

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
November 17, 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 (arrived late), Horvath

Absent: Council Member Pierce

Others Present:

Village Clerk/Finance Officer: Cheryl Bennett

Planning/Zoning Administrator: Joshua Langen

Concerned citizens: Carol Mullis, Bill & Barbara Scott, John Lepke, Julie Brown, Vanessa Quinn, Ron Pompey, Ray /Davis, Deena Kilgo, Rev. Michael Flowers, Joshua Kilgo, Charles A. Massey, Kim Ormiston, David & Esther-Elaine Scott

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 did the invocation.

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

Item 12 was replaced with “DISCUSSION ON HAMPTON MEADOWS ROADS”. Horvath made a motion to approve the agenda with this change; Croffut seconded the motion.

The motion passed unanimously.

3. PUBLIC HEARING ON SUBDIVISION PETITION FOR
MODIFICATION FOR TRINITY DEVELOPMENT COMPANY, LLC,
PARCELS 06048001 AND 06048001C ON BILLY HOWIE ROAD

Mayor Clinton explained that this would be a quasi-judicial hearing, witnesses will be sworn in, and she read from Section 206 of the Subdivision Ordinance. The public hearing was opened. Mayor Clinton asked the board members if they had a conflict of interest or prior information on this hearing; they did not. The Mayor swore in Bill Scott. Mr. Scott said he is asking for variances on a proposed small 16 acre, green in nature, development; due to the configuration it is deep, but narrow. It is not conducive to lots of streets or connection to other streets. Due to unforeseen problems of the owners, he was prompted to help them out. The development is eight lots, with a single street about 960 feet long with a cul-de-sac. The variance is for the length of the cul-de-sac, cul-de-sac width, and sidewalks on both sides of the road. All lots are over one acre; some are three-four acres. There is no connector because they are not developing around it. The

road is twenty six feet wide; there is no curb and gutter but they do have the tapered sides of the road that Joshua brought up. Since there are only eight lots, and not a lot of pedestrian traffic, they don't want sidewalks on both sides; they want a green status and the impervious surface creates a lot of run-off. There are designated wetlands and a small pond which affects the cul-de-sac diameter. They consulted the town engineer, she knew of no development in Wesley Chapel or elsewhere, with a 120 foot cul-de-sac, the size now required in our ordinance. The only one she could find was a commercial one in Charlotte with a diameter of 84 feet. He said one reason he found for the cul de sac width from reading the minutes was for fire trucks to turn around. He consulted with the manufacturer of our fire trucks, and their literature shows the trucks can turn around in seventy five feet, which is still larger than existing cul de sacs. As far as sidewalks, the impervious surface causes runoff which could affect adjacent properties and the wetlands. Mr. Scott preferred natural swales to curb and gutter; the property is fairly level with a three per cent grade front to back. The natural wetlands are present and he had info from EPA and the NC Division of Water Quality and the LEED Neighborhood Development program rating system. He felt it is a very appealing neighborhood, with a rural look, and not excessively large homes. His son David Scott is an engineer. Three documents were submitted into evidence: Page 14-1 on grassed swales from the NC Division of Water Quality; Pilot Version LEED for Neighborhood Development Rating System; and EPA Storm Water Technology Fact Sheet – Vegetated Swales.

Mayor Clinton sworn in David Scott. He said they rescinded their prior request on the roadway width. A curb and gutter variance was requested due to suspended solids that go to the wetlands; the layout is specific to the land. The hardship is due to existing wetlands identified by the Army Corps of Engineers. He noted they are planning to use the green status to promote the neighborhood. David Scott said at the last meeting Ms. Pierce brought up alternate surfaces for sidewalks, and they looked into recycled rubber and some others that had some problems involved, but they could use concord pit gravel, with sidewalks on one side of the street. Regarding the cul de sac diameter, he thought one hundred twenty feet was the right of way not the pavement; since then he talked to Josh and Cheryl Bennett regarding Quintessa. Mr. Scott researched the minutes; in the January 22, 2007 (Planning Board) minutes approved in February 2007, Adams spoke with the Fire Chief. David Scott tried to call Chief Terry Byrum, and did speak to the manufacturer of the fire trucks at both stations, the largest trucks are Ladder Truck 22 which can turn in a radius of 35 foot ten inches or diameter of seventy one feet eight inches; and Rescue 31 can turn in a radius of thirty six feet six inches, or diameter of seventy three feet. Exhibits 4 and 5 were submitted showing the turning performance analysis of these two trucks. Next Mr. Scott showed a diagram of a scaled (one inch equals six feet) road with a cul de sac diameter of seventy feet, and one of one hundred twenty feet, which is half a football field. The larger one is an increase of 194% in area, and is equal to 435 feet of road length, and about one quarter acre.

Mayor Clinton swore in Michael Flowers. He said he is the Pastor of Liberty Hill Baptist Church, which is adjacent to this property, and he wondered how the runoff will affect the Church. David Scott said their property is above; the runoff will be to the rear of the Scott property. Mr. Flowers pointed out where the church cemetery is. Mr. Scott said if they restrict runoff, it won't affect it too much, it should drain to the back of the property. Mr. Flowers asked if a problem occurred in the future. Mr. Scott said the engineers take care of this. The Mayor noted that tonight we are talking about a variance, if approved; the engineer and planner will review and have a plan that will require stormwater runoff to be at the same rate of runoff as before the development. David Scott submitted a document as Exhibit 6 on the cross section of a typical street section. He noted Josh had brought up alternatives such as the angled pavement used in Georgia. This diagram shows that; it shows the base to support it.

The Mayor summarized the variances:

1. Length of cul-de-sac from 600 feet to 900/1000 feet.
2. Open swale instead of curb and gutter
3. Sidewalks (if approved, then they would need a request on the materials)
4. Diameter of the cul-de-sac

Mayor Clinton swore in Joshua Langen. Langen asked Scott about what DOT said regarding grading the entire right of way. Section 405 of the Ordinance refers to grading to the fullest extent of the right of way. Mayor Clinton read from Section 405.8 of the Subdivision Ordinance regarding street improvements. David Scott said he didn't talk to DOT regarding right of way. Langen said there is fifty two feet here, the ditch would affect the grading; he felt the level surface should be maintained to the fullest extent of the right of way for future street lamps, etc. David Scott said the finished grade can slope; NC DOT approves the finished grade. Langen suggested we add 405.8 (a) (1) to the list of modifications; the requirement could be waived if Council interprets it differently. Langen said he talked to the attorney regarding connectivity; and nothing needs to be done until council requests connectivity. David Scott noted there are no plans to extend this development into other areas; Section 405.10 (d) discourages through traffic; also there are concerns regarding speed if the streets were to connect to other roads. The Mayor noted there are other parcels on Billy Howey, and it would be nice to not have a lot of streets off Billy Howey; is there some thought of an easement between lots for future roads. David Scott said Joshua Langen did bring up that idea, it would require a longer road, and they would have to change the current configuration. Horvath asked if they were considering a sidewalk on one side of concord pit gravel; David Scott said yes, or wood chips. Croffut asked if the road is twenty six feet wide now; David Scott said it was originally twenty feet, and the minimum standards are nineteen feet; he noted the minutes note a concern for speeding with a wider road.

Mayor Clinton asked if the request had been submitted in writing to the Zoning Administrator in accordance with the ordinance; David Scott said two copies had been submitted. Mayor Clinton asked Langen if he had gotten a copy of what was

requested tonight and a chance to review it. Langen said the original application was reviewed, Horvath asked if the modifications had been submitted; Langen asked David Scott if he had sent him an e-mail. David Scott said we brought it with us, the only thing you requested in writing was a modification of the request on the cul-de-sac; initially we thought we were okay that it was being interpreted differently. He said it was a single signed sheet. Mayor Clinton said her concern was the ordinance says the Zoning Administrator will review the request and submit written comments to Council within ten days, so does the original petition have all the correct information that we are discussing this evening, and asked Langen if he had written comments and recommendations to go along with the request. Langen said he doesn't have this specific request in writing about the cul-de-sac, and he doesn't have a written response to it. Mayor Clinton noted the attorney was not present, but felt he would agree that she didn't know if we could proceed into deliberation tonight until we have all the documentation and submitted the written comments and recommendations to be submitted as part of the quasi-judicial hearing. David Scott said he did submit a written modification request, and Joshua responded with a memo dated October 7, which was within the ten day timetable. Josh requested he bring a written request tonight for the cul-de-sac modification, which he did. Mr. Scott said he could amend the original request with the changes discussed tonight, to take out the roadway width and add the cul-de-sac width. Mayor Clinton said we have a quandary because at the next meeting a new council takes over, but we heard the case, and we need to make a decision. She requested documentation to specify what we heard tonight, and for Langen to have a written response. The date to make a decision was discussed. Croffut made a motion to request the changes to the request be submitted in writing tomorrow; Langen to submit comments to Council by the end of the week; and meet on November 23, 2009 at 6 pm at Wesley Chapel United Methodist Church to continue the public hearing and conduct deliberation. Horvath seconded the motion.

The motion passed unanimously.

David Scott submitted the Army Corps of Engineers delineation of wetlands.

4. DECISION ON SUBDIVISION PETITION FOR MODIFICATION FOR TRINITY DEVELOPMENT COMPANY, LLC, PARCELS 06048001 AND 06048001C ON BILLY HOWIE ROAD

See Item 3.

5. DECISION ON MEMBERSHIP DUES TO SCHOOL OF GOVERNMENT FOUNDATION, INC.

Bennett spoke to Tom Thornburg, Senior Assistant Dean at the School of Government and he explained that they get allocations from the State each year, but they created the School of Government Foundation, whose only function is to support activities of the School of Government. It allows them to accept donations from private and public entities and is audited each year. In 2008/09 they received \$1.4 million, spent \$1.7 million, and had a loss on investments of \$349,000. Their cash balance is decreasing. They hold funds for items like

scholarships. The dues were calculated on a per capita basis. Croffut made a motion to pay the School of Government Foundation dues of \$496. Horvath seconded the motion.

The motion passed unanimously.

6. CONSIDER APPROVAL OF 2008/09 AUDIT REPORT

Bennett presented the June 30, 2009 audit report for the Village of Wesley Chapel. Horvath asked for clarification on the legal debt margin which would allow us to issue over \$64 million in debt. Bennett explained it is based on our assessed valuation of property. Horvath made a motion to accept the audit report; Croffut seconded the motion.

The motion passed unanimously.

7. CONSIDER DONATION TO DAVID LAWRENCE PROFESSORSHIP

Mayor Clinton received a letter from the School of Government, and David Lawrence, who has been very helpful to us and others in the past is retiring, and they are creating an endowed chair. Horvath said in the past our position was to not contribute to charities. Croffut agreed.

8. DECISION ON SALARY AND POSITIONS REVIEW

Bennett did some research on the reviews proposed by the MAPS group and COG. She got a copy of the report MAPS did for Weddington. Their report includes: study methodology; they met with employees to clarify duties and responsibilities. Class specs were written for each classification and a market survey conducted. They recommended titles, salary grades and salary range for each different type and level of work they found in the town. They include 5 pages of detail salary data collected, one page for each position. They produced a recommended salary schedule, including grades, salary range, and how to use the salary schedule for hiring and salary increases. They also reviewed and surveyed benefits, made recommendations and included class specifications for each of the 5 positions, including general statement of duties, distinguishing features of the class, duties and responsibilities, and recruitment and selection guidelines. COG's proposal includes the review of current job descriptions and updating them should they find inconsistencies between the descriptions and duties being performed. They also included the creation of a parks and recreation position. Proposed salary ranges can be derived from the salary survey and they would discuss various existing instruments for performance review (merit increase) and the various indices used to calculate cost of living. COG attached some of the tables and charts they used for a review they did for Matthews. Council discussed the proposals. Horvath said we are a small, low tax, low service municipality; he didn't feel we were grossly underpaying our employees; and he wasn't sure he could justify spending the funds. Croffut said he partially agreed with Horvath; but he leaned to outside information to be sure we are adequately paying our employees and also for growth. Mayor Clinton said we are small and low services, but what we get done is due to what our employees do, and an impartial review as well as a road map for the future is a way to show a

commitment to our employees. Horvath was concerned with getting an apples to apples comparison; he suggested talking to the County to see what their employees were paid. Mayor Clinton said in the past four years our intentions have been good, but as Mayor she didn't think enough attention had been paid to what a \$3700 study could do. Kim Ormiston asked what would happen if the recommendation was for a salary below what we are currently paying. Mayor Clinton said we would have to take serious consideration of that; possibilities were to adjust the pay scale or add additional duties. Croffut agreed. Horvath made a motion to contract Centralina Council of Governments for \$1,199 and 7.5 membership hours to update the Village's benefits and pay plan. Croffut seconded the motion.

The motion passed unanimously.

9. CONSIDER APPROVAL OF RESOLUTION 2009-12, RESOLUTION FOR EXEMPTION FROM THE PROVISIONS OF GS 143-64.31 REGARDING CONTRACTING PROFESSIONAL SERVICES (PAGE PRICE PARK)

Bradford added the second "Whereas" to the Resolution, and re-worded the third "Whereas". This will allow us to move forward on engaging engineering services for Page Price Park. Horvath made a motion to approve Resolution 2009-12, incorporated herein. Croffut seconded the motion.

The motion passed unanimously.

Resolution 2009-12
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 one or more contracts for such services for work on the Village's PARTF grant application for Page Price Park; 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 17th day of November, 2009.

ATTEST

Cheryl Bennett, Clerk to the Board

Tracey Clinton, Mayor

10. SELECTION OF ENGINEERING FIRM FOR MASTER PARK PLAN FOR PAGE PRICE PARK

John Lepke of the Parks and Rec Committee reported they met last night with all members present. Six written proposals had been submitted; one teleconferenced, one sent a written proposal, and four presented in person. All had the ability to assist in the current task, and with subsequent tasks and to meet the deadlines. (Bradford arrived at this point.) After lengthy deliberation, they voted unanimously to propose Haden Stanziale to be contracted to provide design services, cost estimating, and prepare the grant application for Page Price Park. Lepke requested approval of \$16,000 for their services and an additional \$5,000 for a boundary and typographical survey which will be sub-contracted. He reported a public information session will be held prior to grant submittal as public input is critical. At the end of this phase additional funds will be needed for construction. Jon Wood was present representing Haden Stanziale. Mr. Wood said he was glad to help Wesley Chapel through the PARTF process and with their first park; he has done this numerous times with other small towns. Bradford reported they had laid out a timeline for the site plan to go to Parks and Rec Dec. 10; to Council Dec. 14, and asked if it needs to be an advertised public hearing. Mr. Wood said it just needs to be a public meeting. We will advertise it on the website and in local papers as a public service message so we have documentation for the grant application. The December 10 date will also be advertised with the public invited. The Committee can meet after the public session. Bradford asked Jon Wood who he wanted present at the meeting with Haden Stanziale; it was decided to have two from Parks and Rec and Sondra. A Conditional Use Permit was discussed; typically you turn in your grant proposal and they meet in May; Lindsey Dunevant said it would not be a problem if the CUP goes on in this timeframe, as the CUP is not part of the grant process. Mr. Wood said you can change elements, but not take away, for example you can change the trail surface if necessary. Bradford said they would like to get the church for a public info session on January 5, 2010, or any time that week; Bennett will check with the church. Bradford reported all the information does not have to be in to Lindsey Dunevant by January 11, and we are exempt from site control. Mayor Clinton asked about the agreement we have to execute with

the owners. Bradford said Sistrunk created two documents; we cannot execute the donation agreement until after the grant is awarded; the second is an addendum regarding things like a fence, driveway, and name. The driveway and parking they are still working on. Because a family member is planning a house next to the park, he wants to limit parking on that side to preserve the vista. The Army Corps of Engineers came out today, and confirmed we do have wetlands, and we will not disturb them. Bradford will call an appraiser tomorrow. We will use the same appraiser who appraised our six acres. For the surveyor, we are getting some prices. Mayor Clinton asked about the dam; Bradford said Haden Stanziale has an engineer on site who can look at it; the DENR report did not indicate any great problems. Mayor Clinton asked what would happen if we have a showstopper at some point; can we pay for services used up to then, but not the whole amount. Jon Wood said yes, we would only bill for what was done. Langen asked if the language would allow for additional work to be done if necessary. Horvath asked about additional property and how that would work with the grant; Bradford said she would get appraisals for the lake property and the houses to the east that we discussed as a possibility to get a feeling for what that property is worth. We may need extra property, or we may find we don't need it. It would come back to Council if additional property is deemed warranted. That can be added after the grant application goes in. Horvath asked if you can move a playground to property you decide to buy after the grant application is made. Lepke said the recommendation is to contract with Haden Stanziale to provide design, and cost estimation and grant application documentation for Page Price Park in the amount of \$16,500 plus \$5,000 for surveyor for boundary and topographical surveys. Croffut made a motion to accept this recommendation and to authorize expenditures up to \$23,000. Bradford seconded the motion.

The motion passed unanimously.

11. CONSIDER APPROVAL OF POLICY AND PROCEDURES FOR COMMITTEES

Bennett sent out a draft with the changes made at the last meeting. Pierce sent an e-mail suggesting the committee policy and procedures go under Rule 32 of Council Rules of Procedure. Discussion was held on where the text should be put. It was noted that changes to Rules of Procedure can only be done when that was put on the agenda as an item. Mayor Clinton suggested we delete section a and b of Rule 32 and refer to the Committee Policy. The rest of Pierce's suggested changes to Rule 32 were kept.

Changes to the "General Policy and Procedures for Committees" were to move "Appointments are made by the Mayor" to the first part of sub-section A; and add "to committees" before "the Mayor". Another change was made to sub-section I. (4.) to add: "Open meetings law applies to all committees." Croffut made a motion to create the new General Policy and Procedures for Committees, incorporated herein, with the changes made. The other changes to the Rules of Procedure will be made at the next meeting. Bradford seconded the motion.

The motion passed unanimously.

Approved: Nov. 17, 2009

General Policy and Procedures For Committees

Council has a responsibility for the creation and management of all ad hoc and standing committees. Council shall determine the term length of standing committees. (This policy does not apply to Planning Board or Board of Adjustment.)

A. Appointments are made to committees by the Mayor. Any resident of Wesley Chapel or the proposed ETJ area is eligible to serve on appointed committees. No person may be appointed, serve or in any way be associated with any committee if that person has unpaid financial obligations to the Village. Such obligations include past due taxes, privilege licenses, or other fees more than 60 days in arrears and any unpaid citations issued by any agency of the Village, unless such obligations are under contestation. A person becomes eligible to serve once the Village Finance officer or Village Clerk certifies that all financial obligations to the Village of Wesley Chapel have been satisfied.

B. Whenever any appointee shall incur three unexcused absences, said appointee's failure to attend shall be reported by the presiding officer of the respective committee. Such unexcused absences on the part of any appointee may, at the election of the Chairman of the Board, be deemed to constitute resignation on the part of the appointee, from such committee. Excused absences are defined as absences caused by events beyond one's control and are subject to approval by the committee on which the appointee is serving.

Upon such resignation and acceptance, the committee may recommend a replacement from the applications of person who applied for the last vacancy on such committee.

Appointments are made by the Mayor.

C. Appointees must uphold Village policies pertaining to the committee on which he/she serves.

D. In the event an issue comes before a committee and a member of that committee has a financial, personal, or employment related interest in the outcome of the issue, that member should notify his/her fellow members that he/she has a potential conflict of interest and request that he/she be excused from voting. All committee members will abide by the Wesley Chapel Ethics Policy.

E. Each year committees should turn in a budget for their projected initiatives. Budgets should be turned into the Village Administrator according to the budget calendar. Any expenditures within the approved budget must be

approved by the Council liaison to that committee and be submitted to the Budget Officer for payment. Expenditures must follow the guidelines of the current Purchasing Policy. All unbudgeted expenses (with no prior discussion or beyond budget allocation) must be presented to Council before payment will be made. Committees are not empowered to contractually obligate the Village financially, unless empowered by Council.

- F. The Mayor and Council Members will have available to him/her a list of all Village appointments with following data provided:
 - 1. Name of committee
 - 2. Brief function of each committee
 - 3. Motion or statute creating commission
 - 4. Number of members and terms of office
 - 5. Current members, addresses, phone numbers, terms of office, numbers of terms served, and term expiration dates
 - 6. Regular meeting day, time and location

- G. All applications received shall be retained for at least one (1) year.

- H. All committees are ad hoc and serve at the pleasure of Council.

- I. Committees
 - 1. Elect chairperson and secretary for a term of up to three years.
 - 2. Committees should be appointed for a specific purpose or to complete a specific task or project, and should not deal with matters outside of that specific charge.
 - 3. Committees shall have a council liaison, and at that time determine the role of the committee.
 - 4. Committee conducts regularly scheduled meetings, open to the public, with actions recorded and notes taken. Open meetings laws applies to all committees.
 - 5. Committee must submit to the Village Clerk approved written meeting minutes on a timely basis. Clerk to distribute minutes to Council. Committees may present to Council at Village meetings, as necessary.
 - 6. Request and Approval for funds shall be submitted to Council based on budget cycle.
 - 7. It is the responsibility of the Council Liaison to ensure committee member decorum.

12. DISCUSSION ON HAMPTON MEADOWS ROADS

Horvath reported the Hampton Meadows subdivision roads are still private and not up to DOT standards. DOT felt \$50,000 of work would be needed to bring them up to standards for them to accept the roads for maintenance. Horvath checked to see what other roads were in the DOT system; most are. After checking with Sistrunk and Bennett, he has found a solution wherein Bowie Motors will pay the Village \$25,000 this year and \$25,000 in 2010 for the work to be done in the spring by DOT. The Village will pass through the funds and pay DOT. At that point the roads will become part of the DOT system.

13. OTHER BUSINESS

Horvath reported there is a MUMPO meeting tomorrow night; items to be discussed include the Monroe bypass and funding of 485.

14. COUNCIL COMMENTS

Bradford thanked Langen and Bennett for their staff support at last night's meeting; she also thanked Carol Mullis for being an involved citizen and staying for the lengthy meeting also.

15. ADJOURNMENT

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

The motion was approved unanimously.

The meeting was adjourned at 9:25 pm.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Tracey Clinton