

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
WESLEY CHAPEL TOWN HALL
6490 Weddington Road, Wesley Chapel, NC 28104
July 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.

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

Others Present:

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

Standing Items

1. Call to Order, Pledge of Allegiance, Invocation *Time Stamp 0:00*

Mayor Kapfhammer led the Pledge of Allegiance, and Council Member Rodriguez gave the invocation.

2. Public Comments *Time Stamp: 1:02*

Eden Meggett, Kylie Sholar, Emily Maxim and Aarcha Mulakkal from Cadette Girl Scout troop 177 proposed doing a Silver Award project at town hall to create an armed forces memorial near the flagpole. They found Ken Abbott who can build two benches, and would like to add stepping stones commemorating the different armed forces branches, and flowers with the help of Master Gardener Donna Thrasher. They are considering a mural on the back of the benches. Council noted we do have an irrigation system coming in and a time capsule that would have to be avoided.

3. Additions, Deletions and Adoption of Agenda *Time Stamp 10:49*

The “Silver Award Project” was added to new business, and the “Critical Intersection Analysis Presentation” was moved up to the “CRTPO Presentation”. The “Approve previous month planner’s report and code enforcement report” was pulled from consent agenda to a separate item.

Mayor Pro Tem Kenary motioned to approve the agenda as amended for the above items; Council Member Rodriguez seconded the motion.

The motion passed unanimously.

Clerk Bennett reviewed the minor changes that had been made to the May 9, 2016 minutes.

Mayor Pro Tem Kenary motioned to amend the agenda to remove “Approve previous month finance report” from Consent agenda and add it to “Report from Finance Officer” and to add to

consent agenda “Appoint John Souza as Planning Board Chair”. Council Member Kaperonis seconded the motion.

The motion passed unanimously.

4. Consider Approval of consent agenda *Time Stamp 14:45*
 - a. Approve the minutes of May 9, June 13 and June 16, 2016 meetings
 - b. Appoint John Souza and Chuck Adams to new terms on Planning Board, and appoint John Souza as Planning Board Chair for the next year
 - c. Call for Public Hearings on zoning and update of Future Land Use Plan for annexed lots for August 8, 2016 at 7 pm at town hall

Mayor Pro Tem Kenary motioned to approve the amended consent agenda. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

5. Report from Finance Officer and Approve the Previous Month Finance Report *Time Stamp 17:55*

The amount spent for code enforcement is for investigation of code enforcement complaints, we have not received any fines historically. The amount expended to US Infrastructure for storm water services related to the time our contract engineer spent in preparation for and attending the Planning Board meeting. There are three amounts paid each month to Duke Energy for the park; one for the original account, one for the gate and one for the lights. The Finance Officer reviewed the monthly transactions; quarterly shared revenues came in this month from the State, the June reports are not final since more adjustments will be done before the audit is complete, repairs were made to two computers, we purchased 24 public hearing signs needed for the annexed properties, we paid for clearing the drain and the drain cover at the park dam and the other transactions were routine expenditures and revenues. During the month of June, \$1,000 was moved from contingency to engineering fees.

June 2016 Budget Report

	<u>Jun 16</u>	<u>Jul '15 - Jun 16</u>	<u>Budget</u>	<u>% of Budget</u>
General Fund				
Income				
Appropriated Fund Balance	0.00	0.00	5,900.00	0%
Property Tax Income				
Current Year Property Tax	66.22	137,921.24	136,168.00	101%
Utility Ad Valorem	0.00	2,095.17	1,887.00	111%
Vehicle Registration	1,283.17	12,822.34	11,560.00	111%
Delinquent Property Tax	0.00	565.69	800.00	71%
Prior Year Motor Vehicle Tax	0.61	17.17	0.00	100%
Interest/Ad Fee on Taxes	12.32	372.59	300.00	124%
Total Property Tax Income	1,362.32	153,794.20	150,715.00	102%
Fees and Licenses				
Privilege Licenses	0.00	180.00	285.00	63%

Cable Franchise (from Time Warn	0.00	0.00	15,200.00	0%
Zoning Permit	1,625.00	22,615.00	10,000.00	226%
Engineering Fees Reimbursement	5,283.10	29,599.15	22,000.00	135%
Annexation Exp Reimbursed	0.00	0.00	100.00	0%
Misc. Fees	26.00	4,031.25	300.00	1344%
Winter Walk 5K fees	0.00	0.00	500.00	0%
National Night Out	0.00	0.00	0.00	0%
Total Fees and Licenses	6,934.10	56,425.40	48,385.00	117%
Interest Earned	42.97	606.76	400.00	152%
Revenue Sharing				
Sales & Use Taxes	3,805.08	30,596.07	44,000.00	70%
Sales Tax on Telecom. Services	2,289.71	6,354.56	10,200.00	62%
Sales Tax on Video Programming	24,191.19	70,756.57	92,000.00	77%
Sales Tax on Electricity	44,290.69	148,515.95	180,000.00	83%
Sales Tax on Piped Natural Gas	8,937.02	26,789.88	13,000.00	206%
Alcoholic Beverage Tax	0.00	36,150.69	35,000.00	103%
Total Revenue Sharing	83,513.69	319,163.72	374,200.00	85%
Total Income	91,853.08	529,990.08	579,600.00	91%
Expense				
Total Town Hall Operating Expense	2,687.78	20,970.94	27,205.00	77%
Total Operating Expenditures	1,119.60	46,190.16	89,938.53	51%
Total Planning & Zoning	7,808.48	69,007.25	79,003.00	87%
Total Gen. Govt. Salaries	11,232.02	109,097.47	116,650.00	94%
Total Professional Fees	6,901.85	47,300.82	55,000.00	86%
Total Capital Outlay	0.00	498.61	15,000.00	3%
Total Public Services / Safety	0.00	83,078.36	83,917.00	99%
Parks & Recreation				
Total Recreation Events	0.00	3,407.00	6,975.00	49%
	0.00	0.00	0.00	0%
Total Parks & Recreation Personal Services	0.00	675.00	1,200.00	56%
Total Park Maint. Supplies& Mat.	0.00	6,787.40	12,098.00	56%
Total Park Maint. Services	2,920.78	31,621.36	42,937.00	74%
Total P&R Capital Outlay	481.65	14,805.02	49,676.47	30%
Total Parks & Recreation	3,402.43	57,295.78	112,886.47	51%
Total Expense	33,152.16	433,439.39	579,600.00	75%
Net General Fund	58,700.92	96,550.69	0.00	100%
Capital Projects Fund				
Other Income				
Transfer from General Fund				
Appropriated for Town Hall	0.00	1,442,700.00	1,442,700.00	100%
Total Transfer from General Fund	0.00	1,442,700.00	1,442,700.00	100%

Total Other Income	0.00	1,442,700.00	1,442,700.00	100%
Other Expense				
Town Hall Capital Outlay				
TH Construction Contract	0.00	1,235,560.67	1,256,981.00	98%
TH Architect/Engineer	0.00	104,328.87	108,168.00	96%
TH In House Engineering	0.00	1,200.00	1,200.00	100%
TH Testing/Permit Fees	0.00	12,894.66	14,900.00	87%
TH Telecom Sys/AV/Computers	0.00	179.90	252.00	71%
TH Insurance	0.00	1,374.00	1,374.00	100%
TH Legal Fees	0.00	5,140.00	5,100.00	101%
TH Furnishings/Seasonal Dec.	0.00	28,575.14	28,945.00	99%
TH Irrigation	0.00	11,981.00	22,000.00	54%
TH Miscellaneous	0.00	3,683.65	3,780.00	97%
Total Town Hall Capital Outlay	0.00	1,404,917.89	1,442,700.00	97%
Total Capital Projects	0.00	1,404,917.89	1,442,700.00	97%
Total Other Expense	0.00	1,404,917.89	1,442,700.00	97%
Net Capital Projects Fund	0.00	37,782.11	0.00	100%
Net excess of rev. over exp.	58,700.92	134,332.80	0.00	100%

June 30, 2016 Balance Sheet

ASSETS

Current Assets

Checking/Savings

Fifth Third Bank checking	415,074.53
Fifth Third Maxsaver	305,843.17
BB&T Money Market	507,331.28
Cash Change Fund	50.00

Total Checking/Savings 1,228,298.98

Accounts Receivable

Total Accounts Receivable 4,167.35

Other Current Assets

Property Tax Rec.	1,613.00
Allow. for Doubtful Accounts	-887.00
Prepaid Exp.	276.00
Sales Taxes to be Received	

Total Sales Taxes to be Received 1,626.89

Total Other Current Assets 2,628.89

Total Current Assets 1,235,095.22

Fixed Assets

Land 813,423.00

Dogwood Park

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>
Total Fixed Assets	2,828,783.02
Other Assets	
Net Pension Asset	<u>3,185.00</u>
Total Other Assets	<u>3,185.00</u>
TOTAL ASSETS	<u><u>4,067,063.24</u></u>
LIABILITIES & Fund Balance	
Other Current Liabilities	
Pension deferrals	20,792.00
Contrib to pension plan CY	-4,211.00
Due to Union County Schools	59.13
Escrow from Developers	196,090.00
Deferred Revenue	726.20
Unearned Rev(Priv licenses)	300.00
Next yr Prop Tax prepaid	<u>375.72</u>
Total Other Current Liabilities	214,132.05
Fund Balance	
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	37,782.11
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	436,992.08
Excess of Rev. over Exp.	<u>134,332.80</u>
Total Fund Balance	<u>3,852,931.19</u>
TOTAL LIABILITIES & Fund Balance	<u><u>4,067,063.24</u></u>

5B. Approve previous month planner's report and code enforcement report Time Stamp 24:36

Our code enforcement officer addresses complaints and comes out monthly. There are a couple of properties he has not had resolution with, and he wants to clean them up and lien the properties, but he could not attend tonight's meeting. Council asked if he could adjust his report

to add dates on the actions column, and show the most current violations first. Possibly he could combine the name and address into one column.

6. CRTPO Presentation and Critical Intersection Analysis Presentation *Time Stamp 30:47*
Bob Cook, Secretary of the Charlotte Regional Transportation Planning Organization, addressed Council. He reviewed the Comprehensive Transportation Plan (CTP), which is required by NC GS 136-66.2. Currently we have a MUMPO Thoroughfare plan which shows only streets and highways for Mecklenburg and Union counties. A CTP identifies future transportation system elements including highways, rail & public transportation, pedestrian, and bicycles. It replaces the Thoroughfare Plan, and is the MPO's starting point for its planning processes. The CTP is a long term multi modal vision and provides detailed information to the public, stakeholders, and elected officials. It is not fiscally constrained. The Metropolitan Transportation Plan (MTP) has a 20 year focus, is fiscally constrained and updated every four years. It is federally required and must be consistent with the Transportation Improvement Program (TIP). The TIP covers a ten year focus, and is fiscally constrained; projects must be in the MTP and is federal and state approved. Implementation is through the local jurisdictions (ordinances, prioritize local capital projects, incorporate into area planning and other planning efforts), the CRTPO (project prioritization – MTP, UPWP preparation – local project review, coordinate projects in multiple jurisdictions, and assist with ordinance development) and NCDOT (project scoping). The local role in the CTP process includes the public involvement time frame of May – September / October, and they encourage marketing and promotion through social media, link on town website, spread the word and provide comments. Tools used include webinars, public workshops from 10 am to 1 pm (including at Old Armory in Monroe on August 3, 2016), social media and website (www.crtpo.org). Key takeaways are needs assessment, transportation and land use planning and local involvement is key.

Questions were asked on how we can get Hwy. 84 improved beyond Waxhaw-Indian Trail Road; Mr. Cook said the squeaky wheel helps, let them know. The process changed in 2013 to a more quantitative process, but Council bringing priorities forward will gather a lot of weight. It can take 15 -20 years from first being brought up for a change to occur. The process gives more weight to existing road improvements, than to new roads. If you can show a developer or town is contributing to the cost, it helps. He noted a lot of towns issue bonds to construct road improvements.

The Faith Church Road Extension was first identified in 1994; it runs down a creek, other development occurred, and Indian Trail did a study recommending it be removed except for the segment between US 74 and Old Monroe Road, as well as adding an extension of Beulah Church Road to the CTP. It is on the MUMPO Thoroughfare Plan and needs further study. No dollars are associated with the road, so you are not giving up money. If there is another possible road, you can't swap it out due to the prioritization process. CRTPO makes the ultimate decision on Faith Church Road. The first step to propose a plan B is to bring it to the technical committee of CRTPO; a road doesn't have to be in your own community to impact you and for you to express concerns.

Critical intersections probably won't score well; there are two discretionary sources; there is STP with \$15 million/year and a call for projects will be issued later this year, and another source for

intersection projects, matches for both are 20%. The cost for the Wesley Chapel/Potter Road intersection improvements is \$2,520,000 and for the Potter Road / Highway 84 intersection \$1,650,000. Any concerns with the proposals can be made now.

Mr. Cook was thanked for his presentation.

7. Continued Public Hearing on CZ15-02 Courtyards at Wesley Chapel *Time Stamp 1:30:40*

The public hearing was opened. Mr. Duston reported the public hearing was continued to tonight, the major change was they are fully meeting tree mitigation. The application went back to Planning Board and they made a unanimous favorable recommendation contingent on a means to decelerate into the subdivision and a median or other safety option. The developer agreed with the conditions. They also submitted two additional house drawings. There is still a modification to remove trees that needs to be voted on first.

Susan Kechijian spoke as a senior citizen who wants to downsize, and was in favor of the project.

The alternate solution to the median was discussed. Planning Board wanted a slip lane, two options were shown; DOT approved a slip lane with a one hundred foot taper and fifty foot storage. A median would cause additional hazards.

Council Member Kaperonis expressed concern over the impact of kids on schools; 20% of the homes could have kids which would be 21 homes, and could have 52 children. Phil Fankhauser responded that they typically do a census when built out, for 60 communities over 30 years the average is 2-3 kids per hundred homes. He stated they never approached the 20% line, and none of the communities ever turned into regular housing. He added it is also enforceable by your town, zoning and the HOA. He was agreeable to the property manager presenting an annual census or having it available anytime.

Trees were discussed. There will also be 136 ornamental trees, one per lot, that are not shown on the site plan. Council Member Rodriguez had spoken to Rich Hearth, our engineer, and attorney about the 749 trees with concerns that some of the trees will be crowded out, and that you should have 400 square feet for future healthy trees and trees are expensive as well. He suggested mitigating only some of the trees, and offer that Epcon do something in return. He asked Gary Fankhauser what number of trees are unnecessary and Mr. Fankhauser reviewed the drawings, in the buffer there is 415 square feet per tree, in the 50 foot buffer there is 500 square feet per buffer; the 193 trees marked purple/pink are crowded, he suggested also the 83 mitigation trees in buffers are also unnecessary since there are already adequate trees in the buffer requirements. He noted they are putting in 237 street trees also. Removing the 193 + 83 trees was not presented to Planning Board. Bill Duston noted a second modification to do less trees would be needed. John Souza noted Mr. Fankhauser had also presented the option to use more upright trees. Gary Fankhauser said you would still have the root spread and encroach sidewalks, etc. Council Member Como noted this would have to go back to Planning Board and for public comments. Mr. Phil Fankhauser said he did not want to go back to Planning Board and delay the decision. Bill Duston noted you cannot come back with a significant change, you would have to start over. Council Member Rodriguez withdrew his proposal. The idea was discussed further,

and how long it would delay things. Council Member Rodriguez noted an option was for Epcon to do some work in the park to benefit the town in return for putting in less trees. Planning Board acting Chair John Souza was asked for input; he said he was surprised when the application came back to Planning Board. The Planning Board agenda is all ready to go out tomorrow. Bill Duston noted, short of calling a special meeting, it would fall on the Planning Board August agenda, and come to Council in September. To not go back to Planning Board would not be consistent with what was done last time. The attorney noted you are not required to send it back to Planning Board. The possibility of a Planning Board special meeting was discussed. Mr. Fankhauser asked for a vote tonight. The Mayor asked if the public hearing should be left open. Wes Smith asked if the trees could be re-visited at preliminary plat; Mr. Duston said no, what you see is what you get. If Council puts a condition on, you must do a modification. There were no further public comments, and the Mayor closed the public hearing.

A short break was held.

8. Continued Public Hearing on Temporary Family Health Care Structures *Time Stamp 2:34:37*

Mayor Kapfhammer opened the continued public hearing. There were no speakers. Bill Duston noted these structures are mandated by the N.C. GS. Mayor Pro Tem Kenary motioned to keep this public hearing open to the next regular meeting on August 8, 2016 at 7 pm at town hall, since minor changes are needed to make the text ordinance verbatim to the general statutes. Council Member Kaperonis seconded the motion.

The motion passed unanimously.

9. Public Hearing on Future Land Use Plan Map Amendment *Time Stamp 2:38:12*

Mr. Duston noted this was a request for a 2.12 acre tract to be changed to low density commercial on the land use plan from R-40. Planning Board recommended approval unanimously, but any rezoning be done through conditional zoning only. There being no speakers, the public hearing was closed.

Committee and Deputy Reports

10. Deputy *Time Stamp 2:40:00*

Deputy Wicker reported there was a robbery at McDonalds; and an active investigation is continuing. There were three larcenies at Target and one at Chick Fil A. He took four reports today at Target. He gave further information on some of the incidents on the June report.

11. Youth Council Committee *Time Stamp 2:47:35*

There was no report, as the members were on vacation.

12. Safety Committee *Time Stamp 2:48:03*

Jim Dale reported the committee did not meet for three months, they have three members and are looking for more volunteers. He had a question on the budget for the defibrillator; since safety cameras were added to the line item. A Council question was on who were the 20 people to be trained. He noted National Night Out may not happen; Mayor Pro Tem Kenary asked if he could

coordinate an event with the fire department, and have it in several locations. Mr. Dale said he was willing to try.

13. Planning Board *Time Stamp 2:59:28*

Acting Chair John Souza said at the last meeting they looked at zoning for annexed lots and the Epcon proposal; the electricity went out so they had to call a special meeting to look at the Kolter subdivision, which has several special items such as being in two towns, the Faith Church Road extension and the thread trail; they will need guidance from Council. Mr. Duston is meeting with the thread trail people next week. Mayor Pro Tem Kenary encouraged Planning Board to research Indian Trail's ordinances since the community will be in both towns, noting Indian Trail offers trash collection, and tickets for off-street parking.

14. Parks & Rec Committee *Time Stamp 3:07:50*

Chair Utley was not present, and the Committee did not have a meeting. Council Member Rodriguez gave an update on the amphitheater; the architect sent a proposal to work with the pre-fab company, but he had a couple of questions to follow up on. Regarding the monument sign, Mr. Godby supplied some information to the engineer, and he expects a quote from the engineer tomorrow on what it would cost for him to do the necessary work to obtain a building permit. Regarding fencing at the park, he met with the scout, and additional fencing had been added at the park, and the Scout decided it was too much to take down the fence and is doing a project elsewhere. Another Scout who had gotten prior approval from Parks and Rec, wanted to do a project down by the lake with a picnic table and gravel, and steps to it, and it would be the only shaded table at the park. It was reviewed with Council Member Como and if Council has no objections, Council Member Rodriguez will let him know it is okay to do it. Council Member Rodriguez also suggested moving the storage container back and over; Mayor Kapfhammer suggested he investigate the cost and report back to Council.

Old Business

15. Decision on Temporary Family Health Care Structures Amendment *Time Stamp 3:15:40*
This item was tabled.

16. Decision on Future Land Use Plan Map *Time Stamp 3:16:00*

Council Member Rodriguez motioned to leave the future land use map designation for lot 06075008D remain as is, and no future action be taken. Mayor Pro Tem Kenary seconded the motion. Council Member Rodriguez noted spot zoning would be very problematic since it is just one parcel surrounded by many others. Bill Duston noted the other corners except for one are residential. Acting Planning Board Chair Souza said the reason they approved the new designation was that it allows the owner to request a change. Mayor Pro Tem Kenary noted our recently reviewed and updated land use plan included a goal to not have spot zoning in the Village so this is in keeping with our ordinance, our future land use plan and future land use map. Council Member Como asked what Ms. Fenn's parcel was zoned for; it is B-2 and could have a wide variety of uses; when land came in from the County it was zoned as it was in the County, and remained commercial.

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

17. Consider Approval of Modification for Courtyards at Wesley Chapel *Time Stamp*
3:24:11

This modification to the subdivision ordinance is for removal of 44 heritage trees at the Courtyards at Wesley Chapel. Findings of fact from Section 206.3 of the Villages Subdivision Ordinance must be voted on.

Mayor Pro Tem Kenary motioned to approve the first finding that there are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land, citing the site is heavily wooded and there are heritage trees throughout the site; nearly any sort of development would require removal of heritage trees. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Kenary motioned to approve the second finding that the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner, citing the removal of heritage trees is deemed to be reasonable given their location and the natural topography of the site; almost any sort of substantial development would require the removal of at least one heritage tree. Council Member Rodriguez seconded the motion.

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

Mayor Pro Tem Kenary motioned to approve the third finding that the circumstances giving rise to the need for the modification are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this Ordinance, citing there are heritage trees throughout the site; nearly any sort of substantial development would require removal of heritage trees. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Kenary motioned to approve the fourth finding that the granting of the modification will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which said property is situated, citing the applicant has furnished storm water plans that have been reviewed and approved by the Village's Consulting Engineer and mitigated removal of trees. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Kenary motioned to approve the fifth finding that the modification will not vary the provisions of the Village of Wesley Chapel Zoning Ordinance applicable to the property; citing the modification does not impact any of the regulations contained in the Village's Zoning Ordinance. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Kenary motioned to approve the modification to remove the 44 heritage trees based on the findings of fact. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

18. Decision on Courtyards at Wesley Chapel *Time Stamp 3:36:25*

Council Member Rodriguez motioned to approve CZ15-02 Courtyards at Wesley Chapel with the conditions 1. That the exterior materials be LP siding, architectural shingles, wood accents, stone veneer, no vinyl siding, 2. That an annual census be conducted every October showing the age breakdown of residents, and 3. That the right hand turn lane be implemented, and with the other conditions shown on the site plan. Mayor Pro Tem Kenary seconded the motion. Discussion was held on the particulars of the motion. Mayor Pro Tem Kenary rescinded her second. Council Member Rodriguez amended his motion, to include all or portions of the following lot numbers lot 06135006, lot 06135004A, lot 06135005, lot 06105001, lot 06105001A, lot 06135003C, lot 06105007B, and lot 06105006 to approve CZ 15-02 Courtyards at Wesley Chapel with the conditions that: 1. the exterior materials be LP siding, architectural shingles, wood accents, stone veneer, no vinyl siding, 2. an annual census be conducted every October showing the age breakdown of residents, and 3. the right hand turn lane be implemented, and the other conditions shown on the site plan; with the statement of consistency that the Land Use Plan does contemplate senior housing in the village by stating that lots sizes of less than 40,000 square feet are allowed in senior housing developments; the proposed development has lots of less than 40,000 square feet and has a density of less than the maximum of 3.0 units/acre; the LUP does not give significant guidance as to where in the village senior housing should be located; thus, the rezoning is neither consistent nor inconsistent with the Future Land Use Plan; and the statement of reasonableness that the proposed rezoning is deemed reasonable as all applicable zoning regulations have been met. Mayor Pro Tem Kenary seconded the motion.

The motion was voted on: with 2 yeas (Kenary and Rodriguez) and 2 nays (Como and Kaperonis). Mayor Kapfhammer asked about the reason for the nays, Council Member Kaperonis wanted the project to go back to Planning Board regarding the trees and Council Member Como wanted it to go back to Planning Board saying the extra trees did not make sense. Phil Fankhauser said in the interest of doing what is best for the Village, our customers and the trees, he would be open to Council modifying the process for reconsideration by Planning Board if it can be accomplished in a three week period. The Clerk reminded that we have a motion and second, and need to finish the vote. Discussion was held on the possibility of holding special meetings to meet a three week time frame. Meeting the spirit of the code was discussed. Bill Duston noted if the petition is denied, you cannot accept another petition for one year. Mayor Kapfhammer voted yea, noting he doesn't think the trees are as a big a problem as we suspect.

The motion passed 3-2.

A short break was held.

19. Discussion and Decision on Amendment for Conservation Zoning *Time Stamp 2nd recording 0:13*

Mayor Pro Tem Kenary motioned to table this item to the next meeting. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

20. Consider Town Hall Irrigation Bids *Time Stamp 2nd recording 0:52*

Mayor Pro Tem Kenary noted three bids were received, she called low bidder US Lawns and they agreed to the two year warranty; the base bid is \$13,300. They will provide an as-built after

completion. We already have four inch PVC sleeves, the alternate is in case an additional one is needed. Council Member Como asked if the sleeves could be located, and she replied yes. Mayor Pro Tem Kenary motioned to move \$6,500 from the Capital Projects Fund Town Hall Construction line item to the Irrigation line item. Council Member Kaperonis seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Kenary motioned to contract with US Lawns to install the town hall irrigation system, with the project cost up to \$16,519. Council Member Rodriguez seconded the motion. The time frame is to start right now.

The motion passed unanimously.

21. Update on Resident Survey Results *Time Stamp 2nd recording 17:19*

Mayor Kapfhammer reported he sent out the survey results; there were two documents- the actual data and the analyst's opinion report. He noted the 10% return rate was not statistically significant but it was a representative sample of our community demographics. The results will be posted on the website. We now have a Survey Monkey subscription and can do more surveys, however we are not sure we can geographically pinpoint to ensure only residents respond. The number one project wanted at the park was bathrooms, but citizens may not be aware of the cost, so perhaps a subsequent survey with costs would be useful. Traffic was also shown to be a top concern. Council Member Kaperonis noted 70% disagreed with the area being developed as urban. Mayor Pro Tem Kenary noted we have been moving 20% of net income each year to a community center, but the survey shows residents do not want a community center. Mayor Pro Tem Kenary motioned that effective June 30, 2016 we no longer move 20% of our net income to assigned fund balance for a community center. Council Member Rodriguez seconded the motion.

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

New Business

22. Appointments to a Storm water Committee *Time Stamp 2nd recording 31:07*

This item was tabled; Planning Board wanted to meet on Thursday evenings; Mayor Pro Tem could not meet on Thursdays, and no other Council members wanted to join the committee. If the Planning Board members want to go forward and meet, they can.

23. Silver Award Project *Time Stamp 2nd recording 32:40*

Council would like to see a picture of the benches proposed, and preferred a composite material, they would also like more information on the flowers and mural. The Clerk will contact the Scouts with questions.

Council Member Kaperonis motioned to approve the Silver Award Project to get it going. Council Member Como seconded the motion.

The motion passed unanimously.

Ending Items

24. Council Comments *Time Stamp 2nd recording 37:29*

Council Member Como said he would like to see a generator at town hall. He will attend the Carolina Thread Trail meeting with Mr. Duston. Also, in reading the new Lucas contract he did not see an additional \$8,000 work and questioned if the work was being done, citing mulch, and trimming the bushes.

Council Member Kaperonis said the process of government failed us tonight to get a good project.

Council Member Rodriguez agreed.

Mayor Pro Tem Kenary agreed that the laws on our books need to be addressed, including the storm water and subdivision ordinances should be focused on and implemented on a timely basis.

25. Adjournment *Time Stamp 2nd recording 41:40*

Council Member Rodriguez motioned to adjourn; Mayor Pro Tem Kenary seconded the motion.

The motion passed unanimously.

The meeting ended at approximately 12:05 am.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Dr. David Kapfhammer