

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
WESLEY CHAPEL TOWN HALL
6490 Weddington Road, Wesley Chapel, NC 28104
November 10, 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 and Plyler

Absent: Council Member Rosoff

Others Present:

Clerk/Finance Officer Cheryl Bennett; Planning/Zoning Administrator Bill Duston, Attorney George Sistrunk, Deputy Brandon Wicker

Citizens Present: Carol Mullis, Bill Whitley, Redd Osborne, Francisco and Elizabeth Espinosa

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. PUBLIC COMMENTS

Bill Whitley, Union County Parks and Recreation Director, gave a brief update on the Union County Parks and Rec Master Plan. A meeting will be held at Siler Church on November 18. If you cannot attend you can email comments by November 21. He reviewed the reasons Parks and Recreation are important: health, environment, bring community together, attract jobs and increase property values.

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

The Deputy Report was added to the agenda; Council Member Kenary motioned to approve the amended agenda; Council Member Plyler seconded the motion.

The motion passed unanimously.

4. PUBLIC HEARING ON AMENDMENT TO THE ZONING ORDINANCE
DEFINITION OF CONVENIENCE STORE

The public hearing was opened. Bill Duston explained the current definition limits the size of a convenience store to 3,000 square feet, this amendment would allow the principal structure size to be up to 3,500 square feet, which is the approximate size of our current convenience store. He stated Planning Board unanimously recommended approval of the text change.

The public hearing was closed.

5. PUBLIC HEARING ON AMENDMENTS TO THE SUBDIVISION ORDINANCE
ARTICLES 1, 2, 3 AND 4

The public hearing was opened. Bill Duston noted these text changes largely address the changes mandated by DOT and others. He stated Planning Board unanimously recommended approval. The public hearing was closed.

6. DEPUTY REPORT

Deputy Brandon Wicker reviewed the public safety calls for October, noting it was a fairly quiet month. The Deputy opened up the floor for questions from the council. No members of council had questions for the Deputy. A meeting took place on November 7, 2014 between Council Member Plyler and a member of the Safety Committee with the Sheriff, Eddie Cathey. Council Member Plyler reported on her conversation with the Sheriff relating to Council's desire to have the deputy report at our Council meetings. The Sheriff said, if our deputy is working on the night of our meeting he can attend to give a report, but if he is not scheduled, he recommends Captain Luke do so.

7. APPROVE MINUTES FOR OCTOBER 13 AND OCTOBER 21, 2014

Council Member Plyler said she cannot approve the minutes because she did not feel it gives an accurate picture of the meeting, and suggested motion only minutes. Discussion was held among the Council members and a request for Council Member Plyler to provide her suggested changes to Ms. Bennett. Council Member Plyler did not have any changes to the minutes to submit and upon request for her to do so, would not provide them. Mayor Pro Tem Como motioned to approve the October 13 and October 21, 2014 minutes. Council Member Kenary seconded the motion.

The motion passed 2-1, with Plyler voting nay.

8. STAFF REPORTS – FINANCE REPORT

Finance Officer Bennett reported a bill was received unexpectedly for \$485.07 for an ad that Board of Elections placed for our referendum that was on the ballot. Council Member Plyler motioned to make a budget amendment moving \$500 from contingency to advertising for the referendum ad. Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

Council Member Plyler asked about available funds; the audit report will show what is available in fund balance.

Council Member Plyler motioned to approve the October 2014 financial reports; Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

October 2014 Balance Sheet

ASSETS

Current Assets

Checking/Savings

Fifth Third Bank checking	54,408.85
Fifth Third Maxsaver	205,612.43

BB&T Money Market	355,576.72
Cash Change Fund	<u>50.00</u>
Total Checking/Savings	615,648.00
Misc. Fees Receivable	<u>2,604.08</u>
Other Current Assets	
Property Tax Rec.	2,274.00
Allow. for Doubtful Accounts	-1,173.00
Prepaid Exp.	180.00
Total Sales Taxes to be Received	<u>27,388.52</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.	<u>-63,101.98</u>
Total Fixed Assets	<u>2,891,816.02</u>
TOTAL ASSETS	<u><u>3,538,737.62</u></u>
LIABILITIES & FUND BALANCE	
Liabilities	
Retainage Payable - Town Hall	7,694.24
Due to Union County Schools	16.45
Escrow from Developers	45,076.00
Deferred Revenue	<u>1,101.20</u>
Total Other Current Liabilities	53,887.89
Fund Balance	
Fund Bal. inv. in Fixed Assets	2,891,816.02
Fund Balance Assigned for NNO	313.40
Fund Bal. Assigned for Com. Cen	51,348.00
Fund Bal. non-spendable	45,256.00
FB restricted by State Statute	21,514.00
Fund Bal. Committed for CIP	18,714.89
Reserved for Parks & Recreation	31,851.44
Fund Balance	435,446.11
Excess of Rev. over Exp.	<u>-11,410.13</u>
Total Fund Balance	<u>3,484,849.73</u>
TOTAL LIABILITIES & FUND BALANCE	<u><u>3,538,737.62</u></u>

October 2014 Budget Report

	<u>Oct 14</u>	<u>Jul - Oct 14</u>	<u>Budget</u>	<u>% of Budget</u>
General Fund				
Income				
Appropriated Fund Balance	0.00	500.00	500.00	100.0%
Property Tax Income				
Current Year Property Tax	8,091.30	14,274.51	146,376.00	9.75%
Utility Ad Valorem	0.26	0.26	1,700.00	0.02%
Vehicle Registration	1,126.34	3,271.36	9,058.00	36.12%
Delinquent Property Tax	35.02	236.89	400.00	59.22%
Prior Year Motor Vehicle Tax	14.82	50.49	0.00	100.0%
Interest/Ad Fee on Taxes	17.74	66.23	300.00	22.08%
Total Property Tax Income	9,285.48	17,899.74	157,834.00	11.34%
Fees and Licenses				
Privilege Licenses	0.00	21,876.93	19,000.00	115.14%
Cable Franchise (from Time Warn	0.00	3,641.00	15,200.00	23.95%
Zoning Permit	375.00	2,530.00	14,000.00	18.07%
Engineering Fees Reimbursement	3,379.08	14,192.33	10,000.00	141.92%
Annexation Exp Reimbursed	0.00	0.00	100.00	0.0%
Misc. Fees	0.60	32.47	200.00	16.24%
National Night Out	0.00	0.00	60.00	0.0%
Total Fees and Licenses	3,754.68	42,272.73	58,560.00	72.19%
Interest Earned	8.73	125.63	400.00	31.41%
Revenue Sharing				
Sales & Use Taxes	3,700.45	4,813.59	41,000.00	11.74%
Telecommunications Tax	0.00	226.00	10,200.00	2.22%
Video Programming(State Cable)	0.00	-6.26	91,000.00	-0.01%
Franchise Tax (Electric Power)	0.00	698.00	175,000.00	0.4%
Excise Tax (Piped Natural Gas)	0.00	1,137.00	16,000.00	7.11%
Alcoholic Beverage Tax	0.00	0.00	31,000.00	0.0%
Total Revenue Sharing	3,700.45	6,868.33	364,200.00	1.89%
Total Income	16,749.34	67,666.43	581,494.00	11.64%
Gross Profit	16,749.34	67,666.43	581,494.00	11.64%
Expense				
Total Town Hall Operating Expense	1,431.77	6,840.69	31,815.00	21.5%
Total Operating Expenditures	2,206.54	24,628.60	80,730.00	30.51%

Gen. Govt. Salaries				
Total Gen. Govt. Salaries	6,079.35	28,641.45	115,141.00	24.88%
Total Planning & Zoning	6,043.74	16,389.19	78,991.00	20.75%
Total Professional Fees	2,469.08	8,607.22	38,900.00	22.13%
Total Capital Outlay	0.00	249.99	32,350.00	0.77%
Total Public Services / Safety	0.00	40,371.50	82,283.00	49.06%
Parks & Recreation				
Total Parks & Recreation Personal Services	0.00	670.00	6,411.00	10.45%
Total Parks & Rec Supplies & Material	873.34	2,710.11	7,114.00	38.1%
Total Parks & Recreation Services	<u>2,953.15</u>	<u>14,646.43</u>	<u>65,436.00</u>	<u>22.38%</u>
Total P&R Capital Outlay	<u>204.70</u>	<u>4,036.27</u>	<u>42,323.00</u>	<u>9.54%</u>
Total Parks & Recreation	<u>4,031.19</u>	<u>22,062.81</u>	<u>121,284.00</u>	<u>18.19%</u>
Total Expense	<u>22,261.67</u>	<u>147,791.45</u>	<u>581,494.00</u>	<u>25.42%</u>
Net General Fund	-5,512.33	-80,125.02	0.00	100.0%
Capital Projects Fund				
CIP Income				
PARTF Grant	50,000.00	500,000.00	500,000.00	100.0%
Adopt A Trail Grant	0.00	5,000.00	5,000.00	100.0%
Water Based Resource Grant-Park	0.00	100,000.00	100,000.00	100.0%
Transfer from General Fund				
Appropriated for Dogwood Park	0.00	1,209,600.00	1,209,600.00	100.0%
Appropriated for Town Hall	<u>0.00</u>	<u>1,442,700.00</u>	<u>1,442,700.00</u>	<u>100.0%</u>
Total Transfer from General Fund	<u>0.00</u>	<u>2,652,300.00</u>	<u>2,652,300.00</u>	<u>100.0%</u>
Total CIP Income	50,000.00	3,257,300.00	3,257,300.00	100.0%
CIP Expense				
Capital Projects				
Dogwood Park Capital Outlay				
Land Acquisition	0.00	673,271.00	673,271.00	100.0%
House	0.00	411,419.00	411,419.00	100.0%
Preliminary Planning	0.00	15,526.67	15,527.00	100.0%
Design/Constr Mgt, etc.	0.00	74,388.05	77,850.00	95.55%
Site preparation	0.00	237,691.83	238,500.00	99.66%
Grassing	0.00	50,939.29	51,100.00	99.69%
Parking lot & drive	0.00	113,869.91	114,574.00	99.39%
Boardwalk	0.00	36,550.54	36,953.00	98.91%
Accessible routes	0.00	20,519.48	20,600.00	99.61%
Paved Walking Trail	0.00	56,900.00	56,900.00	100.0%
Unpaved trail	0.00	9,888.04	9,888.00	100.0%
Amphitheater/Stage/Outdoor Classroom	0.00	72,100.00	76,100.00	94.74%
Contingency	0.00	3,674.89	7,435.00	49.43%

Testing Fees	0.00	11,733.40	12,000.00	97.78%
Legal Fees - DP	0.00	5,612.50	6,396.00	87.75%
Utilities	0.00	4,380.00	4,380.00	100.0%
Site Furnishings-gate, signs, etc.	0.00	277.77	278.00	99.92%
Other Expense	0.00	1,428.24	1,429.00	99.95%
Total Dogwood Park Capital Outlay	0.00	1,800,170.61	1,814,600.00	99.21%
Town Hall Capital Outlay				
TH Construction Contract	0.00	1,233,460.67	1,262,981.00	97.66%
TH Architect/Engineer	0.00	104,328.87	108,168.00	96.45%
TH In House Engineering	0.00	1,200.00	1,200.00	100.0%
TH Testing/Permit Fees	0.00	12,894.66	15,000.00	85.96%
TH Telecom Sys/AV/Computers	0.00	179.90	252.00	71.39%
TH Insurance	0.00	1,374.00	1,374.00	100.0%
TH Legal Fees	0.00	4,860.00	5,000.00	97.2%
TH Furnishings/Seasonal Dec.	0.00	26,497.09	28,945.00	91.54%
TH Irrigation	0.00	0.00	13,000.00	0.0%
TH Miscellaneous	0.00	3,619.31	6,780.00	53.38%
Total Town Hall Capital Outlay	0.00	1,388,414.50	1,442,700.00	96.24%
Total CIP Expense	0.00	3,188,585.11	3,257,300.00	97.89%
Net Capital Projects Fund	50,000.00	68,714.89	0.00	100.0%
Net Excess of Rev. over Exp.	44,487.67	-11,410.13	0.00	100.0%

9. STAFF REPORTS – PLANNING/ZONING AND CODE ENFORCEMENT

Bill Duston reported 14 permits were issued during the month. Planning Board continued their review of ordinance text amendments for senior housing, and recommended against conditional zoning with a 3-2 vote. Bill Duston was asked to do a presentation to Council by Mayor Horvath at the next meeting; Member Kenary asked why? Council Member Kenary said we already had a lengthy presentation, the council agreed to place in Planning Board's hands to work on and decide on, and they voted. Bill Duston reported he met with the Chair of the Planning Board and was only doing what he was asked to do. Council Member Kenary stated she thought it undermines Planning Board and the entire process we have been put through regarding the recommendation process of our committees and Boards. Mayor Pro Tem Como requested one member from each side of the Planning Board vote be asked to attend. Mr. Duston said he would request them to attend the next meeting. Eight illegal signs were pulled during the month. Wesley Pond is securing necessary approvals for submittal of final plat, and Mr. Duston is investigating a report that trees may have been illegally cleared in Wesley Manor. A stormwater complaint was received at 718 Houston Drive; the problem may have been caused by the contractor who did improvements at this location. Mr. Duston met with Aston Properties to discuss potential submittal of a conditional use application for their shopping center. One possible code violation on Red Cedar Lane continues under investigation.

10. DISCUSSION AND POSSIBLE DECISION ON AMENDMENT TO THE ZONING ORDINANCE DEFINITION OF CONVENIENCE STORE

Council Member Kenary motioned to adopt the text changes for the definition of convenience store and adopt the statement of consistency and reasonableness as set forth in the staff report, incorporated herein. Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

The approved text change to Zoning Ordinance Article 2 is:

Convenience Store.

A one story, retail store operating anytime between the hours of 6:00 AM and midnight containing a principal structure of less than ~~three thousand (3,000)~~ three-thousand five-hundred (3,500) square feet of gross floor area, that is designed and stocked to sell primarily fuel, food (packaged and/or prepared), beverages, and other household supplies to customers who purchase a relatively few items (in contrast to a "food store"). It is designed to attract and depends upon a large volume of stop-and-go traffic. Convenience stores may be co-located with automobile service stations, where specifically permitted.

Statement of Consistency:

The Wesley Chapel Land Use Plan does not specifically address issues such as size of structure. Rather, the Land Use Plan encourages the large majority of commercial development to be located at the intersection of Waxhaw-Indian Trail Road and NC 84. Approval of this text change would allow for convenience stores to be in line with what has already been built in the Village and, potentially, at a location that the Village Council rezoned to B-2 within the past year. Thus, it is felt that the text change is in keeping with the spirit and intent of the Land Use Plan.

Statement of Reasonableness:

The proposed text change is deemed to be reasonable as it would allow for a convenience store in line with one that has been in existence in the Village for eight years and which has not been found to be objectionable.

11. DISCUSSION AND POSSIBLE DECISION ON AMENDMENTS TO THE SUBDIVISION ORDINANCE ARTICLES 1, 2, 3 AND 4

Bill Duston noted that the heightened road sub-base requirements are not included in the amendments. Mayor Pro Tem Como motioned to approve the amendments to Article 1 of the Subdivision Ordinance, incorporated herein. Council Member Kenary seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Como motioned to approve the amendments to Article 2 of the Subdivision Ordinance, incorporated herein. Council Member Plyler seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Como motioned to approve the amendments to Article 3 of the Subdivision Ordinance, incorporated herein. Council Member Plyler seconded the motion. Council Member

Kenary asked for clarification on the certifications; one is for publicly maintained roads, with wording coming from DOT; one is for public access, privately maintained roads, wording from our engineer; and the third for private roads.

The motion passed unanimously.

Mayor Pro Tem Como motioned to approve the amendments to Article 4 of the Subdivision Ordinance, incorporated herein. Council Member Plyler seconded the motion. Council Member Kenary inquired where it shows that subdivision modifications go first to Planning Board; it is at Section 206.2.1.

The motion passed unanimously.

Subdivision Ordinance Article 1 text changes are:

Section 113. ... **Street.** A dedicated ~~and accepted~~ public right-of-way for vehicular traffic (or a private road when permitted by this Ordinance). The word “street” includes, but is not limited to, “road, freeway, highway, expressway and thoroughfare”. The following classifications shall apply:...

Subdivision Ordinance Article 2 text changes are:

206.2.1 The Subdivision Administrator shall review the petition and submit his written comments and recommendations with the petition to the Planning Board and Village Council ~~within ten (10) days of receipt of said petition.~~ for their recommendation and decision.

Subdivision Ordinance Article 3 text changes are:

Section 305.3(e)

e) Certificate of Approval for Recording

I hereby certify that the final subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the Village of Wesley Chapel, North Carolina and that this plat has been approved by the Subdivision Administrator and Planning Board for recording in the Office of the Register of Deeds of Union County this _____ day of _____, 20____. Said plat shall be recorded within ninety (90) days of approval; otherwise, without such recordation, the plat shall become null and void.

Chairman of the Planning Board
Village of Wesley Chapel, North Carolina

Section 308.1 (d)

d) Certificate of NCDOT Approval For Public Roads

DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS

PROPOSED SUBDIVISION ROAD
CONSTRUCTION STANDARDS CERTIFICATION
APPROVED _____

District Engineer

APPROVED

DISTRICT ENGINEER

DATE

Section 309.3 (g)...

The plat shall be recorded by the subdivider within ~~thirty (30)~~ ninety (90) calendar days of this date. If recordation does not occur during said period, the plat shall be deemed null and void.

Section 310 - Add to Table 310-1:

Homeowners Association Articles of Incorporation, bylaws and proposed budget (per Section 411 of the Subdivision Ordinance)		X
Traffic Impact Analysis (as required per Section 6.13 of the Wesley Chapel Zoning Ordinance)	X	

Subdivision Ordinance Article 4 text changes are:

Article 404.4

a. Utility Easements

A utility easement of not less than ten (10) feet in width shall be provided ~~to the side and rear of each lot and in other locations~~ where deemed necessary. ~~Lots in Minor Subdivisions are exempt from this requirement upon certification that they may be serviced by existing utilities along the public rights-of-way.~~ Wider easement widths may be required if determined necessary by the Subdivision Administrator after consultation with all private and public utility company(ies) involved.

Section 405.1 is renumbered as 405.1(a)

405.1(a) Public Roads *(Revised 09.13.04;05.14.07)*

All subdivision lots, except as provided for in Section 409, shall abut public roads. All public ~~and private~~ roads shall be built ~~with a minimum of twenty six (26) feet of pavement not including curb and gutter, and built~~ to construction standards of the North Carolina Department of Transportation (NCDOT) for subdivision roads. Streets which are not eligible to be placed in the NCDOT System because there are too few lots or residences shall, nevertheless, be offered for dedication to the public and shall be designed and constructed in accordance with the above referenced standards. A written maintenance agreement with provision for maintenance of any and all streets until acceptance as part of the NCDOT System shall be included in the proposed preliminary plat.

405.1(b) Private Roads

Roads that are to be privately maintained shall meet all specifications contained in Section 410.

405.2 Subdivision Street Disclosure Statement *(Revised 09.13.04)*

All streets shown on the final plat shall be designated in accordance with G.S. 136-102.6 and designated as public or private streets. All designated public streets shall be conclusively

presumed to include an offer of dedication to the public. Where streets are dedicated to the public but not accepted into a municipal or the NCDOT System, and before any lots are sold, a statement explaining the status of the street shall be included with the final plat. Except for roads contained in gated residential developments, all privately maintained roads shall be dedicated for public usage and travel.

405.6 Street Design and Standards (Revised 05.14.07)

~~Right of Way/Pavement Widths: The minimum pavement width for subdivision roads in Wesley Chapel is twenty six (26) feet not including curb and gutter. For any road to be maintained by NCDOT, minimum street right-of-way, as well as other engineering design standards shall be in accordance with the minimum design criteria for subdivision roads as established from time to time, by the Division of Highways, North Carolina Department of Transportation publication entitled Subdivision Roads - Minimum Construction Standards.~~

405.7 Cul-de-sacs (Revised 03.12.01, 01.05.06, 05.14.07,11.22.2011)

Permanent dead end streets should not exceed six hundred (600) feet in length unless a modification is granted by the Village Council per Section 206. Said modification may be granted as part of the plat approval process. The length of the cul-de-sac shall be computed from the point where the center line of the dead end street intersects with the center of a through street to the center of the turnaround of the cul-de-sac. Where one cul-de-sac intersects with another cul-de-sac, the end of each cul-de-sac shall be no more than 600 feet from a through street, measured as stated above, unless a modification is granted by the Village Council. For any road to be maintained by NCDOT, cul-de-sac paving and right-of-way width shall be in accordance with NCDOT standards. The minimum radius of cul-de-sacs shall be sixty (60) feet and a minimum diameter of one hundred twenty (120) feet as measured from the center of the turnaround.

Section 405.8(a) (3)

- (1) **Sidewalks.** For all major subdivisions, sidewalks are required along both sides of all residential streets and along any portion of property having an entrance along a major thoroughfare, minor thoroughfare or collector street, as designated by the Village of Wesley Chapel Zoning Map or adopted Transportation Plan. Sidewalks must be ~~four (4')~~ a minimum of five (5) feet wide with four inch depth (4") concrete with a tamped base. Sidewalks shall include a minimum of two (2) feet grass or masonry material, other than cinderblock, buffer from back of curb, buffer from edge of pavement if no curb and gutter exists or is required, to sidewalk edge. Installation and maintenance requirements set forth in Section 309.1 of this Subdivision Ordinance shall apply. *(Revised 09.09.02,*

11.22.11)

Section 405.8(a) (9) **Deceleration Lanes.** Major Subdivisions having one hundred twenty (120) or more AM or PM peak hour vehicular trips are required to provide a deceleration lane for each entrance located along a Major or Minor Thoroughfare, as designated on the Village of Wesley Chapel Zoning Map or adopted Transportation Plan. Deceleration lanes shall be a minimum of 180 feet in length, including taper. For proposed subdivisions located on roads having a speed limit equal to or less than forty (40) miles per hour, Tapers are limited to a maximum length of half the distance of the deceleration lane. For proposed subdivisions located on roads having a speed limit of forty five (45) miles per hour or greater, deceleration lanes are limited to a maximum of length of one third (1/3) the distance of the deceleration lane. Deceleration lanes onto public roads for major and minor subdivisions shall be determined on a case-by-case basis by NCDOT. (Added 11.22.2011)

(10) **Access distances and offsets.** Entrances for Major Subdivisions are required to have a minimum 250 foot spacing from any access points or driveways, existing or proposed, along and on the same side of a Major Thoroughfare, Minor Thoroughfare or Collector road, as designated on the Village of Wesley Chapel Zoning Map or adopted Transportation Plan. Access points located across a Major Thoroughfare, Minor Thoroughfare or Collector road from a public street access point shall be aligned with the opposing street or have a minimum offset of one hundred twenty five (125) feet shall be aligned with the opposite street to the greatest degree feasible and shall meet all applicable NCDOT standards. (Added 11.22.2011)

Section 408.2 (c) **Amount of payment.** The amount of the payment shall be the product of:

1. The number of acres to be dedicated, as required by Subsection 408.1 above, multiplied by the per acre assessed value; ~~The assessed value for property tax purposes of the land being subdivided adjusted to reflect its current fair market value at the time such payment is due to be paid as assigned by the Union County Tax Appraiser;~~
- a) ~~Procedures for determining the amount is as follows:~~
 1. ~~An appraisal of the land in the development shall be performed by a professional real estate appraiser selected by the developer from an approved list maintained by the Village council. The appraisal shall not be done prior to submission of the preliminary plat. The cost of the appraisal shall be borne by the developer.~~
 2. ~~Professional real estate appraiser who is licensed by the state of North Carolina and has a general State appraisal certification and has expertise in performing raw land appraisals who, in the opinion of the Village council, has the expertise and/or certification to perform an adequate appraisal.~~

SECTION 409 Lots to Abut a Public Street

Except for lots specifically approved to being accessed on private roads as provided in Section 410, each lot shall have frontage on a public street with the following exceptions:

2014.11.10 minutes

- (1) Existing lots meeting the requirements set forth in section 4.4.1 of the Zoning Ordinance; or
- (2) Proposed lots for use by one-family detached dwellings and which do not have frontage on a public street may be approved ~~by the planning board~~ after making the following findings:

SECTION 410 Private Roads; Gated Residential Developments (Section 410 was Added 09.13.04)

A. Private Roads in Non-Gated Subdivisions

Subdivision roads that are not built to NCDOT design standards and will not be maintained by NCDOT may be built as privately maintained roads. Such roads, with the exception of those that are located in gated residential developments, shall be publicly dedicated and available for public usage. All private roads shall be built to minimum NCDOT design standards with the following exceptions:

1. The minimum pavement radius of cul-de-sacs shall be sixty (60) feet and a minimum pavement diameter of one hundred twenty (120) feet as measured from the center of the turnaround shall be required; and,
2. The minimum pavement width for all other subdivision roads shall be twenty-six (26) feet not including curb and gutter.

In approving a private road the Village Council shall have no authority to approve modifications to these standards or to any other NCDOT subdivision road specification standard.

B. Gated Residential Developments

Unlike other developments in Wesley Chapel, a Gated Residential Development, where a gate is placed at the outer periphery of the development in order to restrict access, may be allowed to have private streets that are not owned and maintained by NCDOT. All Gated Residential Developments must be developed in accordance with the regulations of this section, other applicable regulations of the Village of Wesley Chapel Subdivision Ordinance, and the Wesley Chapel Zoning Ordinance including the road and cul-de-sac pavement widths and sub-grade standards referenced above. In approving a private road in a gated residential development, the Village Council shall have no authority to approve modifications to either of these standards or to any other NCDOT subdivision road specification standard.

~~A.~~ The design and layout of any gatehouse, entry gates, external fence, walls, and berms shall be located outside any public street right-of-way and shall be designed to blend in, to the greatest degree feasible, with the proposed development and be attractive to motorists and

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pedestrians from adjoining public streets. Gatehouses and entry gates shall be located outside any required buffer areas. Entry gates shall be setback sufficiently far from public street entrances to allow for stacking of at least three vehicles out of the public travel lanes. An additional setback between the point of the access control device and the entry gate shall be required to allow a vehicle which is denied access to safely turn around and exit onto a public street. Pedestrian access to the gated residential development shall be provided at its entrance outside of the vehicle travel lanes. Entry gates shall have sufficient minimum gate widths and openings to allow safe passage of all vehicles permitted to use public roadways. Overhead barriers or obstructions shall not be allowed above entry gates. All gatehouses, entry gates, external fences and walls shall be subject to specific review and approval of the Village of Wesley Chapel Planning Board prior to the start of construction. Said review and approval shall include any signage and/or illumination integral to subdivision gatehouses, entry gates, external fences and walls. **(Revised 01.10.05)**

- ~~B.~~ With the exception of the placement of a gate and guardhouse in a private street right-of-way, all private roads, traffic signs and markings shall meet all applicable minimum right-of-way, pavement, construction and design standards for public roads as herein established ~~by the North Carolina Department of Transportation (NCDOT)~~. The Village of Wesley Chapel reserves the right to have streets inspected during the construction phase to insure that they are being built in accordance with all applicable NCDOT standards. The developer of the subdivision shall bear all costs borne by the Village in association with such inspections. **(Revised 01.10.05)**
- ~~C.~~ Prior to the approval of a final plat, the subdivider shall submit to the Village evidence that the subdivider has created a homeowners' association whose responsibility it will be to maintain common areas, private streets, curb and gutter and sidewalks within the subdivision. Such evidence shall include filed copies of the articles of incorporation, declarations, and homeowners' association bylaws.
- ~~D.~~ The maintenance and upkeep of any guardhouses or entry structures, and subdivision walls, fences, or berms located at the external periphery of the subdivision as well as internal streets, curb, gutter, and sidewalks shall be the sole responsibility of the subdivider and/or any duly incorporated and active homeowners' association. Accordingly, any maintenance bond accepted by the Village per Section 313.2 of the Village of Wesley Chapel Subdivision Ordinance for a gated residential development subdivision shall be calculated using the construction costs of all facilities listed above (in addition to the cost of roads as provided in Section 313.2). The maintenance bond shall remain in place for two years following final plat approval of the Subdivision plat or until the Village Council is satisfied (in its own exclusive discretion) that the homeowners' association is controlled by individual lot owners other than the developer (one year, at a minimum, after a homeowners' association is incorporated and active), has made necessary assessments for payment of maintenance of the roads and facilities, and has otherwise taken over the full responsibility of maintenance of such facilities and the private roads within the subdivision. The decision to release the bond shall rest entirely with the Village Council and shall be made based upon the homeowners' association financial ability to properly maintain these roads and common facilities. After the maintenance bond is released by the Village

Council, the homeowners' association shall be required to submit to the Village, by the 15th of January of each calendar year, the names, addresses, and telephone numbers of all duly elected members of their board of directors as well as a copy of their annual financial statement showing, at a minimum, the amount of funds budgeted to maintain such facilities. In the event the Village Council, in its discretion, believes the homeowners' association is not making necessary repairs to the roadways or facilities (amenities) or is not making assessments necessary to cover the cost of said repairs, it may after notice of hearing published as provided in this Ordinance, and notice provided to each lot owner within the subdivision, as shown on the tax scrolls of Union County as of January 1 of the prior year, require the homeowners' association to provide a maintenance bond as required in Section 313.2 of the Village of Wesley Chapel Subdivision Ordinance. This maintenance bond may be eliminated or reinstated at the discretion of the Wesley Chapel Village Council upon notice as set out above.

~~E.~~—The subdivider and homeowners' association shall guarantee access to all private streets by emergency and law enforcement vehicles. Access procedures must ensure immediate access through the entry gates for emergency and law enforcement vehicles responding to emergencies. Approach and departure areas on both sides of a gated entrance must provide adequate setbacks and proper alignment to allow free and unimpeded passage of emergency vehicles through the entrance area. The subdivider shall provide documentation from Union County Emergency Management and Sheriff's Departments that proposed entry gates and access procedures meet all County standards for access by emergency and law enforcement vehicles. **(Revised 01.10.05)**

~~F.~~ The subdivider and homeowners' association shall guarantee access to all private streets in gated residential developments by Village of Wesley Chapel, Union County agencies, State of North Carolina agencies, and all public utility companies. Village of Wesley Chapel, Union County, and State of North Carolina Officials and staff shall be permitted entry to the gated residential development to perform zoning, inspections and other governmental regulatory activities. Public Utility company vehicles and personnel shall be permitted entry to the gated residential development to perform installation and maintenance activities of public utility infrastructure. A statement to this effect shall appear on or accompany the final plat. **(Added 01.10.05)**

~~G.~~ A. If the homeowners' association fails to maintain reliable access for the provision of emergency or other public services, the Village may enter the gated residential development and open, disable or remove any gate or device, which is a barrier to access, at the sole expense of the homeowners' association. The declaration of covenants, conditions and restrictions and any other relevant documents of the homeowners' association shall include this provision. **(Added 01.10.05)**

12. DISCUSSION AND POSSIBLE DECISION ON SIDEWALKS ON NC 84

Bill Duston reported NC DOT has asked the Village if we want sidewalks along NC 84 when they do the Rea Road Connector project, we would bear 20% of the cost which is \$18,837 for the 3,090 and 4,110 foot stretches in the corporate limits, and \$4,884 for the 1,400 foot stretch outside the corporate limits. They would have to remove and replace some existing sidewalks, and the price reflects a credit for those. The project is in the 2025 road plan. Council Member Plyler commented that by 2016/17 we may have some commercial development that will pay for some of the sidewalks. Council Member Kenary asked if they will hold to the price given us now. They want an answer by mid-December, and will do environmental studies and buy right-of-way. The attorney said we can spend funds on the 1,400 feet if it will reasonably provide a benefit to the Village. Council Member Kenary motioned that we approve the Village financial contribution for the cost of the sidewalks along Highway 84 that lie both within and outside the corporate limits as identified in the map by DOT and if commercial development should be instituted between now and then that we would negotiate with DOT for a refund for their replacement. Mayor Pro Tem Como seconded the motion. Council Member Plyler stated she owns property along that section, and asked if it would be a conflict. Attorney Sistrunk said it would not be a conflict.

The motion passed unanimously.

Council Member Kenary motioned that we allocate \$3,500 per year in a reserve fund for sidewalks, for seven years, starting in 2015/16. Bill Duston will confirm that this amount will be held to. Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

13. CONSIDER CALL FOR PUBLIC HEARING ON TEXT CHANGE TO ZONING AND SUBDIVISION ORDINANCES FOR MINIMUM LOT SIZE

Bill Duston reported Planning Board unanimously recommended the proposed text changes. The planner suggested that tree save areas should be included, but Planning Board did not agree that the tree save area be included. Council Member Kenary asked about option two which would create a buildable envelope of 10,000 for R-20 or 20,000 square feet for R-40. Weddington and Marvin do not have buildable envelopes; this gives you more lots because you can include some flood plain. Bill Duston will look at current lots and see how many square feet of buildable envelope is included in currently approved lots. Council would like Planning Board to come to the Council meeting on this item also.

14. RECOGNIZE VOTE FOR ABC STORE AND MALT BEVERAGES

Council Member Kenary reported on the outcome of the referendum, where the vote was in favor of allowing an ABC store in the town, and allowing malt beverages. Council Member Kenary motioned to officially recognize the vote by the people of the village and the respective desires of our citizens. Mayor Pro Tem Como seconded the motion. 201 Central can now carry fortified wines even without an ABC store. Mayor Horvath suggested we have an ABC representative come talk to us. He said a representative told him a minimum of about 12 restaurants buying from a store are needed to make it profitable (restaurants from towns without a store could buy from our store), and operating costs are about \$250,000.

The motion passed unanimously.

15. YOUTH COUNCIL 5K UPDATE

Council Member Kenary reported the Youth Council Committee recommended the race date be changed to January 24, 2015 and the runners absorb the credit card fee, so they will pay \$25.00 plus \$2.50. The attorney reviewed the race organizer agreement. Council Member Kenary motioned to accept the revised contract and move forward. Mayor Pro Tem Como seconded the motion. Discussion was held on the cones and barricades needed, we are covered with liability insurance at no cost, and Conrad Sherland was contacted regarding the race course, and only Lester Davis Road will be closed.

The motion passed unanimously.

There will be race medals given out. The course can be certified for \$30; we are checking to see if that is necessary. If they map the course, it costs \$300. Committee members are approaching 66 sponsors, getting prices on t-shirts, working on DJ's, will attend the Parks and Rec meeting, and a group from Marvin High School wants to volunteer help.

16. SKID STEER RENTAL

Mayor Pro Tem Como asked for the skid steer rental to move gravel and fill holes, and funds are budgeted. Mayor Pro Tem Como motioned to approve the skid steer rental for \$1,306.30. Council Member Kenary seconded the motion.

The motion passed unanimously.

The Christmas at the Park event was discussed briefly. Council Member Kenary asked if we would need a written agreement that WC FOPR is donating the proceeds to the park including their goal and expected amount of the proceeds to give to the Village; the attorney thought it would be unusual to have a written agreement, however a lawyer will always say it is better to have a written agreement.

17. TOWN HALL IRRIGATION SYSTEM UPDATE

Mayor Horvath discussed the issues involved, there is a space issue, a utility easement from Blackstone is needed, we need an as built survey, and a NCDOT encroachment agreement. The box has to be installed by a utility contractor. Mayor Horvath will check with Piedmont Gas regarding a need for an agreement.

18. HOLIDAY DECORATIONS AT TOWN HALL

Administrator Bennett contacted several vendors for lights, with one vendor you only rent the lights, and with the other, you own the lights. A couple of vendors only sell the lights, and installation is a problem. Council Member Kenary motioned to approve the proposal from Botanica Lights at \$3,188.88 to purchase and install the lights, wreaths and garlands. Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

19. PARK MONUMENT SIGN

When we first bid the sign, we got only one response, and it was very expensive. Per attorney advice, we waited, and then got two informal quotes. Parks and Rec will review the proposals and make a recommendation; another issue is do we want to stay with this style sign. This item was tabled to the next meeting.

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20. CLOSED SESSION PER NC GS 143-318.11(A)(6) TO CONSIDER THE QUALIFICATIONS AND CONDITIONS OF INITIAL EMPLOYMENT OF A PROSPECTIVE EMPLOYEE

Council Member Plyler motioned to go into closed session per NC GS 143318.11(a) (6) to consider the qualifications and conditions of initial employment of a prospective employee. Mayor Pro Tem seconded the motion.

The motion passed unanimously.

Applicants and interviews for the part time administrative assistant position were discussed, and the path forward determined. Council Member Plyler motioned to leave closed session. Council Member Kenary seconded the motion.

The motion passed unanimously.

21. ANY DECISIONS FROM CLOSED SESSION

Council Member Kenary motioned to offer the part time position for the administrative assistant to Lynell Hillhouse for \$15.50 hourly, for up to 15 hours per week; to do committee minutes as needed, and to get a start date as soon as she is available, Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

22. OTHER BUSINESS

Mayor Horvath reminded Council members to do the second part of the assessment from Mike Giaimo and then he will go over it with each member of council. The Mayor reminded council that the Biz Ed breakfast is on November 20 and Mike Giaimo is still waiting for a reply from some council members. It was recommended we put out notice that a quorum of Council may attend. Mayor Pro Tem Como noted the monitors are still not good enough; Mayor Horvath will contact WynnCom. Council was informed Conrad Sherland called and will attend the next Parks and Rec meeting. Council Member Kenary noted he agreed to map out a course for the 5 K race, with no promises of anything.

23. COUNCIL COMMENTS - none

24. ADJOURNMENT

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

The motion passed unanimously.

The meeting ended at approximately 10:25 pm.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath