

VILLAGE OF WESLEY CHAPEL  
COUNCIL MEETING/JOINT PLANNING BOARD MINUTES  
WESLEY CHAPEL TOWN HALL  
6490 Weddington Road, Wesley Chapel, NC 28104  
September 8, 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 Administrator Bill Duston, Attorney George Sistrunk

**Citizens Present:** Carol Mullis, Jim & Laura Perkins, Kevin Baucom, Robert Price, Julie Brown, Butch Plyler

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 Plyler gave the invocation.

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

Mayor Horvath added the Dogwood Park Scout Project and Appointment to Parks and Rec. Council Member Plyler made a motion to approve the amended agenda; Council Member Kenary seconded the motion.

The motion passed unanimously.

3. PUBLIC COMMENTS- none

4. APPROVE MINUTES FOR AUGUST 11, 2014 AND AUGUST 19, 2014

Council Member Plyler requested item 9 in the August 19, 2014 minutes be revised, she sent an e-mail with the wording. Council Member Kenary motioned to approve the August 11, 2014 minutes and the amended August 19, 2014 minutes. Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

5. STAFF REPORTS – FINANCE REPORT

Finance Officer Bennett reported cash in the bank at August 31 is \$577,935. She reported that we had expected COG dues to be reduced, but they came back and only spread them out over three years but did not reduce them. We need to determine if we want to stay in COG and where we will get the additional funds to pay the dues; if you want to leave COG you have to notify all members in December. Council Member Plyler expressed concern on the sales tax we cannot recoup on items that Mayor Pro Tem Como purchased and was reimbursed for. Mayor Horvath noted the sales tax involved is only about \$70. One item was gravel from Blue Max and they do not allow us to purchase by invoice, but Cheryl Bennett and Mayor Pro Tem Como will work on

a better way to handle that. Council Member Plyler motioned to approve the August 2014 financial reports; Council Member Rosoff seconded the motion.

The motion passed unanimously.

**Balance Sheet – August 31, 2014**

**ASSETS**

**Current Assets**

**Checking/Savings**

Fifth Third Bank checking	16,750.50
Fifth Third Maxsaver	205,617.24
BB&T Money Market	355,517.30
Cash Change Fund	50.00
<b>Total Checking/Savings</b>	<u>577,935.04</u>
Misc. Fees Receivable	9,212.00
<b>Total Accounts Receivable</b>	<u>9,212.00</u>

**Other Current Assets**

Property Tax Rec.	2,274.00
Allow. for Doubtful Accounts	-1,173.00
Prepaid Exp.	180.00
Office Depot gift card	129.24
Excise, Franchise & Telec. Tax Rec	70,000.00
<b>Total Sales Taxes to be Received</b>	24,245.76
State Sales Tax A/R	3,025.65
<b>Total Other Current Assets</b>	<u>98,681.65</u>
<b>Total Current Assets</b>	<u>685,828.69</u>

**Fixed Assets**

Land	813,423.00
Town Hall	1,361,869.00
Town Hall Driveway	29,563.00
Dogwood Park Improvements	705,108.00
Dogwood Park Gate	5,126.00
Dogwood Park Shipping Container	3,200.00
Dogwood Park Sign	1,783.00
Furniture & Equipment	34,846.00
Accumulated Deprec.	-63,101.98
<b>Total Fixed Assets</b>	<u>2,891,816.02</u>

**TOTAL ASSETS** 3,577,644.71

**LIABILITIES & FUND BALANCE**

**Liabilities**

**Current Liabilities**

Due to Union County Schools	111.49
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Retainage Payable - Town Hall	7,694.24
Retainage Pay. Dogwood Park	29,145.00
Escrow from Developers	45,076.00
Payroll Liabilities	2,014.46
Deferred Revenue	1,101.20
Next yr Prop Tax prepaid	<u>2,928.18</u>
<b>Total Current Liabilities</b>	<u>88,070.57</u>
<b>Total Liabilities</b>	<u>88,070.57</u>

**Fund Balance**

Fund Bal. inv. in Fixed Assets	2,891,816.02
Fund Balance Assigned for NNO	313.40
Fund Bal. non-spendable	45,256.00
FB restricted by State Statute	21,514.00
Fund Bal. Committed for CIP	120,239.00
Fund Balance	385,770.00
Reserved for Parks & Recreation	31,851.44
Excess of Rev. over Exp.	<u>-7,185.72</u>
<b>Total Fund Balance</b>	<u>3,489,574.14</u>

**TOTAL LIABILITIES & FUND BALANCE** 3,577,644.71

**Budget Report – August 2014**

	<u>Aug 14</u>	<u>Jul - Aug 14</u>	<u>Budget</u>	<u>% of Budget</u>
<b>General Fund</b>				
<b>Income</b>				
<b>Appropriated Fund Balance</b>	0.00	0.00	500.00	0%
<b>Property Tax Income</b>				
Current Year Property Tax	615.71	615.71	146,376.00	0%
Utility Ad Valorem	0.00	0.00	1,700.00	0%
Vehicle Registration	986.22	986.22	9,058.00	11%
Delinquent Property Tax	144.32	144.32	400.00	36%
Prior Year Motor Vehicle Tax	28.21	28.21	0.00	100%
Interest/Ad Fee on Taxes	<u>37.10</u>	<u>37.10</u>	<u>300.00</u>	<u>12%</u>
<b>Total Property Tax Income</b>	<u>1,811.56</u>	<u>1,811.56</u>	<u>157,834.00</u>	<u>1%</u>
<b>Fees and Licenses</b>				
Privilege Licenses	170.00	21,780.43	19,000.00	115%
Cable Franchise (from Time Warn	3,641.00	3,641.00	15,200.00	24%
Zoning Permit	650.00	1,255.00	14,000.00	9%
Engineering Fees	4,529.25	10,813.25	10,000.00	108%

<b>Reimbursement</b>				
Annexation Exp Reimbursed	0.00	0.00	100.00	0%
Misc. Fees	1.00	3.00	200.00	2%
National Night Out	0.00	0.00	60.00	0%
<b>Total Fees and Licenses</b>	<b>8,991.25</b>	<b>37,492.68</b>	<b>58,560.00</b>	<b>64%</b>
Interest Earned	8.73	49.03	400.00	12%
<b>Revenue Sharing</b>				
Sales & Use Taxes	0.00	0.00	41,000.00	0%
Telecommunications Tax	0.00	0.00	10,200.00	0%
Video Programming(State Cable)	0.00	0.00	91,000.00	0%
Franchise Tax (Electric Power)	0.00	0.00	175,000.00	0%
Excise Tax (Piped Natural Gas)	0.00	0.00	16,000.00	0%
Alcoholic Beverage Tax	0.00	0.00	31,000.00	0%
<b>Total Revenue Sharing</b>	<b>0.00</b>	<b>0.00</b>	<b>364,200.00</b>	<b>0%</b>
<b>Total Income</b>	<b>10,811.54</b>	<b>39,353.27</b>	<b>581,494.00</b>	<b>7%</b>
<b>Expense</b>				
Total Town Hall Operating Expense	1,843.30	3,824.77	31,815.00	12%
Total Operating Expenditures	861.72	21,971.39	80,730.00	27%
Total Gen. Govt. Salaries	6,195.37	12,150.10	115,141.00	11%
Total Planning & Zoning	3,906.24	3,932.24	78,991.00	5%
Total Professional Fees	4,734.25	4,734.25	38,900.00	12%
Total Capital Outlay	249.99	249.99	32,350.00	1%
Total Public Services / Safety	0.00	20,185.75	82,283.00	25%
<b>Parks &amp; Recreation</b>				
Parks & Rec Personal Services	0.00	670.00	6,411.00	10%
Parks & Rec Supplies & Material	1,408.33	1,639.99	6,714.00	24%
Parks & Recreation Services	3,473.73	6,938.00	65,836.00	11%
Total P&R Capital Outlay	2,696.64	2,696.64	42,323.00	6%
<b>Total Parks &amp; Recreation</b>	<b>7,578.70</b>	<b>11,944.63</b>	<b>121,284.00</b>	<b>10%</b>
<b>Total Expense</b>	<b>25,369.57</b>	<b>78,993.12</b>	<b>581,494.00</b>	<b>14%</b>
<b>Net General Fund</b>	<b>-14,558.03</b>	<b>-39,639.85</b>	<b>0.00</b>	<b>100%</b>
<b>Capital Projects Fund</b>				
<b>CIP Income</b>				
PARTF Grant	450,000.00	450,000.00	500,000.00	90%
Adopt A Trail Grant	5,000.00	5,000.00	5,000.00	100%
Water Based Resource Grant-Park	100,000.00	100,000.00	100,000.00	100%
Transfer from General Fund				

Appropriated for Dogwood Park	1,209,600.00	1,209,600.00	1,209,600.00	100%
Appropriated for Town Hall	1,442,700.00	1,442,700.00	1,442,700.00	100%
<b>Total Transfer from General Fund</b>	<b>2,652,300.00</b>	<b>2,652,300.00</b>	<b>2,652,300.00</b>	<b>100%</b>
<b>Total CIP Income</b>	<b>3,207,300.00</b>	<b>3,207,300.00</b>	<b>3,257,300.00</b>	<b>98%</b>
<b>CIP Expense</b>				
<b>Capital Projects</b>				
<b>Dogwood Park Capital Outlay</b>				
Land Acquisition	673,271.00	673,271.00	673,271.00	100%
House	411,419.00	411,419.00	411,419.00	100%
Preliminary Planning	15,526.67	15,526.67	15,527.00	100%
Design/Constr Mgt,etc.	73,477.00	74,388.05	77,850.00	96%
Site preparation	237,691.83	237,691.83	238,500.00	100%
Grassing	50,939.29	50,939.29	51,100.00	100%
Parking lot & drive	106,095.91	106,095.91	114,574.00	93%
Boardwalk	34,297.54	34,297.54	36,953.00	93%
Accessible routes	20,519.48	20,519.48	20,600.00	100%
Paved Walking Trail	56,900.00	56,900.00	56,900.00	100%
Unpaved trail	9,888.04	9,888.04	9,888.00	100%
Amphitheater/Stage/Outdoor Clas	72,100.00	72,100.00	76,100.00	95%
Contingency	0.00	0.00	7,435.00	0%
Testing Fees	11,733.40	11,733.40	12,000.00	98%
Legal Fees - DP	5,280.00	5,280.00	6,396.00	83%
Utilities	4,380.00	4,380.00	4,380.00	100%
Site Furnishings-gate,signs,etc	277.77	277.77	278.00	100%
Other Expense	1,428.24	1,428.24	1,429.00	100%
<b>Total Dogwood Park Capital Outlay</b>	<b>1,785,225.17</b>	<b>1,786,136.22</b>	<b>1,814,600.00</b>	<b>98%</b>
<b>Town Hall Capital Outlay</b>				
TH Construction Contract	1,233,460.67	1,233,460.67	1,262,981.00	98%
TH Architect/Engineer	104,328.87	104,328.87	108,168.00	96%
TH In House Engineering	1,200.00	1,200.00	1,200.00	100%
TH Testing/Permit Fees	12,894.66	12,894.66	15,000.00	86%
TH Telecom Sys/AV/Computers	179.90	179.90	252.00	71%
TH Insurance	1,374.00	1,374.00	1,374.00	100%
TH Legal Fees	4,860.00	4,860.00	5,000.00	97%
TH Furnishings/Seasonal Dec.	26,497.09	26,497.09	28,945.00	92%
TH Irrigation	0.00	0.00	13,000.00	0%
TH Miscellaneous	3,914.46	3,914.46	6,780.00	58%
<b>Total Town Hall Capital Outlay</b>	<b>1,388,709.65</b>	<b>1,388,709.65</b>	<b>1,442,700.00</b>	<b>96%</b>
<b>Total CIP Expense</b>	<b>3,173,934.82</b>	<b>3,174,845.87</b>	<b>3,257,300.00</b>	<b>97%</b>
<b>Net CIP</b>	<b>33,365.18</b>	<b>32,454.13</b>	<b>0.00</b>	<b>100%</b>
<b>Net Excess of Rev. over Exp.</b>	<b>18,807.15</b>	<b>-7,185.72</b>	<b>0.00</b>	<b>100%</b>

6. STAFF REPORTS – PLANNING/ZONING AND CODE ENFORCEMENT

Bill Duston reported 10 permits were issued during the month. Planning Board continued their review of ordinance text amendments for streets and conditional zoning. There are no new code violations.

7. DOGWOOD PARK SCOUT PROJECT

Kyle Hrenyo is working on his Eagle Scout award, and had an idea for a timber staircase on the hillside between the parking lot and lake. People are walking across the grass, and this will be safer and more convenient. He will fund it with a consignment sale, and 100% of the proceeds will go to the project and any remaining to the park. Mayor Horvath noted we also have a ramp for ADA access. Mayor Pro Tem Como motioned to give Kyle Hrenyo permission to do this project; Council Member Rosoff seconded the motion.

The motion passed unanimously.

8. CALL FOR PUBLIC HEARING ON PERKINS RE-ZONING

Council Member Plyler motioned to call for a public hearing on the Perkins re-zoning request for October 13, 2014 at 7 pm at Wesley Chapel Town Hall, 6490 Weddington Road, Wesley Chapel, NC 28104. Council Member Rosoff seconded the motion.

The motion passed unanimously.

9. CONSIDER APPOINTMENT OF JOHN SOUZA SR. TO PLANNING BOARD

Council Member Plyler asked Mr. Souza where he had lived previously, he moved here from Marvin, and before that lived in Raleigh and Matthews. He was looking for a way to volunteer and help out. He spent 18 years as volunteer/paid EMS and fire.

Council Member Rosoff motioned to appoint John Souza Sr. as an alternate on the Planning Board; Council Member Kenary seconded the motion.

The motion passed unanimously.

10. FINAL PLAT OF CANDELLA SUBDIVISION

Bill Duston discovered a last minute problem; there is conflicting text in the zoning ordinance that property in a floodplain can't count toward the minimum lot size, while the floodplain ordinance says you just need a 5,000 square foot building area; with conflicting text you go with the more restrictive text. Candella's representative Kevin Baucom made a summary of the lots impacted; lots 57 and 58 do not have 40,000 square feet outside the floodplain. The ordinance does not allow for Council to give a modification to zoning text. Some lot re-arrangement may be needed on lots 53-58. Tonight they are asking for approval of lots 1-5, 49-52, and 59-64. Council Member Kenary asked about the roads which are privately maintained, would they want to change the sub-base to meet DOT standards? They did not, and homeowners will be made aware that the roads are privately maintained by it being on the plat. Council Member Rosoff motioned to approve the final plat for Candella lots 1-5, 49-52, and 56-64. Council Member Plyler seconded the motion.

The vote was 2-2, with Plyler and Rosoff voting yea, and Como and Kenary voting nay. Mayor Horvath broke the tie by voting yea, so the motion passed 3-2.

11. PROCLAMATION FOR CONSTITUTION WEEK

Mayor Horvath read the Proclamation for Constitution Week, incorporated herein, and signed the Proclamation.

Village of Wesley Chapel, NC  
Proclamation for Constitution Week



**WHEREAS:** The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

**WHEREAS:** September 17, 2014, marks the two hundred twenty-seventh anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

**WHEREAS:** It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and

**WHEREAS:** Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

**NOW, THEREFORE I,** Brad Horvath by virtue of the authority vested in me as Mayor of the Village of Wesley Chapel in North Carolina, do hereby proclaim the week of September 17 through 23 as

**CONSTITUTION WEEK**

and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

**IN WITNESS WHEREOF,** I have hereunto set my hand and caused the Seal of the Village of Wesley Chapel to be affixed this 8<sup>th</sup> day of September of the year of our Lord two thousand fourteen.

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

## 12. PARK USAGE

Council Member Rosoff sent the park usage recommendations from the Park and Rec minutes to the other council members. She called PARTF, and they will send more information, and asked if Cheryl Bennett could be their contact. Council Member Rosoff motioned to approve the recommendations for park usage; Council Member Kenary seconded the motion.

The motion passed unanimously.

The recommendations are as follows:

For large events (groups more than 30), the applicant must show how they will provide parking, crossing guards, additional bathrooms, first aid and garbage containers, provide an insurance certificate, and if food vendors are included provide a health department plan and approval; prior notice must be posted at the park, and the organizer must be a Wesley Chapel resident. The event can be a maximum of four hours, and only two events per month will be allowed. The Village reserves the right to withdraw permission if problems or complaints occur. No color runs will be allowed. The event will need Parks and Rec review and approval from Council. There are no fields so no organized sports will occur. There will be a refundable \$300 deposit, and a \$300 non-refundable fee.

For small events (groups less than 30), the applicant must provide an insurance certificate, the event will be a maximum of two hours, prior notice must be posted at the park, all groups must provide a refundable \$150 deposit, there will be no fee for non-profits, and a \$150 non-refundable fee per month for revenue producing groups.

Discussion was held on how to determine that no damage was done and the deposit can be returned. A Parks and Rec committee member will have to check the park but the difficulty of determining who did what when multiple events have occurred during the month was not resolved. Bookings will be opened one month in advance, for example August bookings will open up July 1.

## 13. APPOINTMENT TO PARKS AND REC COMMITTEE

Mayor Horvath reported John Lepke stepped down as the Parks and Rec Committee chair, but will still remain as a member. He appointed Pat Utley as the new Parks and Rec Committee Chairman.

## 14. RE-VOTE ON DUKE EASEMENT

Mayor Horvath reported that council had approved the easement to put the guy wire pole, but PARTF said since this is land designated for recreation this is a giving of the land, and to stay in the good auspices of PARTF we should have a re-vote and ask Duke Energy to use their alternative means. Duke was informed and is going with plan B.

Council Member Plyler said the pole is not electrified, and asked the attorney if PARTF can say we can't do this. Mayor Pro Tem Como said there are already poles on the property. Attorney Sistrunk said while his first inclination was that the easement did not conflict with the use of the land, if the granting authority is saying you cannot do this, you then have to make a decision to fight it or accept it. Further discussion was held on if we would need electricity to service a recreation center at the park; and it was thought that would be serving recreation needs and be okay. Council Member Kenary read the email from PARTF saying if there is an alternative way for Duke to do the poles, we should not allow the easement. Carol Mullis asked if taxpayer funds had paid for the land; Mayor Horvath said no, we got reimbursement from the grant for the

land as well as amenities. Council Member Rosoff motioned to reverse the vote on the Duke easement, and go with the alternate of Duke putting a pole across the street. Council Member Kenary seconded the motion.

The vote was 2-2, with Rosoff and Kenary voting yea, and Como and Plyler voting nay. Mayor Horvath voted yea, so the motion passed 3-2.

A short break was held.

#### JOINT MEETING WITH PLANNING BOARD

Chairman Stephen Keeney called Planning Board's meeting to order.

Chair Stephen Keeney, member John Bowen, along with alternates David Boyce, Sandra Ells and John Souza, all three acting as regular members.

There were no public comments.

John Bowen motioned to approve their agenda; David Boyce seconded the motion.

The motion passed unanimously.

#### 15. REVIEW OF PROPOSED CHANGES TO FUTURE LAND USE PLAN

Bill Duston presented the zoning map which shows current uses and is looked at to see what owners can do with their property; the land use plan and map show what is envisioned for the town in the future, it is a living, breathing document. The Planning Board in 2012 reviewed the land use plan text and map, and came up with proposed new text and a map.

Mr. Duston prepared a summary of the most important changes; most were already reviewed, so he went to the three changes in the addendum.

The first change is that Siler Church on the new map was shown as "Low Density Residential" and is now shown as "Office Institutional". The next changes are the Glen at Wesley Oaks subdivision and Berkshire subdivision were both formerly called "Low Density Residential", and are now called "Medium Density Residential".

Mr. Duston said Planning Board made their recommendations in April 2013, so now it is in Council's hands. Mayor Horvath said we want to get to a public information meeting (PIM) and meet landowners to address their concerns before we get to a Public Hearing.

Council Member Rosoff said at the PIM we need a third map with the situation now showing existing uses, i.e. we have a park. Bill Duston said if Council wants the park shown separately on the map, we can do that. Council Member Rosoff said the idea of goal and policies should be more clearly stated; what is the Planning Board vision. Bill Duston said that can be done, that is a substantive change and Planning Board would have to clear that. Council Member Kenary asked if we are sharing ideas for Planning Board to take back and consider; Chairman Keeney agreed with that. Council Member Kenary said the park is still identified as low density residential; maybe it should be labeled green for park as would the property adjacent to Town Hall.

Council Member Kenary said this shows all our land will be built out; the Carolina Thread Trail is not identified here. Bill Duston said we have a Carolina Thread Trail map, it is in the updated text, and it would help when meeting with developers to have it on the map so it doesn't get neglected. Council Member Kenary wanted language regarding incentivizing open space, maybe dashed green lines for a conservation type area. Council Member Plyler said this is other people's land, not our land. Mayor Horvath said remember the difference between zoning and the land use map; it was actually part of the Downtown's Committee's document to lay out areas

for a different treatment, however it didn't change the zoning. Mayor Horvath asked if we don't have ordinances in place to support a land use can we still specify them, Bill Duston replied yes. We don't have many incentives. Weddington has conservation subdivisions, they give smaller lot sizes. Trails are a little different, for example Candella paid a fee for recreation, if the trail is shown on the Land Use Plan map, you can request land for a trail instead of the fee. Planning Board member Sandra Ells said an R-40 conservation subdivision could be an option, and state it in the goals. Bill Duston noted in Weddington they first show how you would develop a piece of land under R-40 and the number of lots, then you can still get the same number of lots, but they can be smaller (less infrastructure), and the town specifies what land they want to save. Mayor Horvath noted you first need to state it in the text, second have ordinances to support it, and third know where you want to do this. Council Member Kenary added you could specify a general area, in which to have conservation subdivisions. Bill Duston noted he wrote the text in Weddington, it was a divisive issue, they approved it, and it is what most developments are doing there. Council Member Rosoff said the public will want to know in a more general way what we envision. Bill Duston noted if you approve the Land Use Plan with the word incentives in it, then task me to come up with them. Chair Keeney said this all revolves around tools like conditional zoning, and conservation subdivisions; Candella approached us with a conservation subdivision but the idea was nixed because we didn't have the tool to approach us with. Council Member Plyler asked if all churches are going to be O-I; if you do one, do all. Bill Duston said the United Methodist Church was low density residential, it is proposed as O-I; ditto with Siler Church; but there are other churches such as Arborbrook, Union UMC, etc. Chairman Keeney said this was not a unanimous recommendation; two major voices are not here. It was as much an impetus from the Zoning Administrator as from the members. Council Member Plyler asked about the change at the southeast corner of New Town Road and Waxhaw-Indian Trail Road; Bill Duston said this is just a nomenclature change. The note on Mr. Espinosa's property is because it was re-zoned on the zoning map, but not updated on the Land Use Plan map. Mayor Horvath noted we also have the 2.5 acres north of 201 Central, which relates to Council Member Rosoff's comments regarding a current uses map.

Mayor Pro Tem Como asked if all the area in yellow is developed, is there enough commercial space to support it. Chairman Keeney said no, there is not. Council Member Rosoff said we did have a master plan and it started with a center commercial area, and goes out from there which makes sense. Chairman Keeney said maybe it makes sense to adopt it. Council Member Plyler said she wanted to state, her own land is involved. Attorney Sistrunk said we are not voting on this. Council Member Plyler said the two corners near McDonalds is family land, her nine acres adjoins McDonalds and goes to Antioch Church Road, and the rest is county land behind them; she thought this land makes sense for commercial. Bill Duston said this relates to the map change #2 where he originally drew the area as an arc, and the proposed map takes out the arc and commercial is specific to lot lines. The old map shows proposed uses for ETJ land, and the new map only shows land in the town. Mayor Horvath said for practical purposes they went by property lines for clarity. Mr. Duston said another major change is the corner of Potter Road and Hwy. 84, the three corners had an arc of O-I, and the new map shows them as low density residential. Council Member Plyler asked why. Chairman Keeney said he couldn't accurately represent this; but he thinks it is the general attitude toward low density in Wesley Chapel, conversely it was a justification for changing Siler Church, it probably would not be residential in the future. That could be applied to school sites in the future. Council Member Plyler said she couldn't understand why there would be houses at the intersection of Potter and Hwy. 84.

Sandra Ells said O-I at every intersection on Hwy. 84 would really change the town. Chairman Keeney said you would have commercial butt up to residential, you need a softer way to adjoin; and to integrate small businesses with the local community. Council Member Kenary said at Potter it was originally bought by a developer to be residential; who then went belly up. Bill Duston said the zoning map is still and always was R-40. Mayor Horvath said 12 years ago there was discussion on which corner should be the center of Wesley Chapel; that area was designated O-I since it wasn't as clear. Now we have developed a lot more and have a population over 8,000. Bill Duston said Goal 2, Policy 1 states the Village's commercial, governmental, and institutional hub at the intersection of NC 84 and Waxhaw-Indian Trail Road should be supported and encouraged to finish build-out. Council Member Plyler said they don't have much invested in the land there and we can't make them build out. Mayor Pro Tem Como said if we develop, we need more commercial, and we should think about where. Bill Duston said the arcs have decreased, so it decreases potential commercial. Mayor Pro Tem Como said with all these new houses shouldn't we add more commercial. Sandra Ells said if we develop commercially, it will change the flavor of the town. Council Member Kenary disagreed with the Mayor Pro Tem; there are factors we do not control, i.e. roads; she moved away from a strip mall/subdivision area that was considered poor planning; in her opinion condensed commercial is better planning, and we don't need commercial on every corner; and noted she can't leave her subdivision because traffic is backed up due to the commercial. Mayor Pro Tem Como said the subdivisions still put more traffic on the road; there is only one choice for groceries and for gas. Mayor Horvath noted when land is zoned R-40 we can't tell them they can't build houses; it is a use by right. Chairman Keeney said this is why conditional zoning is so important. Mayor Horvath added it gives us a lot more say. Chairman Keeney added there is also form based codes, which says let us say what we want it to look like.

Attorney Sistrunk left at this point.

Council Member Kenary brought up RUC; Bill Duston noted two subdivisions are recommended for medium density, none of them are one acre lots, if you want to do expansions to a house, it will be a problem. They were developed under Union County regulations, such as Silver Creek and several others; we honor the plat they were built under, other subdivisions should be zoned RUC on the zoning and Land Use Plan maps. John Bowen, Planning Board member, asked Mayor Pro Tem Como where he would propose a secondary commercial area; he replied expand what we have, or close to it. John Bowen asked how would a land owner take that. Mayor Horvath said the zoning wouldn't change, just the future land use plan map; then they could ask for a re-zoning. He thought commercial is worth more than six times residential land. Chairman Keeney said look at Stallings; a whole residential area is now commercial and for a good reason; he said he would like Planning Board to re-visit this, and in the long term we should encourage rather than react. Council Member Rosoff said she would like to hear from landowners and how they would like to use their land. Chairman Keeney said there is much in the recommended Land Use Plan changes that he can't justify and he would like the Planning Board to re-visit it. Mayor Pro Tem Como said don't concentrate on a spot on the map, look at the whole pot; Council Member Kenary asked not to have pocket areas all over either. Chairman Keeney said conceptually Council should give us direction. Mayor Pro Tem Como said Planning Board are the experts. Mayor Horvath said with Bill Duston's expertise Planning Board can approach it differently.

Council Member Kenary said the Subdivision Ordinance was discussed; there are problem areas and it needs to be re-done. Mayor Horvath noted this is where the ordinance prioritization list

comes into play. Bill Duston said Planning Board asked him to make a summary of subdivision modifications and it became apparent that the tree ordinance and several other areas need to be addressed. Council Member Plyler asked if we can change heritage trees to healthy heritage trees. Mayor Horvath asked that conceptual ideas be sent to him to send on to Bill Duston and Planning Board.

#### 16. REVIEW OF SENIOR HOUSING PROPOSED RECOMMENDATIONS

Bill Duston reported he, Council Member Plyler and Sandra Ells from Planning Board met with the Stallings planner and looked at two senior housing developments. One was very nice, attractive and cohesive, the other had houses close together, streets narrow and there was no connectivity to the park. The definition of senior housing per HUD was reviewed, either occupied solely by persons who are 62 or older, or houses with at least one person who is 55 or older in at least 80 percent of the occupied units and adheres to a policy that demonstrates intent to house persons who are 55 or older. The consensus was to leave to developers which option to choose, as in Stallings. Mr. Duston discussed types of housing; the proposed standards are detached independent units; attached independent units; assisted living facilities; and nursing homes (only if the development contains an assisted living facility). In the Land Use Plan continuing care facilities would be in the O-I district; other senior housing would be in R-40 and RA-40. They suggested it be allowed only through conditional zoning. Minimum required acreage is 10 acres for detached and attached independent units; and 25 acres if an assisted living facility is present. Minimum lot size for detached independent units is 8,000 square feet. Mr. Duston added in Cornelius lots are 5,000 to 6,000 square feet; the suggested minimum is 8,000 square feet and four per acre. Sandra Ells added 5,000 square feet looked too small aesthetically. With assisted living you have a lot of parking. Sandra Ells and Council Member Plyler said with assisted living, you need a nursing home too, so spouses wouldn't be separated, so that is why 25 acres is needed. John Bowen asked if nursing homes are regulated by the state- a certificate of need is required. Sandra Ells noted if you have assisted living, you need a nursing home in case you get hurt. Council Member Kenary brought up next gen homes; an example is Lennar in Lawson, where there is within the home a separate apartment. Bill Duston said that would be okay as long as it's deemed a single family home, he will check with Waxhaw. Council Member Plyler said there are already homes where seniors live in the basement. Bill Duston asked if these guidelines make a good starting point. Mayor Horvath asked if there was anything in there that would be a problem.

Council Member Rosoff asked what if Aston wanted to put in senior housing townhomes on the land here; Mr. Duston said they would have to come back or get it re-zoned. Mr. Duston noted they are proposing senior housing be in the R-40 and RA-40, not necessarily next to downtown, it allows a larger geographical area and would be allowed through conditional zoning. Council Member Kenary said she would like to see the two definitions separated out, for example S-1 for ages 62+ and S-2 for age 55 and over.

As far as the timing, senior housing will come to Planning Board in October.

John Bowen motioned to adjourn the Planning Board meeting; David Boyce seconded the motion.

The motion passed unanimously.

17. OTHER BUSINESS

Mayor Horvath said Michael Drewery was appointed to the Youth Council Committee but he is not a resident, so he removed him from the committee. Mayor Pro Tem Como asked about the letter on the painting at the park; Mayor Horvath did not get a response, and we are waiting for the bill. A copy of the draft fiscal year 2013-14 figures will be sent to Council. Mayor Pro Tem Como said we need more money for gas and food at the park; Council Member Kenary asked how many more volunteer days we will have; he replied he did not know; we need help on the dog park, boat ramp, gravel on trails, as many as 12 projects. He asked the finance officer to move \$400 from trash collection to the food account.

Council Member Kenary left at this point.

Mayor Horvath asked Council to think about COG and MUMPO participation; he will find out the process to leave MUMPO. For COG you have to send a certified resolution to every COG member by December.

18. COUNCIL COMMENTS

Council Member Plyler asked everyone to be considerate in conversations and not speak over each other; it was a problem when she listened to the tape.

19. ADJOURNMENT

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

The motion passed unanimously.

The meeting ended at approximately 10:08 pm.

Respectfully submitted,

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Cheryl Bennett, Clerk

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Mayor Brad Horvath