

VILLAGE OF WESLEY CHAPEL  
COUNCIL MEETING MINUTES  
WESLEY CHAPEL TOWN HALL  
6490 Weddington Road, Wesley Chapel, NC 28104  
February 8, 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, Joan and Rick Beaulieu, Karen Izzo, Jim Dale, Gayla Adams, Wendi Hensel, Cody Ketchum, Sondra Bradford, and Scott Cole, Anamika Laad and Mani Shahidi from NC DOT,

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

2. PUBLIC COMMENTS *Time Stamp 1:55*

None.

3. ADDITIONS, DELETIONS AND ADOPTION OF AGENDA *Time Stamp 2:09*

Items added to the agenda were “Banners” and “Pet Waste Bags”. “Waive fee for meeting at town hall” was pulled from the Consent Agenda, to be considered separately. Mayor Pro Tem Kenary motioned to approve the amended agenda. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

4. CONSIDER APPROVAL OF CONSENT AGENDA *Time Stamp 7:55*

- a. Approve the minutes of the January 11, 2016 regular meeting
- b. Approve the previous month finance report
- c. Approve the previous month planner’s report and code enforcement report
- d. Approve appointment to Safety Committee

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

The motion passed unanimously.

Council Member Rodriguez motioned to approve an amendment to the January 11, 2016 minutes to change “irrigation line” to “irrigation meter” on item 22, on page 11. Mayor Pro Tem Kenary seconded the motion.

The motion passed unanimously.

**January 31, 2016 Balance Sheet**

**ASSETS**

<b>Checking/Savings</b>	
Fifth Third Bank checking	343,894.30
Fifth Third Maxsaver	305,792.63
BB&T Money Market	507,120.63
Cash Change Fund	<u>50.00</u>
<b>Total Checking/Savings</b>	<b>1,156,857.56</b>
<b>Accounts Receivable</b>	
Misc. Fees Receivable	<u>124.15</u>
<b>Total Accounts Receivable</b>	<b>124.15</b>
<b>Other Current Assets</b>	
Property Tax Rec.	1,613.00
Allow. for Doubtful Accounts	<u>-887.00</u>
<b>Total Sales Taxes to be Received</b>	<b><u>1,124.34</u></b>
<b>Total Other Current Assets</b>	<b><u>1,850.34</u></b>
<b>Total Current Assets</b>	<b>1,158,832.05</b>
<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>
<b>Total Dogwood Park</b>	<b>754,405.00</b>
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>3,990,800.07</u></b>
<b>LIABILITIES &amp; FUND BALANCE</b>	
<b>Liabilities</b>	
<b>Other Current Liabilities</b>	
Pension deferrals	20,792.00
Contrib to pension plan CY	-4,211.00
Deposits To Refund	25.00
Due to Union County Schools	53.06
Escrow from Developers	196,090.00
Payroll Liabilities	2,276.40
Deferred Revenue	<u>726.20</u>
<b>Total Other Current Liabilities</b>	<b>215,751.66</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	46,162.11
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	428,612.08
Excess of Rev. over Exp.	<u>56,450.02</u>
<b>Total Fund Balance</b>	<b><u>3,775,048.41</u></b>
<b>TOTAL LIABILITIES &amp; FUND BALANCE</b>	<b><u>3,990,800.07</u></b>

**January 2016 Budget Report**

	<u>Jan 16</u>	<u>Jul '15 - Jan 16</u>	<u>YTD Budget</u>	<u>% of Budget</u>
<b>General Fund</b>				
<b>Income</b>				
<b>Appropriated Fund Balance</b>	0.00	0.00	5,900.00	0%
<b>Total Property Tax Income</b>	34,739.38	132,122.17	150,715.00	88%
<b>Total Fees and Licenses</b>	1,566.00	30,754.15	48,385.00	64%
<b>Interest Earned</b>	56.02	345.57	400.00	86%
<b>Total Revenue Sharing</b>	<u>3,097.44</u>	<u>118,876.22</u>	<u>374,200.00</u>	<u>32%</u>
<b>Total Income</b>	<u>39,458.84</u>	<u>282,098.11</u>	<u>579,600.00</u>	<u>49%</u>
<b>Expense</b>				
<b>Total Town Hall Operating Expense</b>	1,419.79	11,836.22	27,205.00	44%
<b>Total Operating Expenditures</b>	7,925.84	37,888.81	90,938.53	42%
<b>Total Planning &amp; Zoning</b>	5,327.68	35,203.05	79,003.00	45%
<b>Total Gen. Govt. Salaries</b>	6,935.18	61,797.30	116,650.00	53%
<b>Total Professional Fees</b>	1,857.50	23,064.33	54,000.00	43%
<b>Total Capital Outlay</b>	0.00	498.61	15,000.00	3%
<b>Total Public Services / Safety</b>	60.00	62,370.36	83,917.00	74%
<b>Parks &amp; Recreation</b>				
<b>Total Parks &amp; Recreation Personal Ser</b>	0.00	300.00	1,200.00	25%
<b>Total Parks &amp; Rec Supplies &amp; Material</b>	241.09	6,309.23	12,398.00	51%
<b>Total Parks &amp; Recreation Services</b>	2,542.76	20,543.92	46,212.00	44%
<b>Total P&amp;R Capital Outlay</b>	<u>2,363.08</u>	<u>11,998.37</u>	<u>53,076.47</u>	<u>23%</u>
<b>Total Parks &amp; Recreation</b>	<u>5,146.93</u>	<u>39,151.52</u>	<u>112,886.47</u>	<u>35%</u>
<b>Total Expense</b>	<u>28,672.92</u>	<u>271,810.20</u>	<u>579,600.00</u>	<u>47%</u>
<b>Net General Fund</b>	10,785.92	10,287.91	0.00	100%
<b>Capital Projects fund</b>				
<b>Total Transfer from General Fund</b>	<u>0.00</u>	<u>1,442,700.00</u>	<u>1,442,700.00</u>	<u>100%</u>
<b>Town Hall Capital Outlay</b>				
<b>TH Construction Contract</b>	<u>0.00</u>	<u>1,235,560.67</u>	<u>1,256,981.00</u>	<u>98%</u>
<b>Total Town Hall Capital Outlay</b>	<u>0.00</u>	<u>1,396,537.89</u>	<u>1,442,700.00</u>	<u>97%</u>
<b>Net Capital Projects Fund</b>	<u>0.00</u>	<u>46,162.11</u>	<u>0.00</u>	<u>100%</u>
<b>Net Excess of Rev. over Exp.</b>	<u><u>10,785.92</u></u>	<u><u>56,450.02</u></u>	<u><u>0.00</u></u>	<u><u>100%</u></u>

Carlton E. Bowers was appointed to the Safety Committee.

## COMMITTEE REPORTS

### 5. YOUTH COUNCIL COMMITTEE *Time Stamp 12:28*

Chairman Cody Ketchem reported on planning for an event at the park, “Wesley Chapel’s Got Talent” on March 12. Since the church has an event that day, they will use the overflow parking at the park, and see if the Explorers are available to help. Some food trucks will be present, and they are taking sign-ups at Sign-Up Genius, and will purchase banners. Estimated turnout is 75-100. The food trucks will provide evidence of their health department approval to us; and a temporary use permit will be obtained. Danielle Acker presented their event to Parks and Rec. Their next major project will be a 5-K.

### 6. SAFETY COMMITTEE *Time Stamp 21:26*

Chairman Jim Dale reported the committee looked at the automated speed sign, but did not determine the viability because it can’t be on a public highway. One member is talking to Capt. Luke about speed problems in the Village and whether the County has similar signs. They had an inquiry from EMS and will be updating their plaque. Chauncey Bowers, Committee member, spoke regarding defibrillators, which could raise the survival rate should there be a cardiac event at town hall. They will identify the equipment and personnel to train to consider in the 2016-17 budget. The Mayor asked about other locations. Mr. Bowers said they haven’t reached out to merchants yet but will, the merchants would undertake the cost and training themselves. Mayor Pro Tem Kenary asked about the deputy incident reports, she was concerned because she could not find an incident in her neighborhood on the reports. Chairman Dale noted the report has a lot of data, he would like to break it down to three categories, and then determine if we can compare activity from one period to another.

### 7. PLANNING BOARD *Time Stamp 31:56*

The Planning Board Chair was not present.

### 8. PARKS AND REC COMMITTEE *Time Stamp 33:41*

Parks and Rec Chair Pat Utley reported the dumpster concrete pad was poured, but there were a few problems so don’t pay for it until Parks and Rec meets. At the next Parks and Rec meeting Waxhaw Rotary is interested in putting in a monarch butterfly garden at the park. The Committee is working on the 2016-17 budget due April 1<sup>st</sup>. One bid was received on the dam stump removal. Attorney Sistrunk confirmed we can open the bids even if there are less than three since this does not fall under the formal construction bid process for projects over \$500,000. The joint Parks and Rec meeting with Council is still pending a date.

## OLD BUSINESS

None.

## NEW BUSINESS

### 9. WAIVE FEE FOR MEETING AT TOWN HALL FOR POTTERS TRACE ON FEBRUARY 23, AND FOR PRICE MILL MEETING HELD January 14 *Time Stamp 37:25*

Council members discussed maintenance costs and wear and tear on the building when outside groups meet here, and felt we should charge the fee which is \$100. Council Member Rodriguez

motioned to uphold the policy and charge the fee for everyone. Mayor Pro Tem Kenary seconded the motion.

The motion passed 3-1 with Como voting nay.

10. PET WASTE BAGS *Time Stamp 43:58*

Purchase of pet waste bags was discussed. We have five pet waste stations, and though they have bags in them, there are no refills. Parks and Rec was not aware of the request; Council Member Como had checked that there was budget availability, and the proposed purchase was over \$500 so it had come to Council. Another less expensive source was found, so he requested a sample. Parks and Rec will review and recommend from whom to purchase.

11. WESLEY CHAPEL FRIENDS OF PARK AND REC *Time Stamp 49:46*

Sondra Bradford and Diana Bowler representing Wesley Chapel Friends of Park and Rec (FOPR), an affiliate of Partners for Parks from Charlotte, presented brochures listing events for 2016. Their group formed in late 2012 to make it easier for citizens to volunteer at the park and for events. They work with Mr. Richard Hopkins, pastor at Southbrook Church. Events planned in 2016 are an Easter Eggstravaganza on March 26, Pig in the Park on May 14, and Fall Bash on October 29. Attendance last year was estimated at 1,000 for the Pig in the Park and 1,500 for each of the other two events. Council Member Como noted we have funds in the budget for three events. Ms. Bradford declined funds for the Easter event, since it is invoking the name of Jesus Christ, but the other events are secular. Both Ms. Bradford and Ms. Bowler put in a lot of volunteer time; their reward is seeing the children and adults enjoy the events. Last year they expanded to contact businesses outside Wesley Chapel; it helps promote Wesley Chapel and is of mutual benefit. Mayor Kapfhammer thanked them for their volunteerism.

Mayor Pro Tem Kenary motioned to approve the three events. Council Member Kaperonis seconded the motion.

The motion passed unanimously.

Pastor Richard Hopkins requested approval of a short sunrise service at 7 am on March 27<sup>th</sup>, recognizing the neighbors they will have low volume sound. Council Member Como motioned to approve them setting up at 6 am on March 27<sup>th</sup>, and concluding at 8 am. Council Member Kaperonis seconded the motion.

The motion passed unanimously.

A temporary use permit will be needed. Council Member Como asked about posting photos of people at events; Attorney Sistrunk will go back and research.

12. AUDIT REPORT PRESENTATION *Time Stamp 1:08:00*

Kendra Gangal, CPA reported on the June 30, 2015 audit report. She suggested looking at the Management Discussion and Analysis section which is a good summary of what happened in the past year. The government wide financial statements in the front are comparable to private business; the second part is the fund financial statements which is more of a cash in/cash out basis. Our tax collection rate is in excess of 99%, and we continue to keep expenditures under budget. Every government has a fund balance policy, ours is to keep 25% of expenditures in fund balance, but we actually have in excess of 70%. Ms. Gangal reported she has done the audit three years and everything is well organized and in good order. She recommended Council stay involved and ask questions as needed since we do not have a lot of staff. Mayor Pro Tem Kenary asked if the finance officer could give a report each month on what was purchased;

Mayor Kapfhammer suggested we might already have that information in the transaction detail report. It can be put on the next agenda.

13. FARMERS' MARKET *Time Stamp 1:19:28*

Mayor Pro Tem Kenary suggested a farmers' market could be established with relative ease and minimal budget impact on the land beside Town Hall. Mayor Pro Tem Kenary motioned for herself to move forward with implementing a farmers' market at the property beside town hall by researching and presenting options to council at upcoming council meetings. Council Member Kaperonis seconded the motion.

The motion passed unanimously.

14. ASTON PROPERTIES *Time Stamp 1:22:33*

Mayor Pro Tem Kenary motioned to appoint Council Member Rodriguez as Council representative to open discussions with Aston Properties along with Mayor Kapfhammer to promote completion of the shopping center. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

15. BANNERS *Time Stamp 1:23:00*

Mayor Pro Tem Kenary motioned to approve the placement of banners or other signage advertising the 2016 Council approved events, on Village owned property; all banners or other signage must conform to the Village's sign regulations as contained in the zoning ordinance; this approval does not waive the requirement for a temporary sign permit and temporary use permit which will need to be obtained from the Village zoning administrator. Council Member Kaperonis seconded the motion.

The motion passed unanimously.

16. ABC STORE *Time Stamp 1:24:58*

A referendum was held in November 2014 and the possibility of an ABC store in Wesley Chapel was approved by voters. Mayor Pro Tem Kenary motioned to appoint herself and Council Member Rodriguez to follow up with ABC to gather information on this. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

17. N.C. 84 WIDENING – IMPACT TO OPTIMIST PARK, SOUTHBROOK CHURCH AND DOGWOOD PARK *Time Stamp 1:25:55*

Council Member Kaperonis attended the public hearing on the road; he noted concerns were the ability to extend the road down to Potter Road, and having to turn right and then make U-turns. Another concern was the volume of traffic at Wesley Chapel Weddington Athletic Association (WCWAA).

Council Member Como commented that the park is classified 4(f), which protects historic sites and public parks from North Carolina Department of Transportation (NC DOT) taking the land for right-of-way. We had anticipated giving up some land to the road widening. He reached out to NC DOT and the Parks and Recreation Trust Fund (PARTF) in hopes of preventing loss of the ball fields and church parking. There is a procedure that can be followed provided you follow the rules.

Dave Arone, president of Weddington Optimist Club, spoke that he was also there on behalf of WCWAA. The park is half owned by the Optimist Club and half by WCWAA who runs the sports events. The routing of Hwy. 84 was due to the protected status of Dogwood Park which drove the road north. They could lose two baseball fields and the large soccer field would be impacted during construction, and they would lose part of the fields forever. There are ten baseball and softball fields at the park. It will also impact Southbrook Church's parking. He asked Council to do what they can. He noted the other properties on the south side of the street are undeveloped. He had concerns with U-turns and the traffic volume and suggested NC DOT bend Lester Davis Road to go behind the house and have a four way intersection there with the park and Church, and a traffic officer could be hired as needed.

The Church has 300-400 people at each of two Sunday services, and have a traffic officer present. The Executive Pastor of Southbrook Church, John Kearney, noted the reduction of parking spaces will impact the park and WCWAA. If the parking goes away, they will have to figure out how to add more which could be costly.

Anamika Laad, from the NC DOT public involvement office, and Scott Cole NC DOT Division Engineer spoke. Ms. Laad brought handouts and the Section 4(f) definition. There is a public comment period that ends February 26, 2016; written comments can be mailed or emailed. NC DOT will then discuss the comments and if necessary, do a re-alignment and bring back the results to the towns. Section 4(f) also affects the Jacob Allen Deal Farm, where they have determined de minimis impact. To do that they go through a complicated process. Because the park is publicly owned it is protected, but WCWAA is not protected because it is privately owned. They must look at the best alignment, and one factor is Dogwood Park. Shifting the road might not take off sufficiently for the impact to WCWAA to be de minimis and could cause more than de minimis impact to Dogwood Park. Another factor is PARTF, since the park land was funded by a 2011 grant and must be held for recreation in perpetuity. It could be converted with duplication somewhere else. PARTF said it is possible and legal. The suggestion to re-route Lester Davis should be submitted in writing.

Scott Cole noted NC DOT agreed to do a traffic study of the WCWAA Park and the Church to ensure they meet needs. He noted a shift of the road to the south will affect land owners across from WCWAA, and they must agree to the shift. The road alignment considers economics, human environment, archeological sites, wetlands, streams, and utilities. When creating a four lane divided road from a two lane undivided road, it makes more sense to add two lanes than to wipe out the existing road. He said they will do additional research, look at the legal ramifications of the park funding, and do a sketch of a re-aligned road.

Ms. Laad suggested a letter or motion from Wesley Chapel sent to her. They will also have a discussion with Weddington.

Mayor Kapfhammer appreciated NC DOT's cooperation, and said we will work to do the right thing.

Dave Arone noted that they do not have thirty feet on the ballfields to give up, they might have thirty feet at the soccer field.

Council Member Kaperonis asked how to formally request to extend the road to Potter Road.

The reply was that will probably be the next project, but we have to start with the first step.

Mayor Pro Tem Kenary asked about extending the road widening just to our entrance, that should be sent in as a comment.

Council Member Como noted he reached out to Matt Whitlow at PARTF, there is a procedure to legally convert land, and most of the steps NC DOT would have to do.

Council agreed for the Mayor to draft a letter to NC DOT to keep this moving.

18. QUORUM OF COUNCIL AT OTHER MEETINGS *Time Stamp 2:17:23*

Mayor Pro Tem Kenary noted there has been quite a bit of interest in several committee and other entity meetings and potential violation of open meetings law if a quorum of council attends, so she contacted the School of Government. Mayor Pro Tem Kenary motioned to adopt the recommendation and post a public notice of a majority of council attending respective committee, board and public meetings as well as any special meetings called by boards, committees or sub-committee meetings as applicable. Council Member Rodriguez seconded the motion. No vote was taken on this motion.

Discussion was held. Council members noted the reason we have committees is for them to discuss and bring back recommendations to Council. Council may want to attend a meeting for information. Mayor Pro Tem Kenary noted School of Government attorney Trey Allen stated even just listening at a meeting is deliberating. Attorney Sistrunk stated that is Mr. Allen's opinion, there is not specific law or case law. Mayor Pro Tem Kenary said that Mr. Allen said that we should approach this from the manner that if it were brought to a lawsuit what could we show that would be our defense and if we post notice of the potential of a quorum being present at public meetings we have covered ourselves as relates to the perception that there might be some conversation happening. Attorney Sistrunk asked if this would be scheduling them as special meetings of council, the alternative is not attending; the gray area is if a quorum of council shows up without it being noticed as a special meeting. He added if you attend someone has to take minutes of the meeting and he advised no council members attend if there is a potential of a quasi-judicial matter that might end up at Council. If only two members of council show up, there is not a quorum. Mayor Pro Tem Kenary related Mr. Allen said if a quorum showed up, the minutes could be as simple as saying Council attended that meeting. Attorney Sistrunk agreed adding Council could designate who is responsible for taking the minutes; in your motion add that those in attendance will designate who will take minutes. The Clerk asked if that is the role of the Clerk; Mr. Sistrunk stated he hadn't run across this but he thought you could designate someone to take the minutes. Attorney Sistrunk said if a quorum of council attends a meeting and interacts, it almost certainly becomes a special meeting. Mayor Kapfhammer noted this came up when a quorum of Council was interested in attending a Planning board meeting where there would be a discussion of senior housing; the meeting was cancelled. The objective is to get as much information as long as it is not a tool to get back in committees. Council still needs to let the Clerk know when they are planning to attend so she knows when to notice a meeting.

Mayor Pro Tem Kenary motioned to adopt the recommendation of the School of Government to post public notice that a quorum of Council may be present at public meetings and those in attendance will appoint a member to take the minutes. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

This would apply to meetings Council does not call such as the DOT meeting. The training session at the County is not open to the public, but the attorney said it would not be a problem.

ENDING ITEMS

19. COUNCIL COMMENTS *Time Stamp 2:45:35*

Council Member Como reported Gateway donated 200 feet of fencing.

Council Member Rodriguez noted he talked to Mike Giaimo regarding the survey; he also came across documentation from a Weddington survey.

Mayor Pro Tem Kenary reported the RFP for the town hall irrigation system will be sent to the attorney and ready for the next Council meeting. She would like to re-address the donation of funds for the 5K last year.

Mayor Kapfhammer reported he met with Mike Giaimo who had done about half the work in the survey scope, and we paid half the fee so we are square. The Mayor will review the original questions, the questions edited by Mike Giaimo; and the Weddington document and will create questions for the Council to review. We have a shell to drop it into, a validation rule; we can also host it on our site and send it out.

20. ADJOURNMENT *Time Stamp 3:00:00*

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

The motion passed unanimously.

The meeting ended at approximately 10:02 p.m.

Respectfully submitted,

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Cheryl Bennett, Clerk

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Mayor Dr. David Kapfhammer