

VILLAGE OF WESLEY CHAPEL  
COUNCIL MEETING MINUTES  
WESLEY CHAPEL TOWN HALL  
6490 Weddington Road, Wesley Chapel, NC 28104  
April 11, 2016 – 7:00 PM

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

**Present:** Mayor Kapfhammer, Mayor Pro Tem Kenary, Council Members Como, Kaperonis and Rodriguez

**Others Present:**

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

**Citizens Who Signed In:** Carol Mullis, Kevin Conklin, Sandy Fenn, Jerry Fulmer, Rich Hearth, Shirley Davis Walser, Jaymes Krueger, Cheryl Ray

Meeting was called to order at 7:00 PM and a quorum was present.

STANDING ITEMS

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE AND INVOCATION *Time Stamp 0:00*

The meeting was called to order and a quorum was present. The Mayor led the Pledge of Allegiance and Council Member Rodriguez gave the invocation.

2. PUBLIC COMMENTS *Time Stamp 1:03*

Kevin Conklin, pastor of Southbrook Church spoke regarding the National Day of Prayer on May 5<sup>th</sup>. The local pastors will pray at the flagpole at noon, and have a short 20-30 minute service. The Mayor will issue a Proclamation for the National Day of Prayer.

Rich Hearth from EPCON, spoke regarding the tree ordinance, commenting with 2.7 homes per acre they can't meet the tree mitigation plan which requires almost 1,000 four inch trees. He will come to the next meeting with some options.

Shirley Davis Walser – spoke in favor of viable options for EPCON, she is in favor of their development.

Jaymes Krueger spoke regarding increased traffic between the park and the neighboring yards, most are people from the neighborhood.

Cheryl Ray expressed concerns about the traffic infrastructure and the future land use plan that changes are made based on adjacent land uses, then people come back for ore, and if a property is B-2 on the Future Land Use Plan, then it is used as a basis to re-zone to B-2. She asked that

applicants be specific on what they want to use the land for, i.e. a Food Lion. She added last month's minutes were not available, and the de-annexation minutes and recording is not available on the website.

3. ADDITIONS, DELETIONS AND ADOPTION OF AGENDA *Time Stamp 17:00*

Items changed on the agenda were: the survey item was moved from consent to regular: "Committee Members" was added to consent agenda, "Motion to amend documents for changes with liaisons" was tabled, "Inspections at Park" was added to Parks and Rec, "Town Hall Rentals" was added to Old Business, and there will be two sets of items for the Annexations, for both contiguous and non-contiguous annexations. Council Member Como motioned to approve the amended agenda. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

4. CONSIDER APPROVAL OF CONSENT AGENDA *Time Stamp 25:27*

- a. Approve the minutes of the February 26, 2016 special meeting and February 29, 2016 Joint Council/Parks and Rec Committee Meeting
- b. Approve the previous month finance report
- c. Approve the previous month planner's report and code enforcement report
- d. Committee Members

Council Member Como motioned to approve the consent agenda items. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

**Balance Sheet March 31, 2016**

	<u>Mar 31, 16</u>
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
Fifth Third Bank checking	362,710.03
Fifth Third Maxsaver	305,817.69
BB&T Money Market	507,203.77
Cash Change Fund	<u>50.00</u>
<b>Total Checking/Savings</b>	1,175,781.49
<b>Accounts Receivable</b>	
Misc. Fees Receivable	<u>3,620.25</u>
<b>Total Accounts Receivable</b>	3,620.25
<b>Other Current Assets</b>	
Property Tax Rec.	1,613.00
Allow. for Doubtful Accounts	-887.00
Prepaid Exp.	276.00
Sales Taxes to be Received	<u>1,165.70</u>
<b>Total Other Current Assets</b>	<u>2,167.70</u>
<b>Total Current Assets</b>	1,181,569.44

<b>Fixed Assets</b>	
Land	813,423.00
<b>Dogwood Park</b>	
Dogwood Park Improvements	720,946.00
Dogwood Park fountain	12,960.00
Dogwood Park Water Improvement	8,440.00
Dogwood Park Gate	7,076.00
Dogwood Park Shipping Container	3,200.00
Dogwood Park Sign	<u>1,783.00</u>
Total Dogwood Park	754,405.00
Town Hall	1,361,869.00
Furniture & Equipment	37,682.00
Town Hall Driveway	37,337.00
Accumulated Deprec.	<u>-175,932.98</u>
<b>Total Fixed Assets</b>	<b>2,828,783.02</b>
<b>Other Assets</b>	
Net Pension Asset	<u>3,185.00</u>
<b>Total Other Assets</b>	<u>3,185.00</u>
<b>TOTAL ASSETS</b>	<b><u><u>4,013,537.46</u></u></b>
<b>LIABILITIES &amp; Fund Balance</b>	
<b>Other Current Liabilities</b>	
Pension deferrals	20,792.00
Contrib to pension plan CY	-4,211.00
Due to Union County Schools	56.57
Escrow from Developers	196,090.00
Payroll Liabilities	2,838.36
Deferred Revenue	<u>726.20</u>
<b>Total Other Current Liabilities</b>	<b>216,292.13</b>
<b>Fund Balance</b>	
Fund Bal. inv. in Fixed Assets	2,828,783.02
Fund Bal. non-spendable	196,090.00
FB Restrict for P&R fee in lieu	99,227.78
Fund Bal. Res for Amph. Cover	3,664.00
Fund Bal. Committed for CIP	38,312.11
Fund Bal assigned TH land	25,000.00
Fund Bal. Assigned for Com. Cen	87,196.00
Fund Bal Assign future park imp	3,550.00
Fund Balance Assigned for NNO	313.40
Fund Balance	436,462.08
Excess of Rev. over Exp.	<u>78,646.94</u>
<b>Total Fund Balance</b>	<b><u>3,797,245.33</u></b>
<b>TOTAL LIABILITIES &amp; Fund Balance</b>	<b><u><u>4,013,537.46</u></u></b>

**Budget Report March 2016**

	<u>Mar 16</u>	<u>Jul '15 - Mar 16</u>	<u>YTD Budget</u>	<u>% of Budget</u>
<b>General Fund</b>				
<b>Income</b>				
Appropriated Fund Balance	0.00	0.00	5,900.00	0%
Total Contributions Income	0.00	0.00	0.00	0%
<b>Property Tax Income</b>				
Current Year Property Tax	1,356.66	136,968.85	136,168.00	101%
Utility Ad Valorem	0.00	2,095.17	1,887.00	111%
Vehicle Registration	1,235.32	9,100.62	11,560.00	79%
Delinquent Property Tax	79.24	562.20	800.00	70%
Prior Year Motor Vehicle Tax	0.28	14.90	0.00	100%
Interest/Ad Fee on Taxes	54.94	281.53	300.00	94%
<b>Total Property Tax Income</b>	<b>2,726.44</b>	<b>149,023.27</b>	<b>150,715.00</b>	<b>99%</b>
<b>Fees and Licenses</b>				
Privilege Licenses	0.00	180.00	285.00	63%
Cable Franchise (from Time Warn	0.00	0.00	15,200.00	0%
Zoning Permit	4,250.00	18,515.00	10,000.00	185%
Engineering Fees Reimbursement	3,479.50	21,597.05	22,000.00	98%
Annexation Exp Reimbursed	0.00	0.00	100.00	0%
Misc. Fees	107.00	3,885.85	300.00	1295%
Winter Walk 5K fees	0.00	0.00	500.00	0%
National Night Out	0.00	0.00	0.00	0%
<b>Total Fees and Licenses</b>	<b>7,836.50</b>	<b>44,177.90</b>	<b>48,385.00</b>	<b>91%</b>
Interest Earned	53.14	453.77	400.00	113%
<b>Revenue Sharing</b>				
Sales & Use Taxes	3,939.38	20,857.12	44,000.00	47%
Telecommunications Tax	1,652.73	4,064.85	10,200.00	40%
Video Programming(State Cable)	21,784.09	46,565.38	92,000.00	51%
Franchise Tax (Electric Power)	40,637.59	104,225.26	180,000.00	58%
Excise Tax (Piped Natural Gas)	3,388.81	17,852.86	13,000.00	137%
Alcoholic Beverage Tax	0.00	0.00	35,000.00	0%
<b>Total Revenue Sharing</b>	<b>71,402.60</b>	<b>193,565.47</b>	<b>374,200.00</b>	<b>52%</b>
<b>Total Income</b>	<b>82,018.68</b>	<b>387,220.41</b>	<b>579,600.00</b>	<b>67%</b>
<b>Expense</b>				
Total Town Hall Operating Expense	1,507.32	15,153.31	27,205.00	56%
Total Operating Expenditures	1,720.75	40,732.83	90,938.53	45%
Total Planning & Zoning	6,374.37	47,695.15	79,003.00	60%
Total Gen. Govt. Salaries	11,330.14	80,287.20	116,650.00	69%
Total Professional Fees	3,272.00	33,202.33	54,000.00	61%
Total Capital Outlay	0.00	498.61	15,000.00	3%
Total Public Services / Safety	20,588.00	82,958.36	83,917.00	99%

<b>Parks &amp; Recreation</b>				
<b>Total Parks &amp; Recreation Personal Services</b>	0.00	300.00	1,200.00	25%
<b>Total Parks &amp; Rec Supplies &amp; Material</b>	533.17	6,842.40	12,398.00	55%
<b>Total Parks &amp; Recreation Services</b>	2,088.75	24,892.02	48,612.00	51%
<b>Total P&amp;R Capital Outlay</b>	1,000.00	14,323.37	50,676.47	28%
<b>Total Parks &amp; Recreation</b>	3,621.92	46,357.79	112,886.47	41%
<b>Total Expense</b>	48,414.50	346,885.58	579,600.00	60%
<b>Net General fund</b>	33,604.18	40,334.83	0.00	100%
<b>Capital Projects fund</b>				
<b>Appropriated for Town Hall</b>	0.00	1,442,700.00	1,442,700.00	100%
<b>Total Transfer from General Fund</b>	0.00	1,442,700.00	1,442,700.00	100%
<b>Total Other Income</b>	0.00	1,442,700.00	1,442,700.00	100%
<b>Other Expense</b>				
<b>Capital Projects</b>				
<b>Town Hall Capital Outlay</b>				
<b>TH Construction Contract</b>	0.00	1,235,560.67	1,256,981.00	98%
<b>TH Architect/Engineer</b>	0.00	104,328.87	108,168.00	96%
<b>TH In House Engineering</b>	0.00	1,200.00	1,200.00	100%
<b>TH Testing/Permit Fees</b>	0.00	12,894.66	14,900.00	87%
<b>TH Telecom Sys/AV/Computers</b>	0.00	179.90	252.00	71%
<b>TH Insurance</b>	0.00	1,374.00	1,374.00	100%
<b>TH Legal Fees</b>	0.00	5,140.00	5,100.00	101%
<b>TH Furnishings/Seasonal Dec.</b>	0.00	28,575.14	28,945.00	99%
<b>TH Irrigation</b>	0.00	11,451.00	22,000.00	52%
<b>TH Miscellaneous</b>	0.00	3,683.65	3,780.00	97%
<b>Total Town Hall Capital Outlay</b>	0.00	1,404,387.89	1,442,700.00	97%
<b>Net Capital Projects Fund</b>	0.00	38,312.11	0.00	100%
<b>Net Excess of Rev. over Exp.</b>	<b>33,604.18</b>	<b>78,646.94</b>	<b>0.00</b>	<b>100%</b>

Committee Members – John Lepke and Kelly Pierson’s resignations from Parks and Rec Committee were accepted, and Carlton Bowers was moved from alternate to regular member on Safety Committee.

5. REPORT FROM FINANCE OFFICER *Time Stamp 25:50*

Finance Officer Bennett reported on transactions during March, including quarterly payments received on State shared revenues, payment made for fourth quarter of deputy services, and other routine revenues and expenditures.

6. PUBLIC HEARING ON TEXT CHANGES TO AMEND ZONING ORDINANCE SECTION 6.10.11(k) WITH RESPECT TO EXTERIOR BUILDING STANDARDS WITHIN SENIOR HOUSING DEVELOPMENTS *Time Stamp 29:40*

The public hearing was opened. Bill Duston noted the legislature changed the law so that you can't put stipulations on single family design standards; our only one was for senior housing and Planning Board unanimously recommended we delete it. We can keep design standards for multi-family senior housing, i.e. pinwheel homes. There were no speakers. The public hearing was closed.

7. PUBLIC HEARING ON TEXT CHANGES TO AMEND ZONING ORDINANCE SECTIONS 2.2, 9.1.9 AND SECTION 5, TABLE OF USES, TO ADD LEARNING CENTERS  
*Time Stamp 34:26*

The public hearing was opened. Bill Duston reported we did not have learning center in our Table of Uses and we do have one learning center in the shopping center. He added a definition and included learning center in the Table of Uses, Planning Board unanimously recommended approval. There were no speakers. The public hearing was closed.

8. PUBLIC HEARING TO AMEND ZONING ORDINANCE SECTION 12.1 WITH RESPECT TO THIRD-PARTY ZONING MAP AMENDMENTS  
*Time Stamp 35:30*

The public hearing was opened. Bill Duston noted this came up in Planning Board training, and the board did not want a third party to be able to make zoning map amendments, they could still apply for text changes. There were no speakers. The public hearing was closed.

COMMITTEE REPORTS

9. DEPUTY *Time Stamp 37:39*

Deputy Brandon Wicker reported there were a couple of car break-ins in Silver Creek, 9 or 10 larcenies at Target, 10 accidents, and he also did traffic stops. The increase in larcenies from March 2015 to 2016 were all attributed to Target.

10. YOUTH COUNCIL COMMITTEE *Time Stamp 40:23*

Harrison Kaperonis reported the committee is working on the budget. He was able to attend the Youth Legislative Assembly in Raleigh, and reported it was a wonderful experience. They were exposed to several controversial issues, and debated issues, the students were competitive and intelligent. Council Member Kaperonis noted there were 230 youth from across the state, they learned how bills are created, debated, and enacted.

11. SAFETY COMMITTEE – CONSIDER REQUEST FOR NATIONAL POLICE WEEK  
*Time Stamp 44:30*

Chairman Jim Dale reported the crime reports we receive from the Sheriff's office are just for Wesley Chapel data. He created a template to identify categories of crime that have a financial impact on the Village, i.e. if shrinkage at Target goes up, it will impact citizens. This report will be in addition to the master report we now get, and we will be able to compare our statistics to other towns. He was asked if we can find out if arrests made are of Village residents or outsiders, also what age groups.

Regarding National Police Week, he met with the 201 Central manager, and to hold a luncheon, we would need \$240 for food and \$30 for certificates to recognize eight Union County officers (and their significant other) who went above and beyond. Council Member Rodriguez noted we only have one officer, and typically honoring the officers would be done at the county level. He

asked a request like this come to Council before we approach outsiders. He was in favor of honoring our officer. Mr. Dale noted he had met with the Mayor. Council Member Como stated we are not donating to a charity, he was in favor. Mayor Pro Tem Kenary noted this is a minor amount, but sets a precedence. The Sheriff is County run, we pay taxes for them, and it is a County responsibility, and we have a fiduciary responsibility to the town for not honoring County employees, and also felt it should have come to Council first.

Council Member Como motioned to move \$240 to Public Safety Travel/Entertainment, and \$35 to their office expense, and take the funds from Public Safety Clothing. Council Member Kaperonis seconded the motion.

The motion was voted on, 2 yeas (Como and Kaperonis), and 2 nays (Kenary and Rodriguez); the Mayor broke the tie by voting yea, so the motion passed 3-2.

Mayor Como motioned to spend the funds for the luncheon; Council Member Kaperonis seconded the motion.

The motion was voted on, 2 yeas (Como and Kaperonis), and 2 nays (Kenary and Rodriguez); the Mayor broke the tie by voting yea, so the motion passed 3-2.

12. PLANNING BOARD *Time Stamp 1:06:04*

Planning Board Vice Chair John Souza reported at their last meeting they went over text changes, and reviewed a 138 home senior subdivision, which was voted down due to not meeting tree mitigation standards. It was proposed to cut down 57 heritage trees, and would be required to plant 978 four inch trees. It was unprecedented to not mitigate fully. Council Member Como noted senior housing is denser and we might need to look at the ordinance. Mr. Souza noted we were told it was more restrictive than other communities. Bill Duston noted he has been talking with EPCON and expect a revised site plan to better mitigate.

A special Planning Board meeting is planned for April 19<sup>th</sup> to focus on senior housing. Mayor Pro Tem Kenary asked how cutting trees down fits in with storm water calculations. Bill Duston noted the engineer does not get our tree mitigation plans. Mr. Souza noted EPCON's development has downspouts directly going to underground pipes to the water detention areas.

13. PARKS AND REC COMMITTEE – RESIDENT SIDE FENCING REQUEST, OAK TREE, INCONSISTENT INSTRUCTION REGARDING VOLUNTEER PROJECTS, DAM STUMP REMOVAL, NAME/SPONSORSHIP POLICY, MAINTENANCE WORKER FOR EVENTS *Time Stamp 1:31:55*

Parks and Rec Chair Pat Utley reported Sondra Bradford from Wesley Chapel Friends of Parks and Rec requested funds for Pig in the Park in May as follows: DJ \$500, deputies \$500, porta johns \$425 and a newspaper ad \$490, and miscellaneous expense of \$85. Council Member Como motioned to approve the event and up to \$2,000 as requested and budgeted. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

Chair Utley turned in their 2016-17 budget request, and will direct Eagle Scout projects, including those in process, to Council. Council Member Como noted one scout chose to do his fire pit elsewhere. Mayor Pro Tem Kenary noted that project was approved a year ago, in May 2015. The Scout was out ill with surgery for some time. Ms. Utley noted they applied for a burn

permit, and cancelled future volunteer days for this year. On April 16, 2016 the Waxhaw Rotary club will be working on the butterfly garden, and will need the storage container open. The pond drain work was done recently, and Council Member Rodriguez was present; it should have a metal cover, but a 55 gallon plastic drum cover had been put in and was sucked into it. It should have a cone shaped metal drain cover, which will be done next week. He is requesting a pond maintenance contract from the vendor. Barley straw would be handled by the vendor. He can also do the storm water ponds, so we may save money there.

Council Member Rodriguez spoke with Larry Dorsey, the biologist at NC Wildlife, and he stated we should not put in 75 carp as Parks and Rec requested, we should add no more than 12. They will bring more catfish next week, and will come back next year and shock the pond, do a fish count, and replenish as needed.

Regarding the amphitheater, Council Member Rodriguez met with the County man who was formerly the Stallings manager; he noted their amphitheater cost only about \$55,000, it was purchased pre-fab and put in by a builder. He spoke with Gary Wirth and a vendor also. We can investigate this, it would not include a sound system or lights.

Chair Utley noted the trash cans were overflowing at the Easter event; Council Member Rodriguez noted that is addressed in the temporary use permit. It is up to the event coordinator to handle it. Mayor Pro Tem Kenary noted the Youth Council used inexpensive disposable containers at their 5K event.

Chair Utley said the large tree on the line between the Krueger property was looked at by John Lepke and he thought it appeared to be on our property. It appears to be diseased and there may be other trees to be trimmed. Council Member Rodriguez had the landscaping company come out to give an estimate to maintain the whole park year round, and will get that next week. We need to determine if the tree is on our line, the survey will determine that. Concerns were expressed on liability if the tree or branch should fall.

Council Member Rodriguez also asked who said we would put fencing on the property line. A citizen said it was said by council. Mayor Kapfhammer said he spoke to the previous Mayor who said when the park was first proposed, the neighbors requested a fence, and people there do call in when trespassers come, and there is an unwritten agreement; we do have free fencing and just need to put it up. Council Member Como said the first fence was put up between the Jennings and Bayha houses, then trespassers moved down to the uninhabited house, we put a fence there, and they moved to the Krueger's house. He suggested we have free fencing, and free labor, let's continue the fencing down. Mayor Pro Tem Kenary noted the plans show 600 feet of privacy fencing or shrubbery, not a split rail fence; also there are two fences with 20-30 feet between them which was confusing. Council Member Como noted the plans called for fence and the plants in a gully, the plants were moved to a higher spot. Council Member Rodriguez requested we re-survey the property line. He also noted when he inspected the park with Brian Matthews from the County, that the County requires a building permit for the monument sign since it has a foundation, and we should put a handrail on one side of the stairway. Also we are ADA non-compliant on the dog park. Gary Wirth also thought the bridge is a problem, the hay will rot the piling, and the new trail is a water conduit. The design is a

problem because the trail goes back and forth, and we need to reswale the area and come out about 20 feet from the bridge. We could either let the trail wash away, or fix it, but there will be a cost involved. As far as the dog park, there is a six or seven foot difference in elevation, and a ramp would have to have two or more switchbacks, because it is a maximum 5% grade, and would be a minimum cost of \$20,000 - \$25,000. He suggested surveying three points there to get a firmer price. Council Member Como said we were going to address the water runoff with pipe and conduit, the hay bales were temporary, we have materials and people who are willing to do the work, as outlined by Dominic Morlando who told him what to do to fix it. Council Member Rodriguez said Mr. Morlando was not aware of the new trail. Council Member Rodriguez will get the as-built plans, and send them to Gary Wirth, he will review them and give a price for the dog park access, for the two areas to be re-swaled, and also the main area coming down, the new trail and the bridge. When discussing the dog park with Gary Wirth, he noted an option was to put it up at the entrance where it originally was planned. Council Member Rodriguez went to the park regularly and asked people about the dog park; everyone loves it, but they said the location was poor for access to it, and for access to the bathrooms; they preferred it at the front. Council Member Como said the adjacent residents don't want the dog park next to them.

Chair Utley asked about the dam stump removal; Council Member Rodriguez said Gary Wirth suggested keeping the saplings cut down, Lucas Landscape said they can hydro-seed. Since the tree stump is above the water level, the stump is not an immediate problems unless you see cracks or some other problems.

Chair Utley asked for clarification of Scout projects, since the Council motion had only addressed Eagle Scouts. Mayor Pro Tem Kenary motioned that the policy addresses all Scout projects. Council Member Kaperonis seconded the motion.

The motion passed unanimously (Como abstained, which is a yea.)

Chair Utley reported they received a request for from the Optimists Club for a memorial bench, which was passed on to Council since the sponsorship policy needs to be revised.

Council Member Como asked for clarification on the fencing project. The Krueger's said it is mostly people from their own neighborhood cutting through, and it was suggested they call the Sheriff about the trespassers. The survey will determine where the line should be and whether the tree is on their side or ours.

14. RESOLUTION TO EXEMPT FROM GS 143-64.31 REGARDING FENCE SURVEYOR SERVICES *Time Stamp 2:22:30*

Council Member Rodriguez motioned to approve the Resolution to Exempt from GS 143-64.31 Regarding Fence Surveyor Services, included herein, to use the original surveyor. Mayor Pro Tem Kenary seconded the motion.

The motion passed unanimously, with Como abstaining which is a yea vote.

**Resolution 2016-02**  
**Resolution for Exemption from the Provisions of G.S. 143-64.31**  
**Regarding Contracting Professional Services**

**Wesley Chapel, North Carolina**

WHEREAS G.S. 143-64.31 requires the initial selection of firms to perform architectural, engineering, and surveying services without regard to fee; and

WHEREAS G.S. 143-64.32 allows municipalities to exempt themselves from the provisions of 143-64.31 if such professional fees are less than \$30,000; and

WHEREAS the Village of Wesley Chapel proposes to enter into a contract for surveying services for work on the Village's Dogwood Park; and

WHEREAS professional fees for these services will be less than \$30,000;

NOW, THEREFORE, THE WESLEY CHAPEL VILLAGE COUNCIL RESOLVES:

Section 1. The above-described project is hereby made exempt from the provisions of G.S. 143-64.31 for the reasons stated in this resolution.

Section 2. This resolution shall be effective upon passage.

Adopted this 11th day of April, 2016.

ATTEST

\_\_\_\_\_  
Cheryl Bennett, Clerk to the Board

\_\_\_\_\_  
Dr. David Kapfhammer, PhD, Mayor

Council Member Como stated we know where the stakes are, and he put the fence one foot in from the line. Mayor Pro Tem Kenary motioned to move \$1,000 from Parks and Rec Landscaping Parks, to Parks and Rec surveying services, and spend up to \$1,000 for surveying services. Council Member Rodriguez seconded the motion. We will survey the line of the property with the houses; the exact cost is not yet known.

The motion passed 3-1, with Como voting nay.

OLD BUSINESS

15. SURVEY – APPROVE PRINTING AND DISTRIBUTION OF SURVEY AND BUDGET AMENDMENT OF \$1,380 TO PRINTING AND \$1,300 TO POSTAGE AND \$2,680 FROM Contingency *Time Stamp 2<sup>nd</sup> tape 3:11*

Council Member Como also asked why there was no on-line option – the Mayor noted that was decided earlier. The questions for demographics are there because it is required for a PARTF grant to get credit for a survey to show the people surveyed have the same demographics as your community. Mayor Kapfhammer noted the survey provides directional guidance, not to run out

and do each thing; it has been far too long since the last survey. The surveys will be uniquely numbered and have a watermark. Council Member Como asked to add several questions. These six questions will be added: 1. Should there be a district for senior housing, 2. Should there be a cap for senior housing, 3. Is Council representing the interests of the citizens, 4. Should there be a community center, 5. Should there be a multi-use sports complex, and 6. Should there be permanent bathrooms at the park. Council Member Kaperonis motioned to add the six questions and go forward on the survey. Council Member Como seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Kenary motioned to approve the budget transfer of \$1,380 to Printing and \$1,300 to Postage, and take the funds of \$2,680 from Contingency. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Kenary motioned to approve Paper & Inc. Printing print and distribute the survey. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

16. TOWN HALL RENTALS *Time Stamp 2nd tape 28:31*

After some discussion, Council Member Como motioned to waive the fee for the town hall rental for developers who hold their community meetings here. Council Member Rodriguez seconded the motion.

The motion passed 3-1 with Kaperonis voting nay and commenting it is not consistent to charge Wesley Chapel HOA's the fee, and we still have to clean the building regardless of who uses it.

NEW BUSINESS

17. CONSIDER REQUEST TO AMEND FUTURE LAND USE PLAN MAP *Time Stamp 2nd tape 34:20*

Bill Duston reported this is a request to revise the Future Land Use Plan (FLUP) map and text for lot 06075008D, a 2.12 acre parcel. Planning Board recommended 4-1 to revise the lot to B-1, and add text to say any re-zoning only be done by conditional re-zoning. Mayor Pro Tem Kenary asked how you can overrule the Table of Uses for B-1; Mr. Duston said it is not overriding the ordinance, it is putting another layer in. Council Member Rodriguez noted the need to look at the Future Land Use Plan, and see if there is a real need for it; Ms. Fenn's property has been for sale forever, we need to learn the ramifications of a change. Mayor Kapfhammer agreed. Council Member Kaperonis noted this would offer opportunities outside of Aston, and thought it would probably be commercial there. Mayor Pro Tem Kenary noted the FLUP was just reviewed last year, and goal 2 is to prevent strip development. Last year an open house was held with adjacent property owners to get feedback. Council Member Kaperonis motioned to call for a public meeting on the request to amend the Future Land Use Plan. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

18. CONSIDER ORDINANCE TO AMEND ZONING ORDINANCE TEXT TO ADD LEARNING CENTERS *Time Stamp 2<sup>nd</sup> tape 48:00*

Mayor Pro Tem Kenary felt there were several inconsistencies in the zoning ordinance regarding schools, etc., and motioned to table this item to the next meeting. Council Member Kaperonis seconded the motion.

The motion passed unanimously.

19. CONSIDER ORDINANCE TO AMEND ZONING ORDINANCE TEXT WITH REGARD TO DESIGN STANDARDS IN SENIOR HOUSING DEVELOPMENTS *Time Stamp 2<sup>nd</sup> tape 55:50*

Council Member Rodriguez motioned to adopt the zoning ordinance text amendment ordinance, incorporated herein, with the statement of consistency that that the proposed text changes are neither consistent nor inconsistent with the Future Land Use Plan (LUP); the LUP does not address exterior building materials of residential dwellings; and the statement of reasonableness that the proposed text changes are reasonable as they are in compliance with NC GS 160A-381. Council Member Kaperonis seconded the motion.

The motion passed unanimously.

**VILLAGE OF WESLEY CHAPEL  
TO ADOPT ZONING ORDINANCE TEXT AMENDMENT  
Ord. 2016-02**

**THAT WHEREAS**, the Village of Wesley Chapel has considered amending the Village's Zoning Ordinance regulations that restricts design standards in senior housing developments to pinwheel homes.

**WHEREAS**, after having held a public hearing on the matter on April 11, 2016; and

**WHEREAS** the following text amendments are to be made to made to various portions of the Village's Zoning Ordinance text with adopted new text in *bold and italicized font*:

**6.10.11 Senior Housing Developments**

**K. Exterior Building Materials**

All *pinwheel* dwelling units within a senior housing development shall have exterior materials made out of brick, stone, stucco, fiber cement siding or similar material. Vinyl siding shall not be allowed *as an exterior building material for pinwheel units within a senior housing development*.

**NOW, THEREFORE, BE IT RESOLVED** that the Village of Wesley Chapel Council hereby adopts the above Zoning Ordinance text amendments.

Adopted this 11th day of April 2016.

Attest:

\_\_\_\_\_  
Cheryl Bennett, Clerk

\_\_\_\_\_  
Mayor David Kapfhammer

20. CONSIDER ORDINANCE TO AMEND ZONING ORDINANCE TEXT WITH RESPECT TO THIRD-PARTY ZONING MAP AMENDMENTS *Time Stamp 2<sup>nd</sup> tape 56:39*

Mayor Pro Tem Kenary made some wording changes to the proposed ordinance, and motioned to adopt the revised Zoning Ordinance Amendment 2016-01, incorporated herein, with the statement of consistency that the Village's Land Use Plan does not specifically address the process for rezoning properties within the Village; the proposed change is therefore neither consistent nor inconsistent with the Land Use Plan; and the statement of reasonableness that the proposed text changes are deemed reasonable as they limit the initiation of zoning map changes to only the property owner, Planning Board or Village Council, thus severely reducing the threat of a "hostile" zoning change from being initiated by another third party. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

**VILLAGE OF WESLEY CHAPEL  
TO ADOPT ZONING ORDINANCE TEXT AMENDMENT  
Ord. 2016-01**

**THAT WHEREAS**, the Village of Wesley Chapel has considered amending the Village's Zoning Ordinance regulations to allow zoning map amendments to be initiated only by the affected property owner(s) or their authorized agent, the Planning Board, or the Village Council;

**WHEREAS**, after having held a public hearing on the matter on April 11, 2016; and

**WHEREAS** the following text amendments are to be made to the Village's Zoning Ordinance text, with text added being in *italicized and bold font* and text that was deleted being ~~struck~~:

**Section 12.1 Amendments to Text and Map**

Zoning regulations and restrictions and district boundaries may from time to time be amended, supplemented, changed, modified or repealed in the following manner:

- a. The Planning Board, the Council of the Village of Wesley Chapel or any person may institute an application for a change in the text of the Zoning

Ordinance; ~~or a change in the zoning map.~~

- b. ***The Planning Board, Council of the Village of Wesley Chapel or owner(s) of the subject property and/or their authorized agent, may petition for a Zoning Map change.***

**NOW, THEREFORE, BE IT RESOLVED** that the Village of Wesley Chapel Council hereby adopts the above Zoning Ordinance text amendments.

Adopted this 11th day of April 2016.

Attest:

\_\_\_\_\_  
Cheryl Bennett, Clerk

\_\_\_\_\_  
Mayor David Kapfhammer

21. **CONSIDER REVISIONS TO CONTRACT WITH ARCHITECT FOR BAND SHELL**

*Time Stamp 2<sup>nd</sup> tape 1:03:07*

Council Member Rodriguez motioned to table this item until we further investigate using a pre-fabricated band shell. Mayor Pro Tem Kenary seconded the motion.

The motion passed unanimously.

22. **ANNEXATIONS – RESOLUTION TO DIRECT CLERK TO INVESTIGATE PETITIONS; RECEIVE CERTIFICATE OF SUFFICIENCY, AND RESOLUTION TO CALL FOR PUBLIC HEARING ON ANNEXATIONS** *Time Stamp 2<sup>nd</sup> tape 1:04:40*

We have two sets of documents since we have both contiguous and non-contiguous (satellite) annexations.

Mayor Pro Tem Kenary motioned to approve the two resolutions directing the clerk to investigate the petitions received under G.S. 160A-31 and G.S. 160A-58, incorporated herein. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

**RESOLUTION 2016-03 DIRECTING THE CLERK TO INVESTIGATE PETITIONS RECEIVED UNDER G.S. 160A-31**

WHEREAS, petitions requesting annexation of an area described in said petitions were received in March 2016 by the Village of Wesley Chapel Council; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Village Clerk before further annexation proceedings may take place; and

2016.04.11 minutes

WHEREAS, the Council of the Village of Wesley Chapel deems it advisable to proceed in response to this request for annexation:

NOW THEREFORE, BE IT RESOLVED by the Council of the Village of Wesley Chapel that:

The Village Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the Council of the Village of Wesley Chapel the result of her investigation.

Adopted April 11, 2016

\_\_\_\_\_  
Mayor David Kapfhammer, PhD

ATTEST:

\_\_\_\_\_  
Cheryl Bennett, Clerk

**RESOLUTION 2016-05 DIRECTING THE CLERK TO INVESTIGATE  
PETITIONS RECEIVED UNDER G.S. 160A-58.1**

WHEREAS, petitions requesting annexation of lots in Wesley Oaks subdivisions were received on April 11, 2016 by the Village of Wesley Chapel Council; and

WHEREAS, G.S. 160A-58.2 provides that the sufficiency of the petition shall be investigated by the Village Clerk before further annexation proceedings may take place; and

WHEREAS, the Council of the Village of Wesley Chapel deems it advisable to proceed in response to this request for annexation:

NOW THEREFORE, BE IT RESOLVED by the Council of the Village of Wesley Chapel that:

The Village Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the Council of the Village of Wesley Chapel the result of her investigation.

Adopted this 11<sup>th</sup> day of April, 2016.

\_\_\_\_\_  
Mayor Dr. David Kapfhammer, PhD

ATTEST:

\_\_\_\_\_  
Cheryl Bennett, Clerk

Clerk Bennett then presented the certificates of sufficiency. Mayor Pro Tem Kenary motioned to accept the two certificates of sufficiency, incorporated herein. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

### **Certificate of Sufficiency**

To the Wesley Chapel, North Carolina, Village Council:

I, Cheryl Bennett, Village Clerk, do hereby certify that I have investigated the petitions attached hereto and have found as a fact that said petition is signed by all the owners of real property lying in the area described therein, in accordance with G.S. 160A-31.

In witness whereof, I have here unto set my hand and affixed the seal of the Village of Wesley Chapel, this 11th day of April, 2016.

SEAL

\_\_\_\_\_  
Cheryl Bennett, - Village Clerk

Attached:

Petitions for Wesley Oaks lots 50, 172, 173, 183, 250, 286, 314, 322, 323, 325  
And Estates at Wesley Oaks lots 42, 61, 62, and 63

### **Certificate of Sufficiency**

To the Wesley Chapel, North Carolina Village Council:

I, Cheryl Bennett, Village Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all the owners of real property lying in the area described therein, in accordance with G.S. 160A-58.1 as modified by Session Law 2003-321.

In witness whereof, I have here unto set my hand and affixed the seal of the Village of Wesley Chapel, this 11th day of April, 2016.

SEAL

Cheryl Bennett, - Village Clerk

Attached: Petition for Wesley Oaks Lots 7, 8, and 107

Mayor Pro Tem Kenary motioned to approve the two resolutions, incorporated herein, calling for public hearings on the annexations on May 9, 2016 at 7 pm at town hall at 6490 Weddington Road, Wesley Chapel, NC 28104. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

**Resolution 2016-04**  
**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF**  
**ANNEXATION PURSUANT TO G.S. 160A-31**

WHEREAS, petitions requesting annexation of the area described herein has been received; and

WHEREAS, the Village of Wesley Chapel has directed the Village Clerk to investigate the sufficiency of the petitions; and

WHEREAS, certification by the Village Clerk as to the sufficiency of the petitions has been made;

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Wesley Chapel, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Wesley Chapel Town Hall, at 6490 Weddington Road, Wesley Chapel, North Carolina at 7:00 pm, on May 9, 2016.

Wesley Oaks parcels: lots 50, 172, 173, 183, 250, 286, 314, 322, 323, 325

Estates at Wesley Oaks parcels: lots 42, 61, 62 and 63

Tax parcel 06105030D being all of that 5.94 acre tract as shown on the plat entitled "Boundary Survey for Myrtle Davis Estate" recorded in Plat Cabinet F, File 244, Union County Registry, reference to which is hereby made for a more particular metes and bounds description.

Tax parcels 06105030, 06105030A, 06105030B, 06105030C;

Parcel 1 being all of that 7.97 acre tract, including 1.84 acres within the right of way, as same is shown on a plat entitled "Boundary Survey for Myrtle Davis Estate" recorded in Plat Cabinet F, File 244, Union County Registry, together with that certain 60 foot wide and 45 foot

wide easement for ingress and egress as shown on plat recorded in Plat Cabinet F, File 244, Union County Registry;

Parcel 2 being all of that 6.49 acre tract, including 0.49 acres within the right of way, as shown on the plat entitled "Boundary Survey for Myrtle Davis Estate" recorded in Plat Cabinet F, File 244, Union County Registry, together with that certain 60 foot wide and 45 foot wide easement for ingress and egress as shown on plat recorded in Plat Cabinet F, File 244, Union County Registry;

Parcel 3, Tract 2: Beginning at an iron pin in a western line of Archie C. Byrum property and being a westerly corner of the Hoyett W. Starnes property (Deed Book 368, Page 298) and in the southwestern right of way line of a power line and runs thence with said right of way line and runs thence with said right of way line, north 43-36-00 West 540 feet to an iron pin; thence with other Hoyett W. Starnes property, North 58-32-13 East 500 feet to an iron pin; thence South 27-46-24 East 515.20 feet to an iron; thence South 56-18-03 West 353.58 feet to the point of BEGINNING and containing 5.11 acres. Being the identical property y conveyed to James E. McBride, III and wife, Rebecca S. McBride, by deed recorded in Deed Book 990, at Page 233, Union County Registry.

Parcel 4: BEING All of the 6.45 acre tract (including 0.45 acres within the right of way) as shown on plat entitled "Boundary Survey for Myrtle Davis Estate" which is recorded in Plat Cabinet F, File 244, Union County Registry, reference to which is hereby made for a more particular metes and bounds description. Said property having been previously conveyed to Grantors by instruments recorded in Book 4492, Page 433 and correction by Affidavit of Correction of Typographical and Other Minor Error recorded in Book \_\_\_\_\_ Page \_\_\_\_\_.

Section. 3. Notice of the public hearing shall be published in the Enquirer-Journal, a newspaper having general circulation in the Village of Wesley Chapel, at least ten (10) days prior to the date of the public hearing.

Approved April 11, 2016.

\_\_\_\_\_  
Mayor David Kapfhammer, PhD

ATTEST:

\_\_\_\_\_  
Cheryl Bennett, Clerk

### **Resolution 2016-06**

### **RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-58.2, as amended by Session Law 2003-321**

WHEREAS, petitions requesting annexation of the non-contiguous area described herein has been received; and

WHEREAS, the Village of Wesley Chapel has directed the Village Clerk to investigate the sufficiency of the petitions; and

WHEREAS, certification by the Village Clerk as to the sufficiency of the petitions has been made;

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Wesley Chapel, North Carolina that:

Section 1. A public hearing on the question of annexation of the non-contiguous area described herein will be held at the Wesley Chapel Town Hall, 6490 Weddington Road, Wesley Chapel, North Carolina at 7:00 pm, on May 9, 2016.

Section 2. The area proposed for annexation is described as follows:  
Petition for Wesley Oaks Lots 7, 8, and 107.

Section. 3. Notice of the public hearing shall be published in the Enquirer-Journal, a newspaper having general circulation in the Village of Wesley Chapel, at least ten (10) days prior to the date of the public hearing.

Approved April 11, 2016.

\_\_\_\_\_  
Mayor Dr. David Kapfhammer, PhD

ATTEST:

\_\_\_\_\_  
Cheryl Bennett, Clerk

23. CONSIDER APPROVAL OF 2016-17 CONTRACT WITH N-FOCUS Time Stamp 2<sup>ND</sup> recording 1:08:12

The contract had been submitted with an increase in hourly rates; the Clerk contacted N-Focus and they agreed to hold to the current rates. Services provided were reviewed. Council Member Kaperonis motioned to approve the 2016-17 contract with N-Focus. Council Member Como seconded the motion.

The motion passed unanimously.

24. CLOSED SESSION – TO CONSIDER PERFORMANCE OF CURRENT EMPLOYEES PER NC GS 143-318.11(a)(6) Time Stamp 2<sup>nd</sup> tape 1:12:30

Mayor Pro Tem Kenary motioned to go into closed session. Council Member Rodriguez seconded the motion.

2016.04.11 minutes

The motion passed unanimously.  
Employee performance and salaries were discussed.  
Mayor Pro Tem Kenary motioned to leave closed session. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

25. ANY DECISIONS ARISING FROM, CLOSED SESSION *Time Stamp 3<sup>rd</sup> tape :01*  
Mayor Pro Tem Kenary motioned that Council approved an increase for the administrative assistant of \$0.50 per hour, to \$16 hourly, which brings the salary equal to Marvin's. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Kenary motioned that the salary increases take effect July 1, 2016. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Kenary motioned that Council approved increases for the finance officer by \$2.81 hourly, which is a 10% increase to bring the rate in line with other towns, and the clerk increase be \$1.71 hourly, or 5.6% which is in line with other area towns, and both raises are effective July 1, 2016. Council Member Kaperonis seconded the motion.

The motion passed 3-1 with Como voting nay.

#### ENDING ITEMS

26. COUNCIL COMMENTS *Time Stamp 3<sup>rd</sup> tape 3:09*  
Council Member Como suggested considering two meetings a month so we would not be here until midnight; and asked about an update on the NC 84 widening project. Mayor Kapfhammer reported he saw an email from NC DOT that they are working on a new model. More information is needed. We have not heard back from the Fire Department on the letter sent to them about storm water. Council Member Como added we need to compare the costs to hire a parks employee with the costs to expand the contract with the landscaper. Mayor Kapfhammer noted he cannot make the CRTPO meetings, Council Member Como said he will try to attend but will have to check his schedule to see if it conflicts with his other responsibilities.

20. ADJOURNMENT *Time Stamp 3<sup>rd</sup> stamp 18:11*  
Mayor Pro Tem Kenary motioned to adjourn; Council Member Rodriguez seconded the motion.  
The motion passed unanimously.

The meeting ended at approximately 11:54 p.m.

Respectfully submitted,

---

Cheryl Bennett, Clerk

---

Mayor Dr. David Kapfhammer