

VILLAGE OF WESLEY CHAPEL
COUNCIL ADVANCE
MINUTES
Friday and Saturday, March 15 and 16, 2013

March 15, 2013

On Friday night, March 15, 2013 the Advance began with dinner at 6:30 pm, at South Piedmont Community College, Old Charlotte Highway Campus, in Salon A, 4209 Old Charlotte Highway, Monroe, NC 28110. The Village Council, many committee members, staff, and some citizens were present. Mayor Brad Horvath welcomed everyone and Stephen Keeney said an invocation. After dinner, Board and Committee members were recognized. Mayor Horvath gave an update on the state of the Village; highlighting the town hall project, the Dogwood Park project and the new town seal before introducing Bill Duston, who facilitated the meeting. Mr. Duston asked for input on Village goals and priorities for 2013 and the next several years. Some ideas had been submitted before the meeting, and he reviewed those. Attendees each were given three minutes to contribute their ideas for the Village, and Mr. Duston wrote them on sheets on the wall. Johnny Rutledge and Bill Bennett reported they are forming a Wesley Chapel Optimist club that will be meeting at lunchtime. After the ideas were gathered, each person was able to vote with three blue dots on their top priority items, and Council members voted with three red dots. All the items will be reviewed by Council on Saturday. (See the March 16, 2013 minutes for the complete list of items). Mr. Duston noted the top vote getter was "Infrastructure 2 - Utilize land next to town hall as a public gathering space" with 5 citizen and one Council dots; and "Land Use 11 - land adjacent to Town Hall needs to be used for public gathering purposes" with 2 citizen dots. He also noted cutting discretionary spending, and sidewalks each got about five dots. Mr. Duston thanked everyone for participating. Mayor Horvath thanked everyone for attending, and the meeting ended at approximately 9:20 pm.

March 16, 2013

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, Monroe, NC 28110 on Saturday March 16, 2013 at 9 am.

Present: Mayor Horvath, Mayor Pro-tem Ormiston, Council Members Brotton, Plyler and Rosoff

Others Present:

Facilitator Bill Duston

Planning Board Members: Chairman Stephen Keeney and members Chuck Adams, Bill Bennett, and Jim Mullis

Village Administrator/Clerk: Cheryl Bennett

Planning/Zoning Administrator: Joshua Langen

Tessie Morris, Safety Committee Chairman

The Advance began at 9:00 AM.

The morning session was a joint session of Council and Planning Board to discuss 2013 goals and priorities. Bill Duston noted the laws of North Carolina require you to have a Planning Board if you exercise planning and zoning. By law, re-zonings and changes to the land use regulations must go to the Planning Board. Planning Board doesn't have to make a recommendation, but needs to have the opportunity; they usually have thirty days to review amendments. He also noted Planning Board and Council must have two statements in writing regarding any text amendment or zoning changes, a statement of reasonableness and of conformance (consistency). He cited a Court of Appeals decision from Kannapolis. He suggested the Land Use Map should be at all meetings regarding text or zoning changes. Planning Board can be charged to make recommendations on things like annexations and where to locate sidewalks.

Joshua Langen asked how often we should look at the Land Use Map instead of changing it in response to a developer request. Bill Duston said in Mooresville they looked at it in April and October; it forces you to review it as it is a living document. Stephen Keeney said the Board has been looking at the Land Use Plan recently in a conceptual way. Mr. Duston said you can overlay the Carolina Thread Trail on the Land Use Map. Jim Mullis noted Highway 84 will eventually be a four lane road, and it should be shown on the map so people are aware of that. Bill Duston said any adopted plan such as a transportation plan can be included. He gave an example of a re-zoning, and subsequently realizing the land was in the path of a proposed road.

Next the items that were brought up last night that related to land use were listed.

1. ADA accessibility
2. Curb cut improvements – ADA related
3. Scrap materials (junk) in yards
4. Shopping center build-out per the Vision book
5. Illegal signs
6. Animal control
7. Maintaining R-40
8. Affordable 55+ community
9. Voluntary annexation
10. Industrial park
11. Greenway
12. Sign ordinance
13. Developer agreements
14. CUP for Village properties
15. Sidewalks / right of ways
16. HOA mandate
17. Business incentives
18. Add single family residence to zoning ordinance

Added later in the discussion were:

19. Demolition bond

20. Sandwich signs

Discussions during the list creation included: noting we cannot control what other towns do, but they may impact us; we must have a location for adult uses, land could be re-zoned but it would be a political item, and you have to answer if it is reasonable and consistent; de-annexation can only be done by the legislature through a local bill; not changing an ordinance for a specific complaint, for example the sign ordinance; how many times should changes be made to the ordinances and sent back to Planning Board – Bill Duston said it is your call, some changes are very important.

The items on the list were discussed.

Items 1 and 2 -Mayor Horvath said when you build a road, there is an inch plus left for the final cut, even after the final cut there may still be some variance in heights, can we go stricter than the language in the building codes. Bill Duston noted DOT maintains Wesley Chapel roads. Joshua Langen said we have on our ordinance prioritization list as an item on road bonds, we can add this to that item. Chuck Adams said we need to check DOT standards; “street specifications update” was added to item 2.

Item 3 has been addressed.

Item 4 – the CUP was open ended, they have an infinite time to build out; it was noted at Sun Valley the developer did all the roads and lights, and it is more attractive than the piles of dirt.

Item 5 was changed to “Illegal signs manpower”; it is more of an enforcement issue.

Animal control falls under “police powers”; if it is in the zoning ordinance we enforce it; if in a separate ordinance it is enforced elsewhere. “Vicious dogs” was added to Item 6. Kim Ormiston asked about liabilities and who would enforce it; Bill Duston suggested talking to the attorney.

Item 7 is already in our ordinance.

Joshua Langen noted the smallest lots we have are R-20; and developers want lots for senior housing to go down to 5,000 to 6,000 square feet. Bill Duston suggested in the Land Use Plan you state you want to accommodate it in the future; you don’t have to specify a spot; you could create a new zone. Chuck Adams asked if we can dictate that the area must be age 55+; Mr. Duston suggested Joshua query the list serv. Mayor Horvath said other communities have rules that require 80% of the development to be seniors. We could put in our ordinance that we can let a developer build age restricted housing, and then we allow increased density. Chuck Adams expressed concern about the word “affordable”. Mayor Horvath asked if we can join it with form based codes. Joshua Langen said affordable falls under “inclusionary zoning”. Bill Duston said Davidson has affordability in their code.

Item 9 – Mayor Horvath said if you have annexation agreements, people lose the incentive to annex, and towns can still jump over the lines, so we let our annexation agreements expire. Cheryl Bennett noted we are allowed to annex just part of a subdivision; this resulted from a local legislative act. Brad Horvath said

our policy requires 90% of a subdivision to come in, on occasion communities have asked for less than 90%. It was noted that we used to let committee members live in the area of consideration; it was changed to require they must be residents of the village.

Item 10 – We would have to designate where an industrial park would be, and do ordinance changes for this. Jim Mullis said some industrial parks have wide roads and look nice. Joshua noted one way to incentivize annexation is to have the district on the books, but don't designate a place for it. Mayor Horvath said you could include it in the Land Use Plan goals.

Item 11 – Joshua Langen said we have open space set asides/ fees-in-lieu text amendments going to Council; they deliberately left out greenways waiting for a mandate. Mayor Horvath said we can apply for a planning grant to plan the thread trail, we have two major projects going on and the Carolina Thread Trail is a 20 year plan. Kim Ormiston noted the Thread Trail was connected to other towns and we agreed to that. Joshua Langen said we need goals, objectives, etc. before we change the ordinance; a planning grant would help on this. Howard Brotton asked if we should consider it when we change the ordinances for land in the Thread Trail corridor. Joshua said we need to look at the legal language when we adopted it. Carol Mullis noted concerns were expressed – “not in my backyard”.

Items 12 and 20 – there are inconsistent sidewalk sizes in the different shopping centers. We made a lot of changes to our ordinance; now an issue came up with sandwich signs, do we look at the whole sign ordinance? We changed the B-1 regulations because of a violation there. Planning Board should look at the ordinance and if they think it is ok, they can recommend it stay as is.

Item 13 – Bill Duston said the general statutes changed in 2005 to allow developer agreements; Mayor Horvath asked Joshua Langen to bring more specifics of types of agreements to Council. Bill Duston said the statutes have some parameters too.

Item 14 - Bill Duston noted whether you require a CUP for Village projects falls under the Table of Uses; items to consider are the logistics and costs involved.

Item 15 – Howard Brotton suggested requiring a fee-in-lieu instead of a sidewalk to nowhere, and then you could use the funds when needed. Questions remain on easements and agreements.

Item 16 – Bill Duston noted the purpose of requiring HOA's is to make sure common property is maintained. Discussion was held on whether they are needed or not, and is it an unnecessary layer.

Item 17 – Kim Ormiston said this is not an ordinance item, we could ask JDH and Aston if they would give incentives to Wesley Chapel residents to open businesses. Howard Brotton said a couple of years ago we signed a resolution not to incentivize businesses, along with another resolution.

Item 18 – Mayor Horvath found where this exists in the ordinance.

Item 19 – We can ask the attorney if you can apply a demolition bond to existing buildings; discussion was held on whether we have more big boxes in the future – we do have some junior anchors locations. Joshua Langen suggested adding a

requirement for building design so a building can be easily partitioned in the future, i.e. separate meters.

Planning Board members and Joshua were thanked for their time.

A lunch break was taken. Most of Planning Board left at this point.

The list of items that was developed on Friday was discussed. The items were classified as follows, irrespective of whether we have funds for the item.

| Priority Level | Issue # | Description | # citizen dots | # council dots |
|-------------------------|---------|---|----------------|----------------|
| A=Aesthetics | | | | |
| High | A1 | Have well built & attractive identity signs at all entry points to Village | 1 | 1 |
| Medium | A2 | Address roadside litter on a regular basis | 1 | 0 |
| High | A3 | Provide Christmas/Holiday decorations on telephone poles during specific time periods | 0 | 1 |
| In Progress | A4 | Investigate use of County inmates to pick up trash | 1 | 0 |
| C=Communications | | | | |
| High | C1 & C5 | Need more frequently issued Village newsletter; Quarterly postcard to residents showing upcoming scheduled meetings & Council contact information | 0 | 0 |
| Medium | C2 | Form a Communications Committee | 2 | 1 |
| In Progress | C3 | Encourage citizens to attend Council meetings | 0 | 0 |
| In Progress | C4 | Village to create extensive email list to citizens | 2 | 0 |
| In Progress | C6 | Village council to review previous year's goals to assess level of achievement (i.e. performance review) | 2 | 0 |
| Medium | C7 & C9 | Make pins from town seal, distribute to residents; Create car decals to be bought by residents | 2 | 1 |
| Scratched | C8 | Invitation to annual town meeting to all residents & include budget information | 0 | 0 |
| Medium | C10 | More public signage/kiosk at new Town Hall for committee meeting announcements | 0 | 0 |
| Low | C11 | Communicate to HOA's that council members can attend their meetings if requested. | 0 | 0 |
| In Progress | C12 | More opportunities to bring citizens together | 0 | 0 |
| In Progress | C13 | Facebook page | 0 | 0 |
| In Progress | C14 | More timely posting of Council & other groups minutes | 0 | 0 |
| High | C15 | Copyright Town Seal | 0 | 0 |
| F=Finances | | | | |
| In Progress | F1 | Will we have money to do other projects this year? | 0 | 0 |

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|-------------------------|---------------------|---|-----------|------------|
| In Progress | F2 | Council should maintain a "pay as we go" approach to fiscal responsibility | 0 | 0 |
| High | F3 | Council needs to be conservative with Finances | 3 | 0 |
| High | F4 | Prioritize expenditures | 0 | 0 |
| In Progress | F5 | Risk management/financial audit needs to ensure that necessary checks/balances are in place | 3 | 1 |
| High | F6 | Establish future sidewalk fund | 0 | 2 |
| In Progress | F7 | Prioritize needs | 1 | 0 |
| High | F8 | Identify and review discretionary spending | 5 | 1 |
| In Progress | F9 | Update 5 year rolling capital plan | 0 | 0 |
| Scratched | F10 | Establish committee to help new businesses to come to Wesley Chapel | 0 | 0 |
| In Progress | F11 | Pizza/doughnut budget for committees | 1 | 0 |
| Scratched | F12 | Referendum on all property tax increases | 0 | 0 |
| In Progress | F13 | Re-evaluation of privilege license tax | 1 | 0 |
| Medium | F14 | Investigate new sources of revenue | 0 | 0 |
| I=Infrastructure | | | | |
| In Progress | I1 | Complete town hall project | 1 | 0 |
| High | I2, I5, I6, I7, I11 | Utilize land next to town hall as a public gathering space; Move amphitheater from park to next to Town Hall; Keep amphitheater at town hall; Need smaller venue (i.e. gazebo) near town hall; Model gazebo/entertainment area similar to "Promenade", Blakeney & Matthews Town Center -include grassy area | 5,4,0,0,3 | 1, 0,0,0,0 |
| High | I3 | Identify public usages of new town hall | 0 | 0 |
| High | I4 | Sidewalks needed to provide increased connectivity between town hall, park & neighborhoods | 3 | 2 |
| In Progress | I8 | Ordinances needed for the proper maintenance of detention ponds | 0 | 0 |
| High | I9 | Need P.O. or blue box, Fed Ex/ UPS box | 2 | 0 |
| High | I10 | Work with shopping center for them to provide incentives for Wesley Chapel residents | 0 | 1 |
| Medium | I12 | Guidelines for maintenance of undeveloped Village properties | 0 | 0 |
| In Progress | I13 | Widen doorways to properly accommodate persons with disabilities per ADA | 1 | 0 |
| Medium | I14 | Curb cut-outs need to be properly maintained/assess and get with owner | 1 | 0 |
| In Progress | I15 | Ramps needed at buildings with steps | 1 | 0 |
| LU = Land Use | | | | |
| Low | LU1 | Solicit & attract more non-fast food restaurants | 1 | 0 |
| Scratched | LU2 | Approach Aston to finish shopping center; curtail CUP if project not ready to be built out | 1 | 0 |
| Scratched | LU3 | Target uses in Aston's shopping center per their Vision Book | 0 | 0 |

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|--------------------------|-------------------------|--|-----|-----|
| Scratched | LU4 | Require half acre plus lots in new subdivisions to prevent overcrowding | 0 | 0 |
| Medium | LU5 | Address issue of junk in peoples' yards that don't live within an HOA community | 0 | 0 |
| High | LU6 | Investigate to implement "Developer Agreements" | 1 | 0 |
| High | LU7,LU11 (add to I2) | Area next to town Hall & 2.5 acres to be used for public purposes; land adjacent to Town Hall needs to be used for public gathering purposes | 1,2 | 0,0 |
| In Progress | LU8 | Maintain R-40 zoning where we can | 2 | 0 |
| High | LU9 | Remove illegal signs on a regular basis | 1 | 0 |
| In Progress | LU10 | Invite JDH & Aston Properties to Council meetings for periodic updates | 1 | 0 |
| High | LU12 | Affordable 55+ community needed in Wesley Chapel | 2 | 1 |
| Low | LU13 | Create industrial park | 0 | 0 |
| In Progress | LU14 | Keep amphitheater at park for grant obligation purposes | 3 | 0 |
| Scratched | LU15 | Guidelines form | 0 | 0 |
| In Progress | LU16 | More code enforcement needed | 0 | 0 |
| In Progress | LU17 | Establish a community garden | 0 | 0 |
| PS =Public Safety | | | | |
| In Progress | PS1 | Establish 35 mph speed limit throughout Village | 2 | 0 |
| High | PS2,PS9 | Implement EMS improvements sooner than later; 2.5 acres next to JDH needs to be reserved for public safety/EMS purposes | 0,3 | 0,0 |
| Scratched | PS3 | Improve EMS response times in Village | 0 | 0 |
| In Progress | PS4 | Lower speed limits near shopping center. | 1 | 0 |
| High | PS5 | Address issue of vicious animals | 0 | 0 |
| Low | PS6 | Leash Law needed | 1 | 0 |
| Low | PS7 | Need ordinance addressing chaining of dogs left outside for long periods, to address invisible fencing | 0 | 0 |
| High | PS8 | Review contract cost and effectiveness of Wesley Chapel deputy | 2 | 0 |
| High | PS10 | Proper enforcement of all traffic regulations | 0 | 0 |
| In Progress | PS11 | Village Council to sponsor National Night Out | 0 | 0 |
| R=Recreation | | | | |
| In Progress | R1 | Complete town park project | 4 | 1 |
| Low | R2 | Encourage Parks & Rec to initiate races to raise money for recreation purposes | 0 | 1 |
| Low | R3 | Walking trails needed in Village | 2 | 0 |
| Medium | R4 | Informal community center at Park (different function than Town Hall) | 0 | 0 |
| Medium | R5 | Potential newly constructed community center designed for Wesley Chapel residents' needs | 0 | 0 |
| High | R6 | Annual Christmas tree lighting ceremony at Town Hall | 1 | 0 |

Low R7 Follow up on Carolina Thread Trail recommendations on trails 0 0

Discussion included the following. Item R5 – “Potential” was added to this item. PS 5 – “pit bulls” was changed to “vicious animals”. Item PS3- Tessie Morris clarified this refers to the ambulance arrival in Wesley Chapel. Item PS 8 -the Safety Committee wants to examine the cost and effectiveness of the deputy. PS10 will be discussed with the deputy. PS11 – the Village has signed us up for National Night Out the past few years. LU2 – you can’t curtail the CUP, there is a vested rights issue. LU-3 Joshua Langen said the vision book was handed in after the CUP, so it has no legal binding. Mayor Horvath said the vision book is more the look and feel; the CUP listed the permissible uses. LU 6 – “Investigate” was added. LU 9 – Joshua Langen will follow up on signs more regularly, and remove them as needed. I3 – wording was changed to “Identify public usages of new town hall”; the Town Hall Building Committee will be asked to weigh in on this. I8 – Joshua Langen said we have agreements in place; it is more of an enforcement/staff issue. We could add an ordinance for future ponds. Item I-9 – we can ask for a mailbox drop; and could include Fed Ex and UPS. I12 – “undeveloped property” was specified here. I14 - “assess and get with owner” was added. Item C1 was broken out into two items of C1 and C14. Item C5 – “Council contact info” was added, and it was combined with item C1. C7 and C9 were combined. C10 was changed to “at new town hall”. C11 – was re-worded to “communicate to HOA’s that Council members can attend their meetings if requested”from “Council needs to liaison with HOA’s”. F5 – Tessie Morris said this includes two things, auditing the auditor and physical emergency response, this was separated to risk management and financial. F6 – Carol Mullis noted there are sidewalks at New Town Elementary that go unused, so we should first check with principals to see if they would be used. F8 – “Cut” was changed to “Identify and review”. Council added item F14 and referred to the telecommunications tax.

Ideas for next year included giving citizens four dots to vote with, and having different color dots for high, medium and low priorities.

The Advance ended in mid- afternoon.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath