

VILLAGE OF WESLEY CHAPEL  
COUNCIL MEETING MINUTES  
WESLEY CHAPEL UNITED METHODIST CHURCH  
120 Potter Road, Wesley Chapel, NC 28110  
October 22, 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, Planning/Zoning Administrator Bill Duston

**Citizens Present:** Carol Mullis, Julie Brown, Jack Hagemeyer, Bryan Metzler, Mike Como, Sandra Ells

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

Council Member Rosoff made a motion to approve the agenda; Mayor Pro Tem Ormiston seconded the motion.

The motion passed unanimously.

3. APPROVE MINUTES FOR COUNCIL MEETING SEPTEMBER 17, 2013

Council Member Plyler said she had a general comment; at the last three meetings there has been heated discussion on chairs, she and Council Member Rosoff felt the original chairs were not good for people with disabilities; she didn't want something fancy or frivolous, but something good for councils to come. They wanted something comfortable and with lumbar support.

Mayor Pro Tem Ormiston made a motion to approve the September 17, 2013 Council minutes; Council Member Rosoff seconded the motion.

The motion passed unanimously.

4. CONSIDER APPOINTMENT TO PLANNING BOARD ALTERNATE POSITION

(This was discussed after Item 5).

Sandra Ells, who has lived in Price Mill for five and a half years applied for the alternate position on Planning Board. She said she has three children, and wanted to be more involved in the community, and she works as an emergency room physician at Mercy Hospital. Council Member Rosoff said she did not see Planning Board checked on the application and asked if she had been to one of their meetings; Ms. Ells confirmed she had been notified of the opening and was interested in Planning Board and had gone to one meeting and there will be some learning, but she was excited as it was new to her. Council Member Plyler asked who told her about the

opening; she said her neighbors, Cheryl and Bill Bennett. Council Member Plyler asked if Ms. Ells could make her own decision and disagree with them. Ms. Ells said yes. Mayor Pro Tem Ormiston thanked Ms. Ells for volunteering, and asked if she had any concerns or could think of anything in the Village that should be changed. Ms. Ells said she was aware of rapid growth, and didn't want it to be haphazard, and said she is concerned with crime, sidewalks, and parks. Council Member Brotton said we look to Planning Board to supplement the town planner, volunteers do a lot of footwork, is there any one thing she might want to work on going forward. Ms. Ells said it would be nice to connect the neighborhoods with sidewalks, and slower organized growth at the corners. Mayor Horvath reviewed the role of the Planning Board. Council Member Brotton motioned to appoint Sandra Ells to the alternate position opening on Planning Board. Council Member Rosoff seconded the motion

The motion passed unanimously.

5. REVIEW AND CONSIDER APPROVAL OF PRELIMINARY PLAT AND ADDITIONAL SUBDIVISION MODIFICATION FOR WESLEY POND SUBDIVISION

Planning/Zoning Administrator Bill Duston said this is a seven lot subdivision off Cuthbertson Road. It came to Council for subdivision modifications in May. There were two clear modifications, the length of panhandles, and that the panhandle area be included in the minimum lot size. The unclear item was the driveway; he looked at the minutes, queried Council members and the attorney. The best he could determine is the driveway was part of the modification. There is a lake, the layout has changed a little, but Planning Board had queried about the lake itself. It is for use of all of the subdivision, but lies on one lot. He had discussion with our engineer, and plans were submitted to her, but she has not made a final decision on the stormwater. He received the letter that emergency vehicles can safely negotiate the driveway. The ordinance says if there are less than ten acres, you cannot use GIS photos for the tree survey, and that is an additional modification requested now. Also on heritage trees, Mr. Duston's interpretation is that you can't cut down a tree if it is more than 20 inches Diameter at Breast Height (DBH), and they are requesting a modification to cut down one such tree. We have a requirement for fee in lieu or land if it is more than two acres, but in this case it will be a fee. The value is based on the most up to date appraised value. The owners have contracted with an appraiser but he didn't have the fee value yet. Mr. Duston said he did not do a staff recommendation, some towns do not want one, but per Council consensus he will do one going forward, as well as suggested language for findings in the future.

Engineer Bryan Metzler said he was present if there were any questions.

Mayor Horvath said in going from a minor to major subdivision there is a difference in fees, and he felt it should be waived. Council Member Plyler motioned to waive the change in fees from minor to major subdivision for Wesley Pond. Mayor Pro Tem Ormiston seconded the motion.

The motion passed unanimously.

Bryan Metzler said that regarding the tree on lot three, Union County required gravity access, not a pump and this is causing them to need to remove the tree. Council Member Rosoff asked if the Google earth image is up to date. Mr. Metzler said it is from 2012 and they surveyed trees over 12" DBH. Mayor Pro Tem Ormiston asked if we treat each request separately or together, it might yield different answers.

Mayor Horvath said let's consider the request to use aerial photos first.

Mr. Metzler said they had surveyed 12" DBH or larger trees, but didn't survey trees smaller than 8" DBH on areas they weren't going to cut down anyway. Mayor Pro Tem Ormiston noted we

have a strict heritage tree ordinance that needs to be revised. Council Member Rosoff suggested combining the two modifications.

The findings per Village Subdivision Ordinance Section 206.3 were considered next.

**206.3** In granting any modification, the Village Council shall make findings required below, taking into account the nature of the proposed subdivision, the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No modification shall be granted unless the Village Council finds:

- a) That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land, and

Mayor Pro Tem Ormiston motioned to approve this finding, the reason being the tree is an obstacle in the installation of gravity sewer, and we need to modify the tree ordinance. Council Member Rosoff seconded the motion.

The motion passed unanimously.

- b) That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner, and

Mayor Pro Tem Ormiston motioned that this is necessary for the reasons stated in (a). Council Member Plyler seconded the motion.

The motion passed unanimously.

- c) That the circumstances giving rise to the need for the modification are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this Ordinance, and

Council Member Brotton motioned that the situation is peculiar because most parcels with a pond are less than ten acres, and they should have the same rights. Council Member Plyler seconded the motion.

The motion passed 3-1 with Mayor Pro Tem Ormiston voting nay.

- d) That the granting of the modification will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which said property is situated, and

Council Member Plyler said they only want to cut down a tree and the ordinance is too complicated and we need to do this for the sewer system, and aerial photos are not detrimental. Council Member Rosoff seconded the motion.

The motion passed unanimously.

- e) That the modification will not vary the provisions of the Village of Wesley Chapel Zoning Ordinance applicable to the property.

Mayor Pro Tem Ormiston said it will not vary the zoning ordinance, for the reasons stated in (a) and (b). Council Member Plyler seconded the motion.

The motion passed unanimously.

Council Member Brotton made a motion to grant the two modifications; Mayor Pro Tem Ormiston seconded the motion.

The motion passed unanimously.

Mr. Duston reviewed the open items for the plat: USI letter, DWQ approval, US Army Corps of Engineers letter. Council Member Brotton made a motion to approve the preliminary plat for Wesley Pond contingent on the four open items, including the fee in lieu. Mayor Pro Tem Ormiston seconded the motion.

The motion passed unanimously.

#### 6. CONSIDER APPOINTMENT TO YOUTH COUNCIL COMMITTEE

Mayor Horvath appointed Dylan Wall to the Youth Council Committee.

#### 7. PARKS AND REC COMMITTEE UPDATE

Mayor Pro Tem Ormiston said they started the seating walls on the amphitheater, Duke Power was out today, the house has been demolished, and they asked for a soils report from the engineer.

The Committee would like to see a dedicated page on the website; we could ask the interns to create one at Christmas break. There would not be comments from the public on the page. Mayor Pro Tem Ormiston said there is a lot of mulch at the park, it has to decompose and the heat dissipate before putting it by trees. There was a suggestion to offer it for sale. We would probably need a bonded employee to handle funds, and there would be the expense of the employee's time. Mike Como said we should get the mulch out before the park opens for child safety; it is coarse mulch and some people may not want it. Council consensus was we should give it away. Mayor Pro Tem Ormiston said Morlando was okay with volunteer days on weekends, we need to stack brick and spread mulch. No children will be allowed. We will target specific groups such as Southbrook Church. The volunteer days will be November 16<sup>th</sup> (Saturday) from 10 am to 2 pm and December 15<sup>th</sup> (Sunday) from noon to 4 pm. Volunteers will bring tractors. We will put these dates on the website.

Mayor Pro Tem Ormiston said there is a future dog park on the CUP plans, it wasn't a funded amenity, but we can re-use the tennis court wire and posts. She asked Mr. Duston and he didn't think any permit was needed. They will clear the brush and leave the trees. Mayor Pro Tem Ormiston noted concerns are maintenance, purchase of a doggie bag receptacle, and we need trash cans. Council Member Plyler asked where this is on the list of amenities. Mayor Pro Tem Ormiston and Council Member Rosoff thought it was high on the list. Administrator Bennett will get the list of amenities sent out. Mayor Pro Tem Ormiston said we need cement for the posts, they will be pouring it from a truck, and we could take wheelbarrows full from it. Mike Como said they will cut the ten foot fence from the tennis court in half, so it will be just less than five feet. Sondra Bradford's Wesley Chapel Friends of Parks and Recreation will pay for a doggie station and cement. Mayor Horvath said we need a letter regarding donations. Mike Como said they want permission, then will put stakes in the dirt and get approval. Mayor Pro Tem Ormiston will confirm with Mr. Duston that no permits are needed, then Mike Como and John Lepke will stake it out and they will get with Morlando Construction.

Council Member Rosoff said the gate was moved to the back of the property, and the orange fence put next to the Plyler property to prevent ATV traffic.

Council Member Plyler asked if we are going to Phase II before finishing Phase I. This won't be open until the park is open. Mayor Pro Tem Ormiston said owners should clean up after their

pets; we haven't done a job description yet, so will include an item regarding dog waste there. Council Member Brotton asked if there was any concern on a dog park so close to the fish in the lake. Mayor Pro Tem Ormiston said the algae in the pond were related to fertilizer. Council Member Plyler said the Plyler field was worked every year and had nothing to do with the algae, the algae is because the lake is so shallow. Council Member Rosoff motioned to check on the ordinances, and check with Morlando, and proceed with the dog park near the corner of Lester Davis Road and Highway 84 with the conditions and follow the Park and Rec Committee recommendations. Mayor Pro Tem Ormiston seconded the motion.

The motion passed 3-1 with Council Member Plyler voting nay.  
Mayor Pro Tem Ormiston reported work is beginning on the grand opening event.

#### 8. TOWN HALL BUILDING COMMITTEE

a. Consider approval of change order request for two additional flag poles  
Council Member Brotton said Butch Plyler told him all masonry including the sign is complete, and the boxing and soffits are 90% done. The window glass should come next Monday, and then stain work can begin. Sidewalks and curbing is installed.

Council Member Brotton said Mayor Pro Tem Ormiston checked and found flag poles much cheaper than the amount Morlando gave; the thickest and widest poles were \$1,250 each, shipping is included, and internal lanyards. The US Flag Code was checked, and we can fly a state flag under the US flag. Council was polled, and preferred one twenty-five foot pole. We will check flag etiquette and see if the flags should be the same size.

b. Review landscaping decision on wax myrtle replacement with crepe myrtle  
Mayor Horvath said this was to clarify the number and that they are not additional shrubs.

c. Consider request for additional landscaping, including adding sod and bushes along one portion of the property

Council Member Brotton said it would be \$1300-\$1500 for additional plants, sod and mulch on the front and two sides; it does not include a sprinkler system. Council Member Brotton motioned to accept the recommendation of the Committee in getting the extra shrubs, sod and flower beds as a change order to the landscaping. Mayor Pro Tem Ormiston seconded the motion. She noted we need to maintain it, and Mayor Horvath said sod needs frequent watering.

The motion passed unanimously.

Council Member Brotton motioned to move \$1,650 from Capital Improvement Project – Town Hall – Telecom System/AV/Computers line item to the Construction Contract line item. Mayor Pro Tem Ormiston seconded the motion.

The motion passed unanimously.

d. Discuss builder's risk insurance expiration and need for possible renewal at \$1,374 for one year (minimum contract length) or alternatives, if any  
Council Member Brotton noted Morlando has their own builder's risk insurance and included us as named insured for \$1 million. It is at no cost to us.

e. Update on appliances for kitchen area  
Council Member Brotton said Cheryl Bennett asked about the stove, hood, and refrigerator and it was confirmed with architect Fuller that it is included in the contract.

f. Other Town Hall matters, as necessary

9. UPDATE ON DEAD/DYING TREE ON WAXHAW INDIAN TRAIL ROAD  
A letter was sent to the property owner, and NC DOT said they will be taking the tree down in early November.
10. CONSIDER APPROVAL OF PROCLAMATION DECLARING WESLEY CHAPEL  
“A PURPLE HEART CITY IN THE STATE OF NORTH CAROLINA”  
Mayor Horvath signed the proclamation in honor of the Military Order of the Purple Heart, enclosed herein. The local chapter would like to come make a short presentation at a future meeting.

## Village of Wesley Chapel, NC

### Proclamation In Honor of the Military Order of the Purple Heart



**WHEREAS:** The Purple Heart is the oldest military decoration still in present use and was initially created by George Washington in 1782, as the “Badge of Military Merit”; and,

**WHEREAS:** The Purple Heart was the first American Service Award made available to the common soldier, and is awarded to any member of the United States Armed Services wounded or killed in combat with a declared enemy of the United States; and,

**WHEREAS:** The mission of The Military Order Of The Purple Heart, chartered by an act of Congress, is to foster an environment of goodwill among the combat-wounded veteran members and their families; to promote patriotism; to support related legislative initiatives; and, most importantly, to make sure we never forget the sacrifices made by those so decorated; and,

**WHEREAS:** There have been many former Wesley Chapel residents who made the ultimate sacrifice in giving their lives in the cause of freedom, and the numerous combat-wounded veterans who currently reside within the Village of Wesley Chapel , and in Union County , and as Purple Heart awardees who contribute to their community in countless ways; and,

**WHEREAS:** The Village of Wesley Chapel in Union County, North Carolina falls within the purview of Chapter 634 of The Military Order of the Purple Heart, and wishes to pledge its strong support for this noble organization and for those who put their lives at risk in service of their Country and their fellow citizens;

**NOW, THEREFORE BE IT PROCLAIMED AND RESOLVED,** that the Village of Wesley Chapel, North Carolina, by the affirmative action and declaration of its Village council does hereby bestow honor and gratitude upon the Military Order of the Purple Heart, Charter 634, and

proudly supports the recognition of the Village of Wesley Chapel as a “Purple Heart City in the State of North Carolina.”

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the Village to be affixed this 22nd day of October, 2013.

Signed \_\_\_\_\_ SEAL Attest \_\_\_\_\_

Mayor Brad Horvath

Cheryl Bennett, Village Clerk

**11. CONSIDER APPROVAL OF AMENDMENT TO MUNICIPAL RECORDS RETENTION**

The State Archives of North Carolina published amendments to the 2012 Municipal Schedule and they requested we adopt the amendment in an open meeting. In order to destroy records under the amended retention schedule legally, the amendment must be adopted. The changes in the amendment were reviewed with Council. Mayor Pro Tem Ormiston motioned to approve the amendments to the schedule; Council Member Rosoff seconded the motion.

The motion passed 3-1 with Council Member Brotton voting nay.

**12. ACCEPT RESIGNATION OF ADMINISTRATIVE ASSISTANT**

Mayor Horvath accepted the letter of resignation from Melody Graham, who has accepted a position as clerk with the Village of Marvin. Mayor Horvath said originally grant writing was a part of this position, and it ran its course, with the upcoming move to the new town hall and the limited hours of our Planning/Zoning Administrator, do we need someone 20 hours per week. Council Member Plyler said we need a backup to the Clerk. Cheryl Bennett said we have a short list of delinquent privilege licenses. For the last couple of months Melody has gone through the records per the records retention schedule to get rid of what we can before the move since most privilege licenses have come in and she hasn't had much other work to do. We might want the administrative assistant to copy and distribute the Planning Board packets monthly. Mayor Horvath noted we need flexibility for coverage for vacation time. Mayor Horvath and Administrator Bennett will work together on the job description. Council Member Brotton said we should have someone 20 hours per week at the new town hall. Mayor Pro Tem Ormiston said we shouldn't get hung up on the hours, but be flexible, when someone is on vacation they may work 30 hours. She suggested dividing it into two positions, noting we need someone to open and close the park and a handyman, etc.

**13. PUBLIC PARTICIPATION SURVEY FOR REGIONAL HAZARD MITIGATION PLANNING**

Administrator Bennett reported on the October 15, 2013 meeting for the Cabarrus Stanly Union Regional Hazard Mitigation Plan kickoff. They asked that the link for citizen input be put on our website. We do not need to mail it out. The meeting went over the project overview, data collection, capability assessment, prevention, and property protection. The last item was of interest since there is a property acquisition program when there is repetitive flooding. Cheryl Bennett and Bill Duston met with the State flood representatives, but it doesn't look like it would

2013.10.22 minutes

work for our local problems because you need a minimum of 25 acres, and it must be mapped. Other topics discussed at the October 15<sup>th</sup> meeting were structural projects, emergency services, public education and awareness, vulnerabilities, and the planning process and that they need citizen engagement which is why they have this survey. The next meeting will be in January 2014.

14. OTHER BUSINESS

Mayor Horvath noted the election is coming up and encouraged voters to get out and vote.

15. COUNCIL COMMENTS - none.

10. ADJOURNMENT

Mayor Pro Tem Ormiston made a motion to adjourn; Council Member Rosoff seconded the motion. The meeting ended at approximately 9:35 pm.

The motion passed unanimously.

Respectfully submitted,

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Cheryl Bennett, Clerk

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Mayor Brad Horvath