

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
WESLEY CHAPEL TOWN HALL
6490 Weddington Road, Wesley Chapel, NC 28104
March 18, 2014 – 7:00 P. M.

The Village Council of Wesley Chapel, North Carolina, met in the Town Hall at 6490 Weddington Road, Wesley Chapel, North Carolina.

Present: Mayor Horvath, Mayor Pro Tem Como, Council Members Kenary, Plyler and Rosoff

Others Present:

Clerk/Finance Officer Cheryl Bennett; Planning/Zoning Admin. Bill Duston

Citizens Present: Carol Mullis, Richard Flowe from N-Focus Planning

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 Council Member Rosoff gave the invocation.

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

Council Member Plyler made a motion to approve the agenda; Council Member Rosoff seconded the motion.

The motion passed unanimously.

3. PRESENTATION ON POSSIBLE ROAD MAINTENANCE ALTERNATIVES GOING FORWARD

Mayor Horvath noted there are two components, road maintenance alternatives and road inspection services, the latter being a pass-through cost. Our road standards require the minimum of DOT standards unless Council approves a modification, and we require a wider 26 foot width.

Richard Flowe reviewed his background in engineering and planning. A technical design standards manual, usually separate from the zoning ordinances, is typically a staff level document maintained by the town engineer and planning/zoning administrator. Quantities such as width might be in the ordinance. Mr. Flowe noted dimensional standards and other non-visible items like compaction should be defined precisely. DOT standards are minimal for two lane streets. Mayor Horvath noted DOT will continue to maintain connector and thoroughfare roads, just not the subdivision roads. They will not do maintenance on subdivision roads, which gives you fifteen to twenty years to accumulate funds for maintenance. The alternative is private roads with public access that homeowners or HOA's are responsible for. Richard Flowe noted there is a spectrum, with right of way (right to use) on one axis and who pays to maintain on the other axis. Typically subdivisions offer to dedicate the right of way or offer it to the HOA as in a private gated subdivision. You can have public right of way with private or public maintenance. If in twenty five years they choose to close or abandon a road, they come to the town for permission, regardless of who maintains it, and the town must approve it. Mr. Flowe

recommended you have all information before you make a decision, and make sure your standards meet your needs. Council Member Kenary asked if we are getting sidewalks on Hwy. 84; Mayor Horvath said we are on the list, but they would be built to DOT standards, with some public input. Mr. Duston noted our ordinance requires four foot sidewalks and two feet of planting. Mr. Flowe said they should be five feet in width for ADA. He noted with private road maintenance, the declarant is responsible for the HOA until about 75% of the lots are sold. He added you will end up with citizen based maintenance whether public or HOA. As-built drawings, sealed by a professional engineer and surveyor are often done when the town accepts roads. Mr. Flowe said DOT in North Carolina ranks first in the number of land miles maintained, and 71% of the lane miles are neighborhood streets; DOT can't keep up with the growth. Their revenue is decreasing due to fuel efficiency, so they will not be a resource in the future. A small asphalt problem can become a large problem when moisture gets into the road base. He asked if Council wanted to go forward on ordinance changes. Mayor Horvath said there would be no decisions tonight. For Powell Bill funds, a town must have a five cent tax rate and provide a minimum number of services. The most pressing need now is for road inspections. Mr. Flowe offered to bring back some ordinance language and that can be passed to the Planning Board. Mr. Duston said what we did with Candella is public dedicated and privately maintained roads, and we should require five foot sidewalks. At final plat, we can specify five feet sidewalks due to ADA requirements. Mr. Duston will check on the other "in process" subdivisions' sidewalk widths.

4. REVIEW AND POSSIBLE DECISION ON ROAD INSPECTION SERVICES PROVIDERS

Mayor Horvath said this is a pass through cost. We have proposals from Eagle Engineering for 2300 feet of road at \$8,475 and from USI for 2257 feet at \$9,560. Administrator Bennett gave the RFP to N-Focus but they did not respond. Mayor Horvath noted we have a contract with N-Focus for 24 hours per week, but have underutilized it. Discussion was held.

Mr. Flowe left at this point.

The USI proposal does mention there may be more charges if the project is done in phases, and Mr. Duston said they do plan to have two phases.

Council Member Plyler motioned to use USI for road inspection services until we decide further. Council Member Rosoff seconded the motion.

The motion passed unanimously.

5. SAFETY COMMITTEE UPDATE

Council Member Plyler said the Safety Committee had concerns over the deputy's hours; they need information on what is happening, where and when, and would like to compare it to when the deputy is on duty. Also they would like the deputy to come and report to us. She said they got a report of incidents, and where, etc., but only received it once. Council Member Plyler also wanted to know if the EMS proposal for using our land behind 201 Central is still on the table. Mayor Horvath noted the Safety Chairman gave a proposal to Council, but he didn't see any commitment from the County; also we now do not have funds. Council Member Plyler said the Safety Chairman is talking to other towns regarding the EMS potential; Council asked for her to come present to them at the April 7, 2014 meeting. Council Member Plyler reported the Safety Committee has concerns regarding the park and dog park, and would like a special meeting of Safety Committee and Council. Mayor Horvath suggested they bring their concerns to Parks and

Rec; Council Member Rosoff said Parks and Rec is busy building the park and the Safety Committee should work with them on safety. Council Member Kenary pointed out we don't have anyone to monitor the rules, and what is the liability. Mayor Horvath responded that violators are responsible to follow the rules. The question of cleaning up pet waste was mentioned. Council Member Rosoff said dogs are allowed in the park on leash, and off leash in the dog park area. Mayor Pro Tem Como said the Safety Committee is welcome to attend Park and Rec meetings anytime. They are building the park to ADA requirements and modeling after other parks, they had someone from Mecklenburg parks come out and give advice. Council Member Rosoff will send the proposed rules to the Clerk and the Safety Committee. Cheryl Bennett suggested getting our insurance loss prevention person out to meet with Council Member Plyler and Mayor Pro Tem Como and their committees as needed. Council Member Kenary said the County got new software and are trying to develop a dashboard view crime report. There is a lot of information on the Sheriff's website; map nimbus shows crimes by location. She added Captain Cody Luke is in charge of deputies, and we can contact him anytime. They don't feel towns need alarm reports anymore unless the town has an alarm ordinance, and they don't feel info on when the deputy is working should be given to anyone.

6. REVIEW AND DISCUSSION ON CONDITIONAL ZONING PROCESS FOR POSSIBLE ORDINANCE CHANGES

Mr. Duston displayed a zoning map showing Mr. Espinosa's property zoned B-2, and noted the shopping center is CU B-2, which is entirely different. With CU B-2 they have to show us everything – stormwater, traffic impact, etc. before being re-zoned. Conditional zoning is a two-step process, first re-zoning to CU B-2 and second conditions, and a quasi-judicial process with findings. He discussed a spreadsheet on the differences between conditional zoning and what we have now. The change is the process, not the results. You can make it as open or restrictive as you want.

Council Member Kenary asked how removing the findings of fact improves the process; Mr. Duston said it is easy to mess up if you forget to disclose a conversation; Mayor Horvath added you can also have discussions ahead of time. If you made all of B-2 conditional zoning, it would apply to undeveloped property. Council Member Kenary asked if you could have both kinds of zoning; Mr. Duston replied yes, and it would be the applicant's choice, as in Gaston County. Mr. Duston will get relevant text from a couple of local towns, and will integrate it into his handout for Council. Council Member Kenary asked if you can also diminish the requirements for a CUP, such as requiring complete stormwater plans; Mr. Duston replied yes, like with a subdivision.

7. CALL FOR PUBLIC HEARING ON ZONING ORDINANCE AMENDMENT FOR COMPACT CAR SPACES FOR APRIL 7, 2014 AT 7 PM

Mayor Pro Tem Como called for a public hearing on an amendment to the Zoning Ordinance for compact car spaces for April 7, 2014 at 7 pm, here at the Town Hall. Council Member Plyler seconded the motion.

The motion passed unanimously.

8. REVIEW AND POSSIBLE DECISION ON BANKING SERVICES DISCUSSION

This item was tabled until April 7, 2014.

9. PARKS AND REC COMMITTEE UPDATE

a. Update on construction and timeline

Mayor Pro Tem Como motioned to extend the temporary use permit for the blue shipping container at the park for 90 additional days. Council Member Rosoff seconded the motion.

The motion passed unanimously.

Mr. Duston left at this point.

b. Request for funding on change orders

Mayor Pro Tem Como reported Wesley Chapel Friends of Parks and Recreation is re-directing their donation for signs. Mayor Horvath asked him to bring back specifics.

At the parking lot of the park, Duke Energy made a 130 foot trench which must be filled and compacted in order to pave the parking lot, the best guess of the cost involved is \$1,600 additional construction costs and the test engineers' fee. Mayor Pro Tem Como motioned to move up to \$1,800 from contingency in the Park Capital Projects fund to the parking lot. Council Member Rosoff seconded the motion.

The motion passed unanimously.

Some rocks up to six inches above finished grade were found in the parking lot area, there is the potential that they may be larger a few inches down. Mayor Pro Tem Como motioned to move \$1,100 from contingency to the parking lot in the park capital projects fund. Council Member Rosoff seconded the motion.

The motion passed unanimously.

In constructing the park bridge walkway they had to place the posts deeper, and the posts became too short. The contractor agreed to pay the cost of splicing the posts already put in, on the other side they will float the posts in concrete and we will pay the additional materials and labor cost. We do not have a firm number yet.

A location was identified for additional safety rail and split rail fence, but no exact price is available yet.

The scheduled completion date has moved from March 1 to May 2, 2014. Finance Officer Bennett will check on PARTF requirements for when the final check must be paid out.

Mayor Horvath spoke with Gary Wirth about additional charges beyond the scope of the contract; there is about \$4,800 available in the permitting allowance part of the contract, and if they have additional travel costs or map costs, are we comfortable with that. Mayor Pro Tem Como motioned to move \$700 from the architect permitting fee allowance; \$200 to travel, and \$500 to the reimbursables allowance for maps. Council Member Rosoff seconded the motion.

The motion passed unanimously.

Finance Officer Bennett said we should probably get Wirth to initial the contract changes.

c. Update on Union County Parks Meeting

Mayor Pro Tem Como said at the Union County Parks meeting the director of Mecklenburg Parks was there and he came out and toured our park and offered advice and resources. He showed how to prevent skateboarding on the amphitheater wall, and gave advice on waterfowl. He also had info on the value of parks in general for air quality, health, and property value. He offered to come to a Council Meeting to talk about the value of parks.

d. Other Parks and Rec matters, as necessary

Council Member Rosoff reported the volunteer day at the park is March 22nd, and the executive pastor of Southbrook Church is okay with people parking there. Mayor Pro Tem Como noted the volunteer day on April 26 is the same day as the Advance, and they have 40 people coming to help from a Church. He spoke to the deputy and is working on safety for volunteers crossing Highway 84. Council Member Kenary suggested hiring someone from the school crossing guards. Mayor Horvath was concerned about volunteers this Saturday with construction going on, but Mayor Pro Tem Como said the work is outside the limits of construction and he is working with David Glass.

10. TOWN HALL UPDATE

a. Transformer Platform Issue

Mayor Horvath said he spoke to Butch Plyler about the Duke Energy platform settling and the unit being placed off center. Butch Plyler is calling Duke Energy. Mayor Pro Tem Como asked why Morlando wouldn't call Duke, since the concrete is theirs; he suggested monitoring the slope over a time period. Mayor Horvath said Duke put it on the platform.

b. A/C Unit and Piping Support Issue

Mayor Horvath did not have an update on this. Council Member Kenary said in conversation with the architect it was noted the concrete was not poured properly, there was supposed to be individual pads, not one pad. The architect told the contractor to replace the supports with cement block, but David Glass didn't think that would work.

c. Other Town Hall matters, as necessary

Council Member Kenary asked the Mayor about the conversation he said he had with Butch Plyler, and noted the Council motion was to have communication with the full Council; she said she had been circumvented and this was very stressful; she commented on the look she got from Council Member Plyler like she shouldn't be involved. She said the goal should be to complete both projects, and was glad to work on this. Mayor Horvath said he met with Butch Plyler on Saturday and gave him the list. Council Member Kenary said one issue is the lockbox on the exterior wall that is useless, and would have to be sent to the manufacturer to key it. It was supposed to be for the fire marshal to have a key, but we contacted the fire marshal and fire chief and neither one can key it or use it. Her recommendation was to take the box out and fill the spot with brick.

Council Member Kenary said there was an issue with the downspout which was creating a hole in the landscaping and washing away mulch, David Glass was to check into it. There is also a drainage issue in the parking lot; he was to do measuring and she hasn't heard back yet. It appears the can light holes and vent holes were fixed. Council Member Kenary noted a lot of the carpet in this room is undercut and the woodwork gouged during carpet installation; a wood molding similar to a strip on the council dais would cover up and hide the gouges. She spoke to the architect and he was okay with it. Mayor Pro Tem Como said his impression was that the cost gets charged to the carpet subcontractor. Council consensus was that this was a suitable solution. Council Member Kenary reported our detention pond is holding water at the cement structure to the extent we have frogs which should not be happening. We are still waiting on the as-builts. The locks on the history cabinet are not part of our contract, and we can install them separately. The alarm training is completed. There is a doorbell on the exterior of the building,

but one is needed on the interior of the business lobby so we can be alerted when staff might be in another part of the building. The kitchen remains very cold; the contractor was to adjust the dampers. The doorplates arrived today and will be installed soon. One office door doesn't latch properly, there is more than a half inch gap between it and the frame. There are cracks in the outside concrete to be repaired. A significant bill was received from Wynncom; Mayor Horvath said the architect reviewed it with them, and the bill was almost \$11,000 for labor and \$1,600 materials, he got them down to about \$7,850 total. It will be billed directly to us. Council Member Kenary found in past minutes that the network should support video conferencing, however we do not have a spec book to check and see if that was changed. The screens are still blurry, and the phones don't work well, so we still need them to come out and we must be very specific on what we need. Council Member Kenary said we were to have an outlet and screen in the conference room. Mayor Horvath said regarding the warranty, the building is substantially completed as of January 22 or 23, 2014 and there was an additional 90 days given for the punch list, however the question is which punch list, the architects or Council Member Kenary's. Mayor Pro Tem Como noted we never got the additional phone, or monitor. Council Member Kenary spoke to the architect, and he has come out many more times than contracted to, and if we need him to come out to finalize the project he will have to charge us. Mayor Pro Tem Como got a written quote to install the mailbox; Morlando honored the verbal quote of \$200.06. Council Member Kenary said the as-built survey, and who is responsible for the cost is still outstanding. Mayor Horvath will be sending the letter regarding the \$800 damage to the water line.

11. DISCUSS USE OF TOWN HALL BY OTHER GROUPS

Mayor Horvath said he continues to use discretion for requests to use the town hall. Council Member Kenary did a draft policy; a template to get input was also sent out by Cheryl Bennett to Council but only one response was received.

12. DISCUSS COUNCIL MEETINGS AND AGENDAS

This item was tabled.

13. DISCUSS TIMELINE FOR 2014-2015 BUDGET REVIEW

Mayor Horvath reminded that we need to get budget requests from committees; the draft budget will be reviewed in May and approved in June. Council Member Plyler requested a special meeting devoted to the budget. Mayor Pro Tem Como asked if funds carry over to the next year; they do not, but funds can be spent this year if budgeted and with appropriate approvals. Council Member Kenary said we need an irrigation RFP. Also the Youth Council Committee is interested in taking part in a mock legislature meeting next February, and would also like to hold a 5K run.

14. OTHER BUSINESS - none

15. COUNCIL COMMENTS

There is a CRTPO meeting tomorrow night. Council Member Plyler said she is trying to submit our town hall for a CCOG award. The Wesley Chapel Optimists Club essay judging will be held here; Mayor Horvath will send out the date.

2014.03.18 minutes

16. ADJOURNMENT

Council Member Plyler made a motion to adjourn; Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

The meeting ended at approximately 11:45 pm.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath