

VILLAGE OF WESLEY CHAPEL
COUNCIL WORK SESSION MEETING MINUTES
April 20, 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 & Jim Mullis, Becky Plyler, Tessie & Rick Morris

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 4 “AMEND COMPOSITION OF ORDINANCE REVIEW COMMITTEE” was deleted, Item 3 “RESOLUTION OF DECISION ON FIRE DEPARTMENT CUP” was added, Item 3 “UPDATES FROM COMMITTEES: DOWNTOWN, ORDINANCE REVIEW, PARKS AND REC, PLANNING BOARD AND SAFETY” became Item 4A, and Item 4B “UPDATE ON CONVERSATION WITH SHERIFF CATHEY” was added. Item 7 became 7A, and Item 7B. “RFP FOR ENGINEERING STUDY” was added. Bradford made a motion to adopt the agenda with these changes; Ormiston seconded the motion.
The motion passed unanimously.

3. RESOLUTION OF DECISION ON FIRE DEPARTMENT CUP

Our attorney drew up the resolution, and the Fire Department’s attorney also approved it. Hess made a motion to approve the resolution, incorporated herein, and Ormiston seconded the motion.

The motion passed unanimously.

**A RESOLUTION APPROVING AN APPLICATION FOR A CONDITIONAL
USE PERMIT SUBMITTED BY THE WESLEY CHAPEL VOLUNTEER FIRE
DEPARTMENT, INC.
CONDITIONAL USE PERMIT APPLICATION NO. 10-01**

WHEREAS, the Village of Wesley Chapel Council (the “Council”) has considered the application of the Wesley Chapel Volunteer Fire Department, Inc. (the

“Applicant”) for a conditional use permit (the “Application”) for the construction of a fire station (the “Building”) on real property located at 315 Waxhaw-Indian Trail Road, Waxhaw, NC 28173 (the “Property”);

WHEREAS, the Council held a public hearing on the Application on April 12, 2010, beginning at 7:00 p.m. (the “Hearing”);

WHEREAS, at the Hearing and as allowed by Section 4.8 of the Village of Wesley Chapel Zoning Ordinance (the “Ordinance”), the Council unanimously approved a motion by Councilperson Ormiston to allow the Building, which has a maximum height of forty-five (45) feet, eight (8) inches, to exceed the maximum height of forty-five (45) feet allowed by Section 4.8.3 of the Ordinance;

WHEREAS, based upon the competent, material, and substantial evidence in the record, including, without limitation, the Applicant’s written submissions, testimony and exhibits at the hearing on the Application, the Council makes the following findings of fact:

1. The Application is complete and meets all required conditions and specifications.
2. All notice requirements were satisfied.
3. The Applicant owns the Property and the Building.
4. The Property is zoned R-40.
5. An existing fire station is located on the Property and is currently in use by the Applicant.
6. The Fire Department desires to construct a new and larger fire station on the Property, in accordance with the plans submitted with the Application.
7. The proposed improvements to the Property will likely improve both vehicle and pedestrian traffic flow on the Property and improve ingress and egress to and from the Property, by, among other things, providing for more defined entrance and exit ways and driveways within the Property.
8. Waxhaw-Indian Trail Road currently provides access to the Property and is adequate to serve the Property if developed in accordance with the Application.
9. No noxious odors, sounds, or glare will be emitted from the Property if built as proposed.
10. No environmental hazards will be created by the proposed improvements to the Property.

11. The proposed removal of a propane tank on the Property and the ventilation systems for the proposed Building will improve the public health, safety, and welfare.

12. The proposed improvements to the Property will not have a detrimental effect on the value of surrounding properties.

13. The proposed Building was designed to be and is congruous and compatible with surrounding homes.

14. Water, sewer, and gas are available to the Property.

15. The proposed storm water plan meets the one hundred year storm requirements and has been approved by the Village's engineer.

16. Police and fire services will be housed on the Property and emergency medical services are available to the Property.

17. No evidence was presented at the Hearing to contradict the testimony or evidence presented by the Applicant in support of its Application.

18. No person spoke in opposition of the Application at the Hearing.

19. No evidence was presented to contradict the matters set forth in the report presented by the Village Planner at the Hearing, and that report is incorporated herein by reference.

20. The Village of Wesley Chapel Board of Adjustment granted the Applicant a variance from the terms of the Ordinance to allow for a 20-foot variance from the rear-yard setback, a 5-foot variance from the side-yard setback and a 9.2-foot variance from the buffer requirement (as set forth in the Board of Adjustment's March 10, 2010 Decision Letter).

Based on the foregoing findings of fact, the Council finds as follows:

1. The proposed 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.

2. The proposed use meets all required conditions and specifications.

3. The proposed 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.

4. The location and character of the proposed 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 the Ordinance and the Village of Wesley Chapel Land Development Plan.

5. Utility services are available to the property, including water, sewer, and gas, and the proposed stormwater retention improvements are adequate.

6. The Property has access to public streets and those streets are adequate to carry anticipated traffic; and on-site circulation for both pedestrian and on-site and off-site vehicular traffic circulation patterns are adequate.

7. Adequate safety and emergency services (police, fire, and EMS) are available to the Property.

NOW, THEREFORE, BE IT RESOLVED by the Council that, for the reasons set forth above, the Application is Approved.

Adopted April 20, 2010.

VILLAGE OF WESLEY CHAPEL COUNCIL

By: _____
Mayor Pro-Tempore Sondra Bradford

Attested by:

Cheryl Bennett, Village Clerk

4A. UPDATES FROM COMMITTEES: DOWNTOWN, ORDINANCE REVIEW, PARKS AND REC, PLANNING BOARD AND SAFETY
Hess reported that the Downtown Committee had completed their Resolution, and would present it at the May 3, 2010 meeting. About 40 letters were sent out to property owners in the areas considered downtown.
No one was present from the Ordinance Review Committee.
Bradford reported the Parks and Rec Committee completed their citizen survey, a parks and recreation master plan and the PARTF grant application for Page Price Park, including detailed design and estimates. They are also working on a tree save ordinance, pedestrian access, other grant opportunities, developing programming and a festival. Bradford inquired when the six acres would be available for use. Mayor Horvath said he received an update today, the dirt pile

will be cleared up in 60 days. Langen suggested we could secure permission to use other property at the shopping center for the festival.

No one was present from Planning Board.

Tessie Morris, Chairman of the Safety Committee, reported she had a deputy to speak on neighborhood watch at the May 3, 2010 meeting. She needs forms for National Night Out and \$150 to register. There are manholes without covers, four to five feet deep, facing the town property; Langen will call Aston about this. Chauncey Bowers is compiling more safety statistics.

4B. UPDATE ON CONVERSATION WITH SHERIFF CATHEY COMMITTEE PRIORITIES

Ormiston spoke with the Sheriff and he said there was no commitment at this time for officers to be at the new fire station; there may be a detective or deputy, but no secretary. We could hire a deputy on an hourly basis only for the short term.

They usually hire a specific deputy for a contract deputy position. He said a deputy can live where he patrols. Ormiston asked him about the statistics Chauncey Bowers compiled; he said that is just part of the statistics. If a call takes a contract deputy out of the area, they return as soon as possible. He said he makes the schedule of the deputy. Bennett noted that was contrary to her experience in Lake Park. It takes about four to six months to get a deputy; the County covers ten percent of the deputy's salary. The town would provide office space. If the deputy presence increases and we don't feel we need a deputy we can end a contract. Brotton asked at what point would a deputy be brought on by the Sheriff's office. Tessie Morris said we have been pushing for four years, and last year they said we would get one in our area. Brotton asked if we get a contract officer do they put the Sheriff funded deputy elsewhere. Ormiston said it is more than call volume and population, they also factor in County funding. She said there won't ever be an overabundance of officers; at what point do you create your own police department; we don't have the budget or population to support one. Hess inquired what is the best use of an officer; patrolling or at the shopping center? Becky Plyler noted we do see deputies a lot parked at the shopping center. Hess asked if we get more presence with the new fire station. Jim Mullis and Becky Plyler said verbally they have said they will use the four offices at the fire station. Mayor Horvath noted with a contract deputy you also get someone who knows your area well. Tessie Morris noted we definitely have more presence now than a couple of years ago. Jim Mullis commented that when the shopping center CUP was approved that Council required they provide private security. Mayor Horvath said the benchmark was not clear. Langen said the CUP says to provide private security if they are open after 11 pm. Rick Morris noted Aston has been helpful with the gate and street light at Wesley Oaks; it opens at 6:30 am.

5. MAYOR'S COMMENTS ON WESLEY CHAPEL VOLUNTEER FIRE DEPARTMENT CUP

Mayor Horvath said he started conversations with the fire department back in October; and he was grateful they were willing to work with us. He also talked to

residents and they will work with the fire department on landscaping and the wall. He appreciated Council's work on the CUP to improve citizens' safety services. Jim Mullis said he appreciated everyone working together and said a healing process has started. Mayor Horvath noted he was looking forward to working together in the future.

6. DISCUSSION OF MAY 3, 2010 COMMUNITY FORUM

Bradford provided two handouts for the meeting. A bullet point was added for community watch, and "Downtown" was changed to "Village Center" in the flyer publicizing the meeting. We will distribute the flyer to local churches, HOA's and to the newspapers. The schedule for the meeting will be:

Deputy - community watch 7 pm to 7:20 pm;

Hess - Village Center 7:20 to 8:00 pm;

Bradford - financial priorities 8:00 pm to 8:20 pm;

Bradford - town hall location 8:20 to 8:45 pm.

The financial section will go over spending priorities; state of the balance sheet ("our frugal past" and "concerns that the State can take away our revenues" was added); Allocating from Annual Surplus (ongoing expenses such as codification and salary increases were added); Allocating from General Fund (a change was made that the reserve balance would be in relationship to our operating budget); and the options will be presented in order of cost. Option 1 is no new town hall, move forward with Page Price Park at \$1.4 M, no tax increase or new land; Option 2 is a new town hall on 6 acres \$1.4M, no tax increase, and don't develop Page Price Park. Option 3 is a town hall on the 6 acres costing between \$1.1M and \$1.9M, continue with Page Price Park, a contract deputy, issue \$1M in bonds, and a two cent tax increase. Option 4 is Acquire Dogwood Acres and renovate the house at a cost of \$2M; sell the 6 acres, add a contract deputy, issue bonds and have a two cent tax increase.

Brotton's option of a town hall on 6 acres (\$1.4 M), no deputy and a scaled down park (\$.5M) was added. The handout sheet will have the options and space for comments.

Tax Increase Potential will include our current tax rate, and how much the average homeowner currently pays per year in tax.

7A. PARKS AND REC UPDATE

Bradford reported the appraisal of Dogwood Acres was done yesterday, and the house inspected today. The dam at the Keels property has to be cleared, she will have Chuck Keels talk to DENR. Use of an on-line survey was discussed, we will check and see if we can use our website and prevent multiple votes on the same computer.

Bradford had a handout on a historic landmark commission which would be separate from Parks and Rec. Julie Brown got an extension on Houston House through December 2010. Council consensus was for Bradford to gauge the interest in an historic landmark commission.

7B. RFP FOR ENGINEERING STUDY

Hess said there were four engineering firms interested in the RFP. The RFP was structured to provide three levels of information: the minimum requirements of DENR, to mitigate the level of risk the dam poses, and optionally, what funding is involved going forward to maintain the dam. The RFP requires bids by May 10 so engineers may attend the Council meeting that night. Engineers will have sixty days to get the preliminary report, Council will have fifteen days to review, and then there will be fifteen days to the final report. We will need the range of costs by early July; if awarded a grant in the first tier May 7, typically we would have to sign the contract one month after the grant award.

Hess noted to award the engineering contract we need: three bids by May 10; the brush cleared off the dam; and the Keels to sign a waiver.

Bradford made a motion to approve the RFP with the addition of a pre-bid conference, conditional on attorney Sistrunk's review and approval, that we receive a minimum of three bids, Hess will be the contact person, bids will be submitted to Town Hall and we get a waiver signed. Hess seconded the motion.

The motion passed unanimously.

8. DISCUSSION OF TOWN HALL – POSSIBLE “FIT” ANALYSIS

Mayor Horvath suggested we may want to get a “fit analysis” or feasibility study done by an architect to see the relative costs of a town hall on the six acres or on Dogwood Acres. We will get feedback from the May 3 forum, and prepare a resolution exempting the Village from the RFP process.

9. TIMING OF EMPLOYEE REVIEW

Mayor Horvath found the self appraisal reviews from last August. Bennett and Langen will prepare new review forms.

10. DISCUSSION OF CAPITAL IMPROVEMENT PLAN

This was done under Item 6.

11. UPDATE ON APPLYING ZONING TO ANNEXED PARCELS

Langen said he got a new database of the 328 parcels involved. Forty-two will need mailings as they have out of town owners. We will need signs to post and a half page advertisement. We will plan for a public hearing in June.

12. REVIEW OF SPRING 2010 NEWSLETTER

The newsletter was reviewed; the Houston House blurb will be moved to a separate item. A paragraph will be added on privilege licenses.

13. TIMELINE FOR 2010/2011 BUDGET

Bennett requested budget input by May 1; she will present the budget to Council May 18, and a public hearing can be held June 14th after which the budget can be approved.

14. OTHER BUSINESS

Hess inquired about progress on the essential services text amendment; Langen reported he has been working with the power company people but they have been slow to respond. Langen said he spoke to DOT about the Kiker property flooding; they are doing a study and will get back to him.

Ormiston requested Bennett fix the language on meeting dates on the website home page.

15. COUNCIL COMMENTS- none

16. ADJOURNMENT

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

The motion was approved unanimously.

The meeting was adjourned.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath