

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
WESLEY CHAPEL UNITED METHODIST CHURCH
120 Potter Road, Wesley Chapel, NC 28110
April 16, 2013 – 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; Zoning Administrator Joshua Langen; Planning Board Chair Stephen Keeney, and members Chuck Adams, Jeff Davis, John Grexa, and Jim Mullis

Citizens Present: Carol Mullis, Don and Ruth Patterson, Fire Chief Steven McLendon

The 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 gave the invocation.

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

Items were added to Parks and Rec – for removal of an alternate member and requesting funds for stump removal; and items 4 and 11 were tabled. Council Member Rosoff made a motion to approve the agenda with these changes; Mayor Pro Tem Ormiston seconded the motion.

The motion passed unanimously.

3. WESLEY CHAPEL VOLUNTEER FIRE DEPARTMENT UPDATE BY CHIEF
MCCLENDON

Chief McClendon presented the Wesley Chapel Fire Department 2012 Annual Report. Call volume has increased over the last ten years, and 2012 accomplishments include opening of the new station, purchase of 14 portable radios, completed VIP for VIP safe driving programs, lowered response time, 70 community events, formed a training staff, launched new website, new equipment and training completed. Response time was evaluated and in October they changed operations to reduce response time. Focus for 2013 is on deployment of wireless CAD tablets in primary apparatus, implementation of web based training management tool, upgrade self-contained breathing apparatus, upgrade radio equipment of volunteer responses, continue focus on evaluating and analyzing lowering our Insurance Service Office rating, and construct a training area in mezzanine area of Station 31 to simulate residential responses. They are always looking for new member. Mayor Horvath asked if EMS at Station 31 is part of this data; it is not, and EMS there would not lighten their load. John Grexa asked about houses being closer together affecting fire spread; the Chief noted a house fire in St. John's Village affected seven other homes; the more room between houses, the better. Mayor Horvath thanked Chief McClendon for his report.

4. UPDATE ON ASTON PROPERTIES VILLAGE COMMONS PHASE II BUILD-OUT
Item was tabled.

5. DISCUSSION WITH PLANNING BOARD ON SUBDIVISION ORDINANCE
ARTICLE 4 – SECTION 408 (DEDICATION OF LAND FOR AND/OR FEES IN LIEU
OF PARK, RECREATION, AND OPEN SPACE PURPOSES)

Mayor Horvath said the title of the ordinance change says one thing, but the language itself says another thing. The fees in lieu per state statute can't be used for buffering. Planning Board Chair Keeney said he listened to the recording of the April 8, 2013 Council meeting, and thanked Joshua for his representation of Planning Board's work. He recommended that meeting recordings be made available. Planning Board's intent was to be specific and simplify the ordinance. There are some questions for the attorney, so Mayor Horvath will ask him to attend the April Planning Board meeting. Chuck Adams said the three citizens who spoke at the Council meeting April 8 used word smithing, regarding streets, fairways (should have been greenways), thread trail, and connectivity which is not part of this. Mayor Horvath noted we are here to address the ordinance; we want this to be factually and legally defensible. John Grexa said Planning Board had asked for the attorney to look over the amendment to see if we were headed in the right way, and had been told it was okay. Mayor Horvath said the Clerk sent it to the attorney with the agenda. John Grexa and Stephen Keeney said they heard in January it was okay to proceed; Joshua Langen replied that he had asked the legal question early on, and added the general statutes to the "whereas", but as we got more specific, he didn't bring every iteration to the attorney. Mayor Horvath said the attorney approved the legality of the topics, not the specifics. Council Member Plyler asked what the attorney response to staff was; Cheryl Bennett replied that it was sent to him on the Thursday before the meeting, around the same time she had discussed with him the subject that all ordinance amendments should go to him for review. Stephen Keeney expressed concern that so much time had been spent on this in Planning Board before they heard the attorney comments; Council Member Rosoff agreed. Planning Board Chair Keeney noted that the state statute in paragraph c uses the word "may" five times, and the word "shall" only once. Keeney noted a large buffer can go a long way toward sidewalks and pedestrian traffic and greenways; he preferred greenways in front of houses instead of behind houses. Mayor Horvath noted the greenway line on the map is not a fixed line, oftentimes greenways do go along roads; however he wanted to focus on the issue at hand; there can be angst with personalities involved, but let's make this simple and fair to citizens and developers. Keeney said Langen eloquently described greenways as a separate issue to be considered and studied by itself. Council Member Plyler read an email she received the day of the meeting, saying there would be a vote against greenways that night, and asked who told this person that. Mayor Horvath said it is important to note the email, but not to focus on it. John Grexa said in Planning Board discussions, he had used Potters Trace as an example, there is a large piece of common land, and people come in and use it and sometimes abuse it; he had a concern that people buy homes and why does the town take the money and property; how can we use it for other people and the town reap the rewards. He felt it should be for the use of the one subdivision. Mayor Horvath said this pertains to reservations vs. dedications. Mayor Pro Tem Ormiston said she suggested we meet with Planning Board, and this was an opportunity for open communications; she learned an email was circulated on Saturday asking people to come out because someone interpreted greenways was being taken out. She compared the existing and

revised ordinance, and the part that caught her attention was the section that specified the minimum amount of land should be two acres; and this part had been taken out. She read the state statute, and interpreted from section c that the funds had to be used for recreation or open space sites, and greenways didn't enter her mind; the final draft specifically says about the nature of land, and it says the primary purpose is to buffer land, and we currently do not allow sidewalks in buffers. Keeney said if you have a 35 home subdivision, and you divide the one acre among the homes that front on the roadway for setback addition, buffer addition, rather than creating one acre of open space, where and to what end would that be used; so you give him an opportunity to buy his way out of it. Planning Board Chair Keeney agreed we cannot accept a fee in lieu unless it goes for recreation. As far as a buffer, people buy a house because they agree with it, with the buffer, would this not be better for all concerned, including traffic, it could be like Potters Trace where you have an interesting entrance. Mayor Pro Tem Ormiston said that space is a floodplain; a buffer does not fall into the open space, park, or recreation category. She read the amendment as the buffer is either a big mound, or a wooded area of trees; it says the secondary purpose is to allow for larger lots; you also cannot do that. If you have ten homes along the street, you cannot give that space to only those 10 lots and not to the other 90 homeowners. Keeney questioned about Potters Trace, where the inner ring looks out on the common area; Mayor Pro Tem Ormiston noted that land is not part of the homeowners' parcels and all the lots share equal use of the land. Langen said you could put a sidewalk in a buffer and have a provision that it is for recreation. Mayor Pro Tem Ormiston said she didn't think the ordinance states what purpose fee in lieu is for and that it needs to put back in that the reserved land is for parks or open space, and the primary purpose is for open space, parks or recreation. John Grexa said they didn't want people to have to have a park in their subdivision, it was not fair that people could come in and use it or that the Village could sell the land. Planning Board Chair Keeney said dedicated land involves liabilities, insurance, etc. Mayor Horvath said that is why the Village has always taken the fee. Chuck Adams said if you get the fee, it goes to parks, we have a park, it can be used for the park, and then you don't have to raise taxes. John Grexa said if we just want the fee, we could just scratch the other options. Mayor Horvath said he didn't think we are that far apart, maybe the word buffer came across wrong. Chuck Adams said there was a lot of discussion on buffers and they thought it was a benefit for the Village and homeowners to not have to see the developments. Planning Board Chair Keeney thought it was silly to exclude flood lands etc. in computing the dedicated area; why wouldn't you include an area you can't build on for satisfying this ordinance. He also said Council retains all the cards all the time, and that was not fair either. He wanted to simplify it and encourage development. Mayor Horvath said we still have to build it around state statute. Council Member Brotton said he agreed with throwing in extra land as with the flood land at Potters Trace, it provides good aesthetics; however you can't put the thread trail on floodway. If you put it in early enough, you ensure you get to pick and choose the land you get from developers. Stephen Keeney and John Grexa cited an example in Georgia where a trail was put on flood land by using a boardwalk. Council Member Brotton also noted regarding the email, again we had someone using a position within our government and leveraging it on something that was factually inaccurate; he responded to the email factually with the actual agenda, and found it disheartening that this happened again. Mayor Horvath will see if the attorney can meet with Planning Board at their Monday night meeting.

6. CONSIDER RELEASE OF BOND FOR SPRING ROSE LANE AND GARDEN ROSE COURT IN WESLEY CHASE SUBDIVISION AND FOR KING RICHARDS COURT IN KINGS GRANT SUBDIVISION

Zoning Administrator Langen said DOT won't accept the road until the curbs and sidewalks are in good shape. These bonds are for roads, however there was a resident complaint in Wesley Chase, he found two sidewalk cracks, one in front of a house the builder had built, so the builder fixed it. The other was in front of a house he did not build, so he did not fix that crack. Langen recommended releasing both bonds; it may be something we consider in the future on how long we hold the sidewalk bond and should it be part of the platted right of way. For Wesley Chase the bond is from Ryland Homes, #0596255 in the amount of \$25,634.52, the other one is a letter of credit from Wells Fargo for \$3,915.00 for True Homes, # IS 0015654U. Mayor Pro Tem Ormiston made a motion to release the two bonds; Council Member Plyler seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Ormiston asked about letters of credit and bonds; we have one cash bond of about \$40,000 on our books from several years ago, and the funds cannot be used for other purposes. Langen said it was in relation to the temporary cul de sac in Kings Grant, in case we ever required it be connected to another subdivision.

7. CONSIDER VILLAGE GUIDELINES AROUND ACCEPTANCE OF FUNDING, POTENTIAL RESTRICTIONS AND ASSOCIATED NAMING CONVENTIONS FOR DONATIONS

Mayor Pro Tem Ormiston incorporated all the suggestions into the document; she asked everyone review it and look for approval at the next meeting. Suggestions under naming guidelines include getting the entire cost in one lump sum, that they would pay for 100% of the costs of the sponsorship, and having a minimum of 1,000 homeowner signatures for naming rights or 1,500 signatures for renaming after the terms of the original agreement have expired. Matthews had 2%, but as Council Member Brotton pointed out that is not many signatures considering our population. In the Application and Selection Process, Section 1 was reworded, so there would be a list of predetermined sponsorship and naming rights opportunities, which would be ever evolving. A public hearing was added for sponsorship requests of unit items over \$1,000 and two public hearings for all naming rights requests. There was also a clarification that partial sponsorships can have no more than two sponsors. Finance Officer Bennett asked if there would be a specified time for sponsorship of a program; the words "a limited time event or program" will be added. Amenity levels for sponsors include Gold Level which will be \$5,000 or more; Silver Level will be \$3,000 to \$4,999, and Bronze Level will be \$500 to \$2,999. Discussion was held on donations of lower dollar items. An alternate is to recognize them in a newsletter. Under the definition of exclusive rights "for an event or program" was added. The term "economic benefit" was discussed; it will be determined when a donation comes up, and signed off by a Village Elected Official in the application form. Mayor Horvath suggested the naming rights be linked to the life expectancy of the item. After approval of a policy we will come up with a list of items; the committees will be given a copy and may suggest items. Mayor Pro Tem Ormiston and Administrator Bennett were thanked for their work on the policy. The draft policy was emailed to Parks and Rec, and Council Member Plyler requested hard copies for Safety Committee and Town Hall Committee members.

8. TOWN HALL BUILDING COMMITTEE UPDATE

Council Member Brotton asked if there was a minimum lighting requirement in the village; Langen said no. (Langen left at this point.) Council Member Brotton had photos of the pipe on Aston property that drains on our property, near our sewer pipe. The issue is our civil engineer cannot sign off with the outlet pipe from Aston running water beneath our sewer pipe. His recommendation is to extend the 24 inch pipe from Aston to run under our sewer pipe, and cover it with dirt, the cost is \$1500 to \$3000; or we would sign off that we reject his professional opinion and assume all liability. Aston's engineer told Morlando they don't want to remove it until they know what they want to do with the land. Mayor Horvath said it is supposed to be a temporary detention pond. Mayor Pro Tem Ormiston was in favor of asking Aston to fix this; they can divert the water elsewhere. Mayor Horvath will call Aston's engineer; to see if they want to run the pipe, or re-route the water. Council Member Plyler asked if we could break it if something ran over the pipe. Council Member Brotton said there is an easement and setbacks; we can't build there. The situation will be presented to Aston, and ask them what they propose; then we can propose they pay the \$3,000 in full. Plan B is to move funds in our budget to pay for the \$3,000. Council Member Brotton made a motion to move \$3,000 from the miscellaneous line item to the construction contract line item. Mayor Pro Tem Ormiston seconded the motion.

The motion passed unanimously.

Council Member Brotton will find out what the time deadline is on this. The outside framing is up, once tied out, the sheathing and brick will follow. The temporary trailer is up.

Butch Plyler has worked on the light plan with Duke Energy; originally they proposed eleven lights for the extended parking lot; the lights costs about \$33 each per month. Council consensus was there should be some lighting on the back of the building facing Blackstone; and asked for information on the price and compare it to Duke's price.

Council Member Brotton said the Committee decided on the color palette and roof shingles, and will get a color board.

9. PARKS AND REC COMMITTEE UPDATES

A. Update on re-bid process and timing

Mayor Pro Tem Ormiston said the drawings and specs manual was given to Parks and Rec's members for review; it appeared accurate as to what we had changed. Items will be bid out in line with the PARTF budget. Bennett asked if sales tax had been taken out as a separate item, it hadn't; it can be left that way and what gets charged to the budget will be a little less.

B. Update on volunteer day

Saturday's volunteer day had 25 – 30 people come out; they set new dates for May 11, 18 and June 8 from 9 am to 2 pm. Marnie Holland was able to get DOT to give us some mulch; they will let us know if they are back in this area but at this point they are working elsewhere.

C. Other Park and Rec matters, as necessary

Parks and Rec would like to get prices on pumping out the septic, and sealing the system.

Bennett can check with some local companies; but we need to know where the septic system is. Mayor Pro Tem Ormiston talked with the daughter of the original builder, and we will see if we can get the plans from her.

Parks and Rec would like to treat the house for termites; they were seen near the driveway and garage. We have not received the roof quote yet either.

There was thick algae on the pond, Mayor Pro Tem Ormiston reached out to NC Wildlife; and Committee members looked for alternate control methods using barley straw and grass carp. The Committee discussed alternatives at the land for town hall; Mayor Pro Tem Ormiston stressed that the land has not been designated for recreation yet, but they were looking at costs such as topo surveys that would need to be done. A topo survey was done, however the grading of the land has since changed. Council Member Plyler said we need to make sure the park is finished first. Mayor Pro Tem Ormiston said they can think about it, but at this point there is no directive and cannot take any action. The land is zoned O-I. Council Member Brotton said it is good to think about it because it might knock out some more of the amenities on the Parks and Rec list.

D. Removal of alternate member

Mayor Horvath removed John Balles from the Parks and Rec Committee since his job's work hours conflict with him attending the meetings. The opening will be posted on the website.

E. Request for funds for stump removal

There are some large stumps where the path to Highway 84 will go; Jimmy Davis said it would take eight hours at \$150 per hour for a total of \$1,200. Since the purchasing policy calls for three quotes for an item over \$1,000, they will obtain the quotes and come back to Council. The funds will come out of General Fund maintenance and grounds; although Finance Officer Bennett suggested it is part of the cost of the park and should come out of the Capital Project Fund. This was originally included as part of the contract bid.

10. YOUTH COUNCIL COMMITTEE UPDATE ON CLEAN SWEEP LITTER PICK-UP

Mayor Pro Tem Ormiston said only four Committee members attended; she apologized on their behalf since they had committing to attending, and thanked Council Member Plyler and Mayor Horvath for helping out. About 25 bags of trash were filled.

11. REVIEW AND CONSIDER CALLING FOR A PUBLIC HEARING ON ORDINANCE REGULATING RECORDKEEPING REQUIREMENTS FOR CASH CONVERTER BUSINESSES, PAWNBROKERS, PRECIOUS METALS DEALERS AND SECONDARY METALS RECYCLERS

Item was tabled.

12. REVIEW AND CONSIDER APPROVAL OF A RESOLUTION OF SUPPORT FOR SENATE BILL 287 ALLOWING USE OF ELECTRONIC NOTICES

Mayor Horvath reported the bill is going to the Senate for a vote; currently it does not include Union County. Mayor Pro Tem Ormiston made a motion to pass this Resolution of Support for Senate Bill 287 Allowing Use of Electronic Notices; Council Member Brotton seconded the motion. It would save us about \$800 per year. You may still advertise in the newspaper. For the first year you do have to put notices in the paper each month.

The motion passed 3-1 with Plyler voting nay, citing concern for those that do not have a computer.

Village of Wesley Chapel North Carolina

RESOLUTION 2013-02 ASKING FOR INCLUSION ON SENATE BILL 287

WHEREAS, S.B. 287 has been introduced by Trudy Wade of Guilford County: and

2013.04.16 minutes

WHEREAS, S.B. 287 would allow the Village of Wesley Chapel the option to use electronic notifications in lieu of newspaper advertisements; and

WHEREAS, prior to using electronic notifications the Village of Wesley Chapel will pass an ordinance stating its intentions to start using electronic notifications in lieu or in addition to the required publication or notifications, and

WHEREAS, the governing board shall publish specific instructions as how to access all notices published under an ordinance adopted pursuant to this section at least once a month for 12 months in a newspaper having general circulation for that jurisdiction: and

WHEREAS, the notice is published on the website of the governing board no later than the time that publication is required under the applicable statute or local act; and

WHEREAS, the website contain, on its main or index page, links to all notices or a link to another page with links to all notices; and

WHEREAS, notices and link to all notices on the website must be maintained on that website for at least one year after publication, and

WHEREAS, a copy of that notice must be filled in a notice book maintained separate and apart from the ordinance book or minutes of the governing body. The notice book shall be appropriately indexed and maintained for public inspection in the office of the clerk or with some other person designated by the governing board; and

WHEREAS, a copy of the notice must be provided to each public library and clerk of superior court located within the jurisdiction of the governing board. The notice shall be available for inspection or copying for at least one year, and

WHEREAS, a copy of the notice must be mailed or e-mailed to a person that has filed a written request for notice with the clerk or secretary of the governing board or with some other person designated by the governing board. The governing board may require each person submitting a written request for notice to renew the request annually.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE OF WESLEY CHAPEL THAT THE VILLAGE COUNCIL MEMBERS ASK FOR INCLUSION ON S.B. 287, A BILL THAT WOULD ALLOW FOR ELECTRONIC NOTIFICATIONS IN LIEU OR IN ADDITION TO NEWSPAPER PUBLICATIONS.

Adopted this the 16th day of April 2013

Mayor Brad Horvath

Cheryl Bennett, Village Clerk

13. FISCAL YEAR 2013/14 BUDGET – COMMITTEE RECOMMENDATIONS DUE TUESDAY APRIL 30, 2013; DRAFT BUDGET TO COUNCIL MAY 21, 2013; CALL FOR PUBLIC HEARING ON JUNE 20, 2013; FINAL BUDGET APPROVAL JUNE 10 OR 18, 2013

Mayor Horvath reviewed the dates for the budget process. Council will receive the draft budget with Council back-up on May 16. The Finance Officer will check on when proposed state changes to our revenues would take effect.

14. COUNCIL COMMENTS

Mayor Pro Tem Ormiston noted the need to get back to two hour meetings. Mayor Horvath said the High Occupancy Toll lanes are a big topic for I-77. Council Member Brotton resignation as the alternate representative to MUMPO was noted.

15. ADJOURNMENT

Mayor Pro Tem Ormiston made a motion to adjourn; Council Member Brotton seconded the motion. The meeting ended at 10 pm.

The motion passed unanimously.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath