either use an RUC district, or add a clause to your existing districts. Attorney Sistrunk and Langen will discuss the issue and bring it back to the next meeting.

15. UPDATE ON STATUS OF TOWN OFFICE

Bennett reported that the landlord had filed for personal bankruptcy; attorney Sistrunk said that creates an automatic stay on the foreclosure. Mayor Horvath said he had a call from Karen Partee at Aston Properties; they offered a very short term rental space, however their rental rate is considerably higher than our current rate.

The process is in place for the two acres to be turned over to the Village from JDH.

16. OTHER BUSINESS

MUMPO will have a training session this Wednesday; the regular meeting will be next week on January 20, 2010.

17. COUNCIL COMMENTS - none

18. A. CLOSED SESSION: MOTION TO CALL FOR CLOSED SESSION PER NC GS 143-318.11(a) (3) Attorney Client Privilege re: The Village of Wesley Chapel v. Michael Land

Ormiston made a motion to go into closed session per NC GS 143-318.11(a) (3) Attorney Client Privilege re: The Village of Wesley Chapel v. Michael Land. Bradford seconded the motion.

The motion passed unanimously.

Council was updated on the lawsuit by Attorney Sistrunk.

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Ormiston made a motion to leave closed session; Bradford seconded the motion.
The motion passed unanimously.

18B. CLOSED SESSION: MOTION TO CALL FOR CLOSED SESSION
PER NC GS 143-318.11(a) (3) Attorney Client Privilege re: The Village of
Wesley Chapel v Wesley Chapel Volunteer Fire Department
Bradford made a motion to enter closed session PER NC GS 143-318.11(a) (3)
Attorney Client Privilege re: The Village of Wesley Chapel v Wesley Chapel
Volunteer Fire Department. Ormiston seconded the motion.

The motion passed unanimously.
Council was updated on the lawsuit by Attorney Sistrunk.

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Minutes 2010.01.11
Approved 02.08.2010

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Minutes 2010.01.11
Approved 02.08.2010

Bradford made a motion to leave closed session. Ormiston seconded the motion.
The motion passed unanimously.

19. ADJOURNMENT

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

The motion was approved unanimously.

The meeting was adjourned.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath