

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
WESLEY CHAPEL UNITED METHODIST CHURCH
120 Potter Road, Wesley Chapel, NC 28110
January 9, 2012 – 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 Ormiston, Council Members Brotton, Plyler and Rosoff

Others Present:

Clerk/Finance Officer Cheryl Bennett; Planning/Zoning Admin. Joshua Langen; Attorney George Sistrunk (left early)

Concerned citizens: Carol Mullis, Jill Ammons

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 Ormiston said the invocation.

2. PUBLIC HEARING FOR TEXT AMENDMENTS TO ZONING ORDINANCE (ARTICLE 2 DEFINITIONS, ARTICLE 5 TABLE OF USES, AND ARTICLE 8 SIGNS)

The public hearing was opened.

Carol Mullis spoke questioning why ordinance changes were being made, and whether they are for the betterment of the town and easily understood. She noted when the town was incorporated the intention was not to burden people with time and expense, and that violations should be complaint generated. She suggested we reply more on common sense and less on deputies and lawyers.

Jill Ammons spoke asking where we were in regards to her business; she also questioned permits for the signs at the church, noting they have put out signs for one hundred years.

Mayor Horvath noted some of the ordinances were written broadly and in the case of the churches formerly they did not need a permit, but when we changed the ordinance we didn't realize now we are charging a fee for their permits. The changes to the fee ordinance are not ready tonight. Jill Ammons said the church has twelve functions per year, can they submit one application for all the signs. Plyler disagreed with permits for the signs, and asked if we notified the churches, Langen replied no. Brotton noted we do have public hearings and they specify what articles are being changed. Citizens need to take the responsibility to know how they are being governed. Plyler said Indian Trail publishes specific information on the

hearings. Langen offered to write a summary. Attorney Sistrunk cautioned to be careful about being specific but leaving out any items.

Langen said the sign ordinance changes tonight came up because Southern Whimsy was cited for sign violations, Chuck Adams brought up that Planning Board discussed signs in relation to the shopping center and they might look at issues in B-1 areas. Langen put together an amendment in view of being more lenient in B-1; and Planning Board recommended the changes. Regarding church signs, the fee schedule change will be brought to Council next week; Planning Board cannot change fees.

The public hearing was closed.

3. INFORMAL PUBLIC COMMENTS - none

4. ADDITIONS, DELETIONS, AND / OR ADOPTION OF AGENDA
Items added were: Item 6D "CONTRACT DEPUTY EXPECTATIONS", Item 12B "STAFF RESPONSIBILITIES AND TIME ALLOCATIONS", and Item 12C. "NEWSLETTER". Plyler made a motion to approve the agenda with these changes; Rosoff seconded the motion.

The motion passed unanimously.

5. APPROVE MINUTES FOR:

- Council Meeting November 14, 2011
- Council Meeting December 12, 2011
- Closed Minutes October 10, 2011, Item 7
- Closed Minutes November 14, 2011 Item 9A

A correction was made on page 329, Item 5 of the December 12, 2012 minutes – 2500 cubic yards was changed to \$2500. Bennett asked if the closed minutes should be approved with one item crossed out, or as originally written. After discussion, Ormiston made a motion to approve the minutes as originally written, with the one change on page 329. Brotton seconded the motion.

The motion passed unanimously.

6. STAFF REPORTS

- a. Review and approve the Village Financial Reports dated December 31, 2011, submitted by Cheryl Bennett, Finance Officer.

Bennett presented the December 2011 financial reports; the quarterly franchise tax payments were received as were a lot of property tax collections and \$4718 from the water based resources grant. Expenditures included payment for audit fees and purchase of the six acres for the park as well as payments to the architect for the park and for the town hall. Ormiston asked for clarification of the amount of fund balance committed for CIP. Ormiston made a motion to approve the December 2011 financial reports. Rosoff seconded the motion.

The motion passed unanimously.

Balance Sheet, December 31, 2011**ASSETS****Current Assets****Checking/Savings**

Fifth Third Bank Checking	87,687.15
Fifth Third Bank Money Market	461,766.94
Citizens South CD Bldg 07.03.12	248,560.73
BB&T Money Market	823,255.41
Petty Cash Fund	50.00
Total Checking/Savings	1,621,320.23
Misc. Fees Receivable	1,016.25

Other Current Assets

Prepaid Exp.	850.00
Property Tax Rec.	3,476.00
Allow. for Doubtful Accounts	-1,034.00
Sales Taxes to be Received	
Mecklenberg	273.85
Union	322.77
Total Sales Taxes to be Received	596.62

Total Current Assets 1,626,225.10

Fixed Assets

Dogwood Park CIP	17,309.40
Town Hall- CIP	4,144.27
Land	1,128,803.40
Office Equipment	7,620.98
Accumulated Deprec.	-5,333.98
Total Fixed Assets	1,152,544.07

TOTAL ASSETS 2,778,769.17

LIABILITIES & FUND BALANCE**Other Current Liabilities**

Escrow from Developers	45,076.00
Deferred Revenue	2,442.20
Payroll Liabilities	3,798.61
Total Other Current Liabilities	51,316.81

Fund Balance

Fund Balance Assigned for NNO	174.20
Fund Bal. non-spendable	45,926.00
Fund Bal. Committed for CIP	1,067,772.12
Fund Bal. inv. in Fixed Assets	1,152,544.07

Fund Balance	-542,706.14
Excess of Rev. over Exp.	<u>1,003,742.11</u>
Total Fund Balance	<u>2,727,452.36</u>
TOTAL LIABILITIES & FUND BALANCE	<u>2,778,769.17</u>

Budget Report, December 31, 2011

General Fund	<u>Dec 11</u>	<u>Jul - Dec 11</u>	<u>YTD Budget</u>	<u>% of Budget</u>
Revenues				
Appropriated Fund Balance	0.00	437,686.00	437,686.00	100.0%
Fees and Licenses				
Newsletter/Deputy Sponsor	0.00	0.00	12,000.00	0.0%
National Night Out- raffle,cont	0.00	366.00	500.00	73.2%
Contribution for parks and rec	0.00	0.00	0.00	0.0%
Fall Festival	0.00	7,730.00	11,000.00	70.27%
Cable Franchise (from Time Warn	0.00	6,024.00	12,000.00	50.2%
Engineering Fees Reimbursement	0.00	4,541.25	8,000.00	56.77%
Zoning Permit	905.00	5,110.00	6,000.00	85.17%
Privilege Licenses Annexation Exp Reimbursed	70.00	25,941.81	25,000.00	103.77%
Misc. Fees	0.00	6,924.56	200.00	3,462.28%
Total Fees and Licenses	<u>1,005.00</u>	<u>56,757.62</u>	<u>75,000.00</u>	<u>75.68%</u>
Interest Earned	72.84	3,303.86	5,000.00	66.08%
Property Tax Income				
Current Year Property Tax	84,844.30	98,624.56	137,413.00	71.77%
Delinquent Taxes	-685.98	247.44	1,800.00	13.75%
Interest/Ad Fee on Taxes	20.11	71.16	400.00	17.79%
Utility Ad Valorem	0.00	0.00	1,000.00	0.0%
Vehicle Registration	853.45	4,141.55	8,375.00	49.45%
Total Property Tax Income	<u>85,031.88</u>	<u>103,084.71</u>	<u>148,988.00</u>	<u>69.19%</u>
Revenue Sharing				
Alcoholic Beverage Tax	0.00	0.00	25,000.00	0.0%
Cable (from State)	25,213.75	29,971.09	82,000.00	36.55%
Excise Tax (Piped Natural Gas)	1,026.00	1,506.00	14,000.00	10.76%
Franchise Tax (Electric Power)	61,457.00	66,264.00	152,000.00	43.6%
Sales & Use Taxes	3,013.05	10,023.83	32,000.00	31.32%

Telecommunications Tax	3,091.00	3,734.00	11,000.00	33.95%
Total Revenue Sharing	93,800.80	111,498.92	316,000.00	35.28%
Total Revenues	179,910.52	712,331.11	982,674.00	72.49%
Expense				
Transfer to CIP	0.00	625,000.00	625,000.00	100.0%
Operating Expenditures				
Contingency	0.00	0.00	2,420.00	0.0%
Advertising - Clerk	0.00	0.00	500.00	0.0%
Annexation Expense	0.00	0.00	400.00	0.0%
Annual Retreat	0.00	0.00	1,800.00	0.0%
Bank Charges	24.82	197.70	600.00	32.95%
Books & Literature	0.00	30.00	300.00	10.0%
Dues and Subscriptions	0.00	7,890.00	11,800.00	66.86%
Election Expense	0.00	1,307.75	9,900.00	13.21%
Electronic Commun (Tele/RR)	229.20	1,869.73	3,600.00	51.94%
Insurance - Liability	0.00	9,567.77	9,570.00	99.98%
Insurance - Workmen's Comp	0.00	500.00	525.00	95.24%
Land Maintenance	0.00	0.00	0.00	0.0%
Town office Maint.	0.00	428.28	1,000.00	42.83%
Misc town office	22.12	159.98	500.00	32.0%
Newsletter	0.00	1,581.77	3,000.00	52.73%
Office Equipment	0.00	1,127.98	1,200.00	94.0%
Office Expense	27.97	630.36	2,200.00	28.65%
Postage and Delivery	1.48	219.48	2,100.00	10.45%
Rent	1,400.00	8,400.00	17,000.00	49.41%
Seminars	0.00	65.00	1,500.00	4.33%
Tax Collection Fee	1,275.54	1,538.02	2,400.00	64.08%
Travel & Entertainment	82.15	673.34	2,500.00	26.93%
Utilities- Temp. Town Hall	209.64	1,085.77	2,200.00	49.35%
Total Operating Expenditures	3,272.92	37,272.93	77,015.00	48.4%
Gen. Govt. Salaries				
Admin. Assistant	130.00	1,690.00	4,705.00	35.92%
Allowance for Salary Adjustment	0.00	0.00	211.00	0.0%
Mayor	1,200.00	2,400.00	4,800.00	50.0%
Mayor Protem	750.00	1,500.00	3,000.00	50.0%
Council Salary	1,902.00	3,702.00	7,200.00	51.42%
Clerk Salary	3,625.31	21,505.01	49,219.00	43.69%
Finance Officer Salary	848.08	5,058.20	11,025.00	45.88%
Payroll Taxes	1,008.71	4,757.96	10,920.00	43.57%
Payroll exp -	0.00	0.00	1,000.00	0.0%

Unemployment				
Fringe Benefits - Insurance	1,292.24	7,753.44	15,514.00	49.98%
Fringe Benefits - Retirement	601.97	3,219.34	7,796.00	41.3%
Total Gen. Govt. Salaries	11,358.31	51,585.95	115,390.00	44.71%
Planning & Zoning				
P/Z Admin. Salary	4,075.00	25,075.00	52,075.00	48.15%
Planning & Zoning Board Salary	756.00	1,470.00	4,032.00	36.46%
Advertising	0.00	99.50	500.00	19.9%
P/Z Office Expense	107.87	107.87	500.00	21.57%
P/Z Seminars	0.00	199.00	400.00	49.75%
P/Z Travel	71.60	321.25	1,200.00	26.77%
P/Z Dues,Subscriptions	0.00	360.00	360.00	100.0%
Total Planning & Zoning	5,010.47	27,632.62	59,067.00	46.78%
Professional Fees				
Audit Fees	3,900.00	3,900.00	4,000.00	97.5%
Engr. Consulting	0.00	2,370.00	12,000.00	19.75%
Legal Fees	1,245.00	8,510.92	16,000.00	53.19%
Total Professional Fees	5,145.00	14,780.92	32,000.00	46.19%
Parks & Recreation				
Telephone	0.00	0.00	600.00	0.0%
Security	0.00	0.00	1,000.00	0.0%
Utilities	59.81	185.86	1,800.00	10.33%
Maintenance/Grounds	92.19	1,382.89	11,235.00	12.31%
Events	0.00	7,204.00	11,000.00	65.49%
Insurance	0.00	1,864.00	1,865.00	99.95%
Office Expense	0.00	0.00	1,000.00	0.0%
Dues & Subscriptions	0.00	0.00	500.00	0.0%
Total Parks & Recreation	152.00	10,636.75	29,000.00	36.68%
Public Safety	0.00	191.80	42,702.00	0.45%
Capital Outlay	0.00	0.00	2,500.00	0.0%
Total Expense	24,938.70	767,100.97	982,674.00	78.06%
Net General Fund	154,971.82	-54,769.86	0.00	100.0%
Capital Projects Fund				
Capital Projects Fund Income				
Water Based Resource Grant-Park	4,718.21	95,079.21	100,000.00	95.08%
Transfer from General Fund				

Appropriated for Dogwood Park	0.00	1,000,000.00	1,000,000.00	100.0%
Appropriated for Town Hall	0.00	1,100,000.00	1,100,000.00	100.0%
Total Transfer from General Fund	0.00	2,100,000.00	2,100,000.00	100.0%
Total Capital Projects Fund Income	4,718.21	2,195,079.21	2,200,000.00	99.78%
Capital Projects Fund Expense				
Capital Projects				
Dogwood Park Capital Outlay				
Land Acquisition	307,704.89	310,981.39	90,361.00	344.15%
Design/Constr Mgt,etc.	9,434.18	9,434.18		
Other Water Resources Grant Exp	0.00	0.00	9,639.00	0.0%
Dogwood Park Capital Outlay - Other	0.00	783,923.79	1,000,000.00	78.39%
Total Dogwood Park Capital Outlay	317,139.07	1,104,339.36	1,100,000.00	100.39%
Town Hall Capital Outlay	9,644.00	32,227.88	1,100,000.00	2.93%
Total Capital Projects	326,783.07	1,136,567.24	2,200,000.00	51.66%
Total Capital Projects Fund	326,783.07	1,136,567.24	2,200,000.00	51.66%
Net Capital Projects Fund	-322,064.86	1,058,511.97	0.00	100.0%
NetExcess of Revenue over Expense	-167,093.04	1,003,742.11	0.00	100.0%

b. Review and approve Budget Ordinance Amendment to recognize PARTF grant

Bennett presented a capital project budget ordinance amendment to recognize the PARTF grant and budget expenditures as designated in the grant and for the land, house and planning. Brotton made a motion to approve the budget ordinance amendment to recognize the PARTF grant; Ormiston seconded the motion. Plyler pointed out the amendment is not for the fiscal year, so the wording was corrected in the budget amendment. Mayor Horvath said he signed the paperwork for the PARTF reimbursement for the land, but the funds have not yet been received. Ormiston then rescinded her second. Brotton made a motion to approve the budget ordinance amendment to recognize the PARTF grant with deletion of “for the fiscal year ending June 30, 2012” in the first paragraph; Ormiston seconded the motion.

The motion passed unanimously.

Mayor Horvath noted that Bennett had obtained full grants to cover the cost of both our new Council members to attend the Essentials of Government classes, and also for him to attend a Community Planning and Zoning Workshop.

Capital Project Budget Ordinance Amendment Ordinance 2012-03

BE IT ORDAINED by the Governing Board of the Village of Wesley Chapel, North Carolina, that the following amendment be made to the capital project fund budget ordinance:

Section 1. To amend the Capital Projects Fund, the appropriations are to be changed as follows:

	Decrease	Increase
<u>Revenues:</u>		
PARTF Grant		\$ 500,000.
<u>Expenditures:</u>		
<u>Dogwood Park</u>		
Land		\$ 589,639
House		412,000
Design/Constr Mgt,etc.		60,800
Preliminary Planning		15,527
Fishing Pier		25,000
Amphitheater/Stage/Outdoor Classroom		35,000
Multi-purpose Field		30,000
Paved Trails		54,000
Unpaved Trails		9,210
Accessible routes		21,000
Boardwalk		31,000
Site furnishings		7,000
Rest room renovation		30,000
Parking Lot & Drive		87,170
Site preparation		35,000
Grassing		5,850
Utilities		15,000
Contingency		19,262
Other Expense		27,181
Other Water Resources Grant Exp.	\$9,639	
Capital Outlay – Other	\$1,000,000	

Section 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for their direction.

Adopted this 9th day of January, 2012.

Attest:

Cheryl Bennett, Clerk

Mayor Brad Horvath

c. Monthly planning report and violations report, submitted by Joshua Langen, Planning and Zoning Administrator
Langen reported there were six permits, with one upfit for Sangrock. He reported on the status of text amendments and zoning violations. He will get the deputy to go out with him to the complaint on abandoned vehicles on Weddington Road. He talks to the owner at 427 Cottonwood once a week, his time for compliance is almost up. He explained that he had two other violations on that road, and noticed it was so blatantly overrun, that he cited it. The complaints at 410 and 417 Cottonwood were by neighbors, as was the complaint on Weddington Road. Carol Mullis asked about requesting gravel be put out for parking; Langen said the ordinance at Section 9.1.4a and 9.1.5a requires all parking to be paved. He said he grandfathered previous parking areas such as gravel driveways that were there before the ordinance was adopted, and asks owners to delineate the parking area with gravel. Carol Mullis noted gravel is expensive. Langen said he is trying to get the ordinance changed but also gets complaint calls. Mayor Horvath noted we have unique situations, but cannot ignore the ordinance. We are trying to have conversations and then make changes as needed. Plyler said she thought this ordinance section applies to businesses. Ormiston noted it is Langen's role to enforce what is written in the ordinance, and another part of his job is to see if the ordinance represents what we want, if not it should go to Planning Board for amendments. Ormiston said the Advance should focus on the evolution and identity of the town, and how we can foster it.

d. Contract Deputy Expectations

Ormiston noted having the deputy attend meetings takes him away from his patrol time. If Committees want him to attend a meeting, they should have the committee chair contact the Council liaison, and if they concur, check with Bennett to see if he is scheduled to work that time and if he can attend. Any items for the deputy should be scheduled for the beginning of the meeting so he can attend, and then leave when his item is over. Bennett will notify the chairs of the policy. She will also check with Deputy Mainero to see if he has any monthly reports on crime to send out.

7. UPDATE ON DEMERE VOLUNTARY ANNEXATION DISCUSSION

Mayor Horvath reported some residents in Demere were concerned that they were being involuntarily annexed; he assured them annexation was only voluntary. There is an HOA meeting tomorrow night, and he was invited to attend to answer questions.

8. DISCUSSION AND POSSIBLE APPROVAL OF TEXT AMENDMENTS TO ZONING ORDINANCE- ARTICLE 2 DEFINITIONS, ARTICLE 5 TABLE OF USES, AND ARTICLE 8 SIGNS

Langen noted the backup shows new text as underlined, and the text crossed out is current text that we are proposing to delete. In Section 8.2 he added that a single application and fee may be submitted for multiple signs posted at the same time and for the same property or event. At Section 8.3(C) he deferred to state law for political signs. At 8.3 (L) he established for B-1 and L-1 zones that sandwich signs

can be up to thirty-five feet from the principal entrance. In Section 8.7 A. 1.a.ii and iii he increased the square footage for signage in B-1 and L-1 to 20% of the wall façade for externally lit signs, or 5% for internally lit signs, with no maximum size. For B-2 and O-I, he increased the sign sizes up to 10% of each wall façade for externally lit signs, or 5% for internally lit signs. He used the percentages from the CUP's. Brotton asked what the parapet is; Langen will add a definition in the future.

Plyler made a motion to approve the Ordinance (incorporated herein) to amend zoning ordinance text in section 8. Brotton seconded the motion.

The motion passed unanimously.

**VILLAGE OF WESLEY CHAPEL
TO ADOPT ZONING ORDINANCE TEXT AMENDMENT
- Ord. 2012.02**

THAT WHEREAS the Village of Wesley Chapel 2030 Vision Master Plan participant survey showed approximately sixty seven percent of survey respondents were satisfied with the clean and healthy environment of Wesley Chapel, and

WHEREAS, the Village of Wesley Chapel would like to preserve this satisfactory environment through the regulation of signage;

Section 8.2 General Requirements

- B. Required Permits and Approvals. A zoning permit shall be secured from the Zoning Administrator prior to the construction, reconstruction, erection, enlargement, relocation, or structural alteration of a sign. A complete application must be submitted to and approved by the Zoning Administrator in order to obtain a zoning permit. A single application and fee, if applicable, may be submitted for multiple signs, provided those signs are to be constructed or posted at the same time and for the same property or event.

Section 8.3 Signs Permitted Without Permit

The following signs shall not require a permit:

- C. Temporary signs for candidates seeking public office. ~~Such signs shall not be placed on property more than thirty (30) days prior to the election date. All political signs shall be removed by the candidates within five (5) days after Election Day (including primaries).~~ All such political signs shall be posted in accordance with State of North Carolina law.
- L. Free-standing Sandwich Board signs, as defined in Article 2,

limited to one (1) sign per establishment. For B-2 and O-I zoning districts, such signs shall be, located within five feet (5') of the principal entrance and not located greater than one foot (1') from the relevant building façade. For B-1 and L-1 zoning districts, such signs shall be located within thirty-five (35) feet of the principal entrance.

Section 8.7 Signs allowed in the B-1, B-2, O-I and L-1 Zoning Districts by permit

A. Signs on premises of permitted B-1, B-2, O-I and L-1 uses conducted in buildings or with buildings associated shall require issuance of a permit, or be approved as part of a conditional use permit process, and shall be regulated as follows:

1. Types of sign permitted:

a. Attached (On-Structure or Canopy) signs for any free-standing structure or in-line tenant space shall be allowed, shall require a permit and must comply with the following guidelines;

i. Signs shall be fastened by permanent mount or mechanism or painted, as defined in Article 2.

ii. For B-1 and L-1 Zoning Districts, No attached sign or combination of signs, shall exceed ~~five~~ twenty percent (20%) of the each wall façade area for externally lit signs, or five percent (5%) for internally lit signs, ~~or a~~ maximum of twenty (20) square feet.

iii. For B-2 and O-I Zoning Districts, no attached sign or combination of signs, shall exceed ten percent (10%) of each wall façade area for externally lit signs, or five percent (5%) for internally lit signs.

- iii. No sign shall be located on the roof of any structure or extended above the parapet or eave line of any structure.

NOW, THEREFORE, BE IT RESOLVED that the Village of Wesley Chapel Council hereby adopts the above listed Zoning Ordinance text amendments.

Adopted this 9th day of January, 2012.

Attest:

Cheryl Bennett, Clerk

Mayor Brad Horvath

Ormiston asked Langen if he checks that we have the necessary definitions for any ordinance changes; Langen replied yes, but he missed the one for parapet.

Article 2 changes were discussed next. Langen noted when the YMCA applied for space, we didn't know whether to call them a health club or indoor recreation. He reviewed the proposed Article 2 definitions. For "health club," Planning Board discussed defining them by size, but a good definition was written without doing so. Under "Day Spa", Council took out "hair and nail salons". Langen also reviewed the changes to the Table of Uses in Article 5, and a reference was added to "Recreation Facility, Indoor" under "Fitness Center". He also said he got a call today inquiring about an indoor shooting range, it is not a use in our ordinance, and he checked with the attorney, it is not a required use. Carol Mullis noted the nearest indoor shooting range is near Kensington Elementary School, near the South Carolina border. Council changed the definition of "Recreation Facility, Indoor" to take out indoor firing ranges (so it can be a use but through a CUP), ended the sentence after "theatrical/musical venues" and started a new sentence stating "Indoor recreation facilities also do not include ..."

Ormiston made a motion to approve the Ordinance (incorporated herein) to amend Zoning Ordinance Articles 2 and 5 with the changes to the "Day Spa" definition, "Recreation Facility, Indoor" definition, and "Fitness Center" in the Table of Uses. Brotton seconded the motion.

The motion passed unanimously.

**VILLAGE OF WESLEY CHAPEL
TO ADOPT ZONING ORDINANCE TEXT AMENDMENT
-Ord.2012-01**

THAT WHEREAS, the Village of Wesley Chapel 2030 Vision Master Plan participant survey showed approximately sixty seven percent of survey respondents were satisfied with the clean and healthy environment of Wesley Chapel; and

WHEREAS, the Village of Wesley Chapel 2030 Vision Master Plan participant survey showed approximately ninety two percent of survey respondents considered architectural standards for commercial development important; and

WHEREAS, the Village of Wesley Chapel would like to preserve our clean and healthy environment as well as high architectural standards through the regulation of health clubs, recreation facilities, and other recreational/health establishments; and

WHEREAS the following text amendments address health clubs, recreation facilities and other recreational/health establishments;

ARTICLE 2

DEFINITIONS OF TERMS USED IN THIS ORDINANCE

Dance, Gymnastics or Martial Arts Studio.

An establishment operated for the primary purpose of providing dance, gymnastics or martial arts instruction. Dance, Gymnastics or Martial Arts Studios do not include establishments which generate more than a simple majority of their income through sales of merchandise, food and/or drink.

Day Spa.

An establishment operated for the primary purpose of providing cosmetic and relaxation services, including tanning salons, but not including adult establishments, or health clubs. Day spas do not include establishments which generate more than a simple majority of their income through sales of merchandise, food and/or drink.

Gymnasium.

See recreational facility, indoor.

Hair and Nail Salons

Establishments operated for the primary purpose of providing hair or nail services and which do not generate more than a simple majority of their income through sales of merchandise, food and/or drink.

Health Club.

Permanent public or private health or exercise clubs where all associated principal uses are conducted within enclosed buildings, are primarily operated for the purpose of individual fitness, do not generate more than a simple majority of their income through sales of merchandise, food and/or drink, primarily provide services in exchange for membership fees and do not host spectator events or sports. Health clubs do not include facilities operated by homeowners' associations for the exclusive use of homeowners' association members and their guests. Health clubs also do not include adult establishments, country clubs, dance, gymnastics and martial arts studios, day spas, gymnasiums, indoor firing ranges, indoor recreation facilities, martial arts studios, hair and nail salons, tanning salons, or theatrical/musical venues.

Massage Parlor

See Day Spa for massage businesses which do not meet the definition of Adult Establishment, otherwise see Adult Establishment.

Paintball, Airsoft or Laser Gun Facility

See recreation facility, indoor and recreational facility, outdoor.

Recreation Facility, Indoor.

Permanent public or private ~~health or exercise clubs~~ establishments operated for the primary purpose of providing individual and team sporting facilities, where fifty percent (50%) or more of associated principal use square footage is conducted within enclosed buildings, and which may conduct organized competition, sponsored competition and/or spectator events. Indoor recreation facilities do not include facilities operated by homeowners' associations for the exclusive use of homeowners' association members and their guests. Indoor recreation facilities also do not include country clubs, dance and gymnastics studios, day spas, indoor firing ranges, theatrical/musical venues, or indoor sporting facilities which generate a simple majority of their income through sales of merchandise, ~~other than~~ food and/or drink.

ARTICLE 5

SECTION 5 TABLE OF USES

Change Use; Dance and gymnastics studio *to;* Dance, Gymnastics and Martial Arts Studio

Change Use; Fitness Center (See Health Club) *to;* Fitness Center (See Day Spa and Health Club)

Change Use; Hair, Nails, Tanning, and other services typically provided by Barber Shops, Beauty Salons, and/or Day Spas, such as skin care and massage therapy Principal Use (Excludes Adult Establishments) *to;* Hair and Nail Salons

Change Use; Health club, Spa and Gymnasium (Principal Use)(Indoors) ***to;*** Day Spa and Health Club

Add Use;

Paintball, Airsoft or Laser Gun Facility ***as*** “C” for B-1, B-2 or L-1 Zoning Districts.

NOW, THEREFORE, BE IT RESOLVED that the Village of Wesley Chapel Council hereby adopts the above listed Zoning Ordinance text amendments.

Adopted this 9th day of January, 2012.

Attest:

Cheryl Bennett, Clerk

Mayor Brad Horvath

9. TOWN HALL COMMITTEE UPDATE

- Access Road
- Additional Fill from WCVFD Site

Brotton reported the Committee met December 22, 2011 and asked Aston to draft the access road agreement. He contacted Duke about moving the utility pole and they said there would not be a charge. On the issue of the additional borings, we got a report on the borings and will meet this Thursday to review it. The additional fill was put on the land. Brotton made a motion that we buy the additional \$2500 of fill at \$6 per cubic yard from Edison Foard at the fire station. Ormiston seconded the motion.

The motion passed unanimously.

Brotton made a budget amendment to move \$2500 from election expense to capital outlay to cover the expense. Plyler seconded the motion.

The motion passed unanimously.

Brotton said an issue came up on the design of the A/V, Telecom, security and wiring; architect John Fuller can do the design work and bring out an AV consultant for \$8500. Council questioned the amount and thought we might save by getting other quotes. Brotton said another question came up on whether there is a material change to the CUP by moving the access road. Langen said if there is a letter of agreement, then it will not materially affect either party, and thus there is no material change. The Committee now has a schedule of regular meetings, meeting the second and fourth Thursday of the month.

10. PARKS AND REC COMMITTEE UPDATE

- Confirm Purchase Of Remaining Six Acres Of Dogwood Park

- Recombining Of Two Parcels To Facilitate CUP Process
- Dam Overflow and Spillway Status
- Replacement of Well Enclosure Roof
- Committee Resignation/Appointment

Mayor Horvath reported the remaining six acres were purchased in mid-December. He noted re-combining the two parcels facilitates the CUP by eliminating setbacks. We will check with the attorney to see if we need another survey. Rosoff reported the lake water level has been lowered, but the pipe has not been cleared. Lepke fixed the roof on the well enclosure. Since she is now on Council, Rosoff submitted her resignation from the Parks and Rec Committee. Council asked if the “for sale” sign can be removed from the land. Bennett noted we will need a little more in the utilities line item, since the propane tank was filled at the park and the bill was about \$1332.

11. DISCUSSION OF PARTICIPATION IN WESTERN UNION COUNTY MUNICIPAL COALITION (WUCMC)

Mayor Horvath said there are two reps from each of five towns, and they will start up meetings again February 2, 2012 in Waxhaw. Mayor Horvath and Brotton are our reps.

12A. DISCUSSION ON DATES / LOCATION FOR ADVANCE

Possible dates are the weekend of March 9, 16, 23 or 30. Bennett will check on locations and facilitator. It will also be a time to show appreciation for our volunteers.

Ormiston made a motion to table Items 12B and 12C; Brotton seconded the motion. The motion passed unanimously.

12B. STAFF RESPONSIBILITIES AND TIME ALLOCATIONS

12C. NEWSLETTER – We will wait on the newsletter until closer to summer.

13. OTHER BUSINESS

Mayor Horvath reported that he had contacted the non-resident committee members by e-mail and had not yet heard back from them. Ormiston reported the first meeting of the Youth Council Committee is January 19, 2012 at 6:30 here at the Church. Plyler reported she attended the COG meeting with Ormiston; a transit grant was awarded to Union/Mecklenburg, and a \$5 million HUD grant to address empty storefronts in nine areas. Wednesday is MUMPO orientation; Mayor Horvath, Brotton and Langen will attend. Ormiston reminded that back-up is due at least three days before council meetings.

14. COUNCIL COMMENTS - none

15. ADJOURNMENT

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

2012.01.09 minutes

The motion passed unanimously.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath