

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
WESLEY CHAPEL TOWN HALL
6490 Weddington Road, Wesley Chapel, NC 28104
May 9, 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

Citizens Who Signed In: Carol Mullis, Karl & Nancy Schneeberger, Jerry Fulmer, Becky Plyler, Sandy Fenn, M. Gabino, Gina Stout, Dennis P. Lynch, Cynthia Murdock, Deb & Bob Bledsoe, Amanda Fuller, John Kearney, Karen Izzo, Julie Brown

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: 1:06*

Council Member Como spoke that we should have senior housing; but he did not like that a lot of decisions have been made by the Mayor and council before hearing the public's comments.

Becky Plyler spoke that Planning Board made a recommendation but by Monday morning Council was calling for a hearing; she added it was obvious who made up the survey questions and you will know who replied because they are numbered. She felt neither staff nor council should see them, and they should be tabulated by outsiders, and she did not receive a survey.

Cynthia Murdock spoke regarding her son's Eagle Scout project which was approved by Parks and Rec in December; and they are waiting for approval from town council. She had been told Eagle Scout projects are no longer welcome at Dogwood Park, and noted they are overseen by professionals. Her son had a contractor willing to oversee his fencing project, and raise funds for the posts, and wanted reconsideration to finish the project.

John Kearney, executive pastor at Southbrook Church, spoke regarding the Hwy. 84 expansion which he said will cause them to lose 97 parking spaces, and impacts WCWAA and park parking, they will also lose their monument sign and it will be costly.

Mayor Kapfhammer noted they asked DOT to do a re-design, he has spoken to DOT and the ball is in their court.

3. Additions, Deletions and Adoption of Agenda *Time Stamp 9:45*

Council Member Como motioned to amend the agenda by removing all park and rec items in the committee report, remove the park maintenance contracts so the committee can first review them, remove from the consent agenda items k, l and n; add something for the band shell and survey updates, and add renting a tent for the BBQ event. The motion died for lack of a second. Council Member Como asked if he did not have the right to remove items from the consent agenda. Mayor Kapfhammer replied it is a group decision and the motion can be to accept the agenda as amended or to accept the agenda as written.

Council Member Rodriguez motioned to accept the agenda as written. Mayor Pro Tem Kenary seconded the motion.

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

4. Consider Approval of consent Agenda *Time Stamp 15:55*

- a. Approve the minutes of the March 14, 2016 meeting, March 23, 2016 AM meeting, March 23, 2016 PM special meeting, and April 11, 2016 meeting
- b. Approve the previous month finance report
- c. Approve the previous month planner's report and code enforcement report
- d. Approve temporary use permit for fireworks display at Stonegate July 2, 2016
- e. Approve purchase of pond drain cover and budget amendment of \$540 from dam stump removal to pond drain cover
- f. Call for public hearing on June 16, 2016 at 7 pm at town hall for RZ 15-02 to rezone lots for Courtyards at Wesley Chapel
- g. Call for public hearing on June 13, 2016 at 7 pm at town hall for proposed zoning ordinance text change to delete protest petitions
- h. Call for public hearing on June 13, 2016 at 7 pm at town hall for proposed changes to add temporary family health care structures to zoning ordinance
- i. Accept resignation of Marty Kohlmeier from Safety Committee
- j. Call for public hearing on June 13, 2016 at 7 pm at town hall for proposed text changes to subdivision ordinance to amend performance bond amounts, and delete maintenance bonds
- k. Approve resolution for donation of desks in storage
- l. Motion to cease burn permits at park due to safety hazard
- m. Motion to approve irrigation RFP for town hall and advertise
- n. Motion to revise park rental policy
- o. Amend documents to reflect changes with liaisons

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

The motion passed with 3 yeas, Como abstained, so it passed unanimously.

April 30, 2016 Balance Sheet**ASSETS****Current Assets****Checking/Savings**

Fifth Third Bank checking	346,088.24
Fifth Third Maxsaver	305,830.22
BB&T Money Market	507,246.73
Cash Change Fund	50.00

Total Checking/Savings	1,159,215.19
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Accounts Receivable

Misc. Fees Receivable	3,121.75
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Total Accounts Receivable	3,121.75
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Other Current Assets

Property Tax Rec.	1,613.00
Allow. for Doubtful Accounts	-887.00
Prepaid Exp.	276.00
Sales Taxes to be Received	
Durham County	36.88
Mecklenberg	26.68
Union	1,186.23

Total Sales Taxes to be Received	1,249.79
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Total Other Current Assets	2,251.79
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Total Current Assets	1,164,588.73
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Fixed Assets

Land	813,423.00
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Dogwood Park

Dogwood Park Improvements	720,946.00
Dogwood Park fountain	12,960.00
Dogwood Park Water Improvemewnt	8,440.00
Dogwood Park Gate	7,076.00
Dogwood Park Shipping Container	3,200.00
Dogwood Park Sign	1,783.00

Total Dogwood Park	754,405.00
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Town Hall	1,361,869.00
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Furniture & Equipment	37,682.00
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Town Hall Driveway	37,337.00
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Accumulated Deprec.	-175,932.98
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Total Fixed Assets	2,828,783.02
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Other Assets

Net Pension Asset	3,185.00
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Total Other Assets	3,185.00
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TOTAL ASSETS	3,996,556.75
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LIABILITIES & FUND BALANCE

Other Current Liabilities	
Pension deferrals	20,792.00
Contrib to pension plan CY	-4,211.00
Due to Union County Schools	57.67
Escrow from Developers	196,090.00
Payroll Liabilities	2,234.76
Deferred Revenue	726.20
Unearned Rev(Priv licenses)	120.00
Next yr Prop Tax prepaid	<u>311.57</u>
Total Other Current Liabilities	216,121.20
Total Liabilities	<u>216,121.20</u>
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	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>61,837.16</u>
Total Fund Balance	<u>3,780,435.55</u>
TOTAL LIABILITIES & FUND BALANCE	<u><u>3,996,556.75</u></u>

April 2016 Budget Report

	<u>Apr 16</u>	<u>Jul '15 - Apr 16</u>	<u>YTD Budget</u>	<u>% of Budget</u>
Ordinary Income/Expense				
Income				
Appropriated Fund Balance	0.00	0.00	5,900.00	0%
Property Tax Income				
Current Year Property Tax	422.18	137,391.03	136,168.00	101%
Utility Ad Valorem	0.00	2,095.17	1,887.00	111%
Vehicle Registration	1,337.84	10,438.46	11,560.00	90%
Delinquent Property Tax	2.49	564.69	800.00	71%
Prior Year Motor Vehicle Tax	0.50	15.40	0.00	100%
Interest/Ad Fee on Taxes	<u>53.67</u>	<u>335.20</u>	<u>300.00</u>	<u>112%</u>
Total Property Tax Income	1,816.68	150,839.95	150,715.00	100%
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	725.00	19,240.00	10,000.00	192%

Engineering Fees Reimbursement	326.50	21,923.55	22,000.00	100%
Annexation Exp Reimbursed	0.00	0.00	100.00	0%
Misc. Fees	12.40	3,898.25	300.00	1299%
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	1,063.90	45,241.80	48,385.00	94%
Interest Earned	55.49	509.26	400.00	127%
Revenue Sharing				
Sales & Use Taxes	2,960.07	23,817.19	44,000.00	54%
Telecommunications Tax	0.00	4,064.85	10,200.00	40%
Video Programming(State Cable)	0.00	46,565.38	92,000.00	51%
Franchise Tax (Electric Power)	0.00	104,225.26	180,000.00	58%
Excise Tax (Piped Natural Gas)	0.00	17,852.86	13,000.00	137%
Alcoholic Beverage Tax	0.00	0.00	35,000.00	0%
Total Revenue Sharing	2,960.07	196,525.54	374,200.00	53%
Total Income	5,896.14	393,116.55	579,600.00	68%
Expense				
Total Town Hall Operating Expense	2,051.34	17,204.65	27,205.00	63%
Total Operating Expenditures	2,217.10	42,903.24	90,938.53	47%
Total Planning & Zoning	6,293.89	54,004.94	79,003.00	68%
Total Gen. Govt. Salaries	7,188.97	87,476.17	116,650.00	75%
Professional Fees				
Total Professional Fees	2,262.64	35,464.97	54,000.00	66%
Total Capital Outlay	0.00	498.61	15,000.00	3%
Total Public Services / Safety	120.00	83,078.36	83,917.00	99%
Parks & Recreation				
Park Maintenance Worker	0.00	0.00	0.00	0%
Total Parks & Recreation Personal Ser	0.00	300.00	1,200.00	25%
Janitorial Supplies	0.00	0.00	0.00	0%
Total Parks & Rec Supplies & Material	0.00	6,787.40	12,398.00	55%
Total Parks & Recreation Services	2,602.77	27,549.79	49,612.00	56%
Total Parks & Recreation	2,602.77	48,960.56	112,886.47	43%
Total Expense	22,736.71	369,591.50	579,600.00	64%
Net General Fund	-16,840.57	23,525.05	0.00	100%
Capital Projects Fund				
CIP Income				
Total Transfer from General Fund	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	11,451.00	22,000.00	52%
TH Miscellaneous	0.00	3,683.65	3,780.00	97%
Total Town Hall Capital Outlay	0.00	1,404,387.89	1,442,700.00	97%
Total Capital Projects	0.00	1,404,387.89	1,442,700.00	97%
Net Capital Projects Fund	0.00	38,312.11	0.00	100%
Net Excess of Rev. over Exp.	-16,840.57	61,837.16	0.00	100%

**Village of Wesley Chapel, NC Resolution 2016-07
Resolution Authorizing the Disposition of Certain Personal Property
By Donation**

WHEREAS the Council of the Village of Wesley Chapel, NC desires to dispose of certain surplus property of the Village;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL THAT:

1. The following described property is declared to be surplus to the needs of the Village :
Two old wooden desks
2. The Village Administrator is authorized to dispose of the described property by donation to Turning Point.
3. The Village Administrator shall post public notice summarizing this resolution on the Village website.
4. The donation may be consummated not earlier than 10 days from the date of publication.

Effective date of Resolution is May 20, 2016.

Mayor Dr David Kapfhammer

Attest:

Village Clerk, Cheryl Bennett

DOGWOOD PARK RENTAL POLICY, rev. 05.09.2016

Dogwood Park is a Public Park open from dawn to dusk, for the use and enjoyment of all. The Park is not intended for Private events. Any event or program sponsored or co-sponsored by the Village of Wesley Chapel will have scheduled priority in the use of ALL park facilities.

1. All events must be approved by the Village Council.
2. The Village reserves the right to refuse to allow any event to any person and/or group.
3. Reservations will be opened three (3) months in advance. For example August reservations will open up 1.
4. Responsible party must be over 21 years of age. Appropriate adult supervision is required for any Youth Events at the park.
5. Renter will be held responsible for any and all damage or misuse of the facilities including repairs that exceed the deposit fee.
6. No color runs permitted.
7. No organized sports permitted.
8. No refunds will be given for any reason, including but not limited to rain, thunderstorms or inclement weather/natural disasters. If possible event will be rescheduled.
9. Motorized vehicles are only allowed in designated parking areas.
10. All appropriate paperwork and fees must be submitted to the Village within two weeks of event approval.
11. The following documents and fees are required in order to book your event at the Park:
 - a. Temporary Use Permit Application
 - b. Temporary Use Permit Fee \$75.00
 - c. Signed Waiver
 - d. Release and Hold Harmless Agreement
 - e. Certificate of Insurance
 - f. Refundable Deposit
 - i. Groups less than 30 people: \$150
 - ii. Groups greater than 30 people: \$300
 - f. Event Fee for Revenue Producing Groups:
 - i. Groups less than 30 people \$150
 - ii. Groups greater than 30 people \$300
12. Refunds will be issued within 30 days after the event.
13. No refunds will be issued if damage or non-compliance occurs.

5. Report from Finance Officer *Time Stamp 16:20*
The Finance Officer reviewed the monthly transactions.

6. Public hearing on contiguous annexation per NC GS 160A-31 *Time Stamp 18:30*
The public hearing was opened, there being no speakers, it was then closed.

7. Public hearing on non-contiguous annexation per NC GS 160A-58.1 *Time Stamp 18:49*
The public hearing was opened, there being no speakers, it was then closed.

Committee and Deputy Reports

8. Deputy *Time Stamp 19:32*
Deputy Wicker reported he had some larcenies at Target, and more traffic stops at various locations. Mayor Pro Tem Kenary asked about extra security checks at the park and the Deputy will look into it.

9. Youth Council Committee *Time Stamp 25:22*
Danielle Acker reported they have been planning 2016-17 activities such as a mock election, 5K, fishing tournament and barbecue; they will try to obtain sponsors.

10. Safety Committee *Time Stamp 28:05*
The Chair was not present. Mayor Pro Tem Kenary motioned to approve a Proclamation for National Police Week; Council Member Rodriguez seconded the motion.
The motion passed with 3 yeas, and Como abstained, so it passed unanimously.

Village Of Wesley Chapel Proclamation Peace Officers Memorial Day And Police Week

WHEREAS, the Congress and President of the United States have designated May 15
as Peace
Officers Memorial Day, and the week in which it falls as Police Week; and

WHEREAS, the members of the Union County Sheriff Department, play an essential
role in safeguarding the rights and freedoms of the citizens of Union County and
Wesley Chapel; and

WHEREAS, it is important that all citizens know and understand the duties,
responsibilities, hazards and sacrifices of their law enforcement agency, and that we
honor all those who devote their lives to making a stronger and safer community; and

WHEREAS, it is important to reflect on their invaluable contributions as we enjoy the peace they bring to our communities, by safeguarding life and property, by protecting citizens against violence and disorder, the innocent against deception and the weak against oppression; and

WHEREAS, we must never take for granted the selfless service of our men and women and the contributions they make to our community, and we must honor those who have given the ultimate sacrifice of their lives in the line of duty, wearing a shield of protection for our community.

NOW, THEREFORE, I, David Kapfhammer, PhD, call upon all citizens of Wesley Chapel to observe the week of May 15 through May 21, 2016, as Police Week in which all of our people may join in commemorating police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

IFURTHER call upon all citizens of Wesley Chapel to observe Sunday, May 15, 2016, as Peace Officers Memorial Day in honor of those peace officers who, have lost their lives or have become disabled in the performance of duty and ask all citizens to fly the flag at half-staff as proclaimed by the President of the United States of America.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Village of Wesley Chapel to be affixed, at the Village of Wesley Chapel, this Monday, May 9, 2016.

Mayor David Kapfhammer, PhD

11. Planning Board *Time Stamp 29:09*

Acting chair John Souza reported Planning Board looked at Council requests on conservation zoning, but wanted to wait until the survey results were received. Bill Duston noted the Planning Board recommendation was to keep the text as is and the text will go to Council.

At the last Planning Board meeting the Board recommended eliminating senior housing from the ordinance, they still want to do senior housing, but to do it the right way after the survey results come in. A senior housing sub-committee will be discussed.

At their next meeting they will look into stormwater and invite the Village engineer. Mayor Pro Tem Kenary expressed interest in attending.

12. Parks & Rec Committee *Time Stamp 42:55*

- a. Re-grade entrance to dog park (ADA compliance)
- b. Recommendation – do NOT build hand railing
- c. Resubmit Bobcat rental project list

Julie Brown, Vice Chair of the committee, was invited to present this item but declined. Council Member Como reported the barbecue event is Saturday; the Mayor volunteered to bring the tables and chairs from town hall, but they wanted to rent a tent. Council Member Como motioned to spend up to \$500 to rent a tent for the event. Council Member Kaperonis seconded the motion.

The vote was 2 yea (Como and Kaperonis), and two nay (Kenary and Rodriguez); the Mayor voted yea so the motion passed 3-2.

The funds will come from event services.

Council Member Como motioned to table the park maintenance contracts until reviewed by the Parks and Rec Committee. The motion died for lack of a second.

Council Member Como motioned to regrade the dog park entrance with volunteer labor and \$2,000 in materials. The motion died for lack of a second.

Council Member Como motioned to revisit the bobcat rental list and proceed. The motion died for lack of a second.

At this point Parks and Rec Vice Chair Julie Brown spoke out and requested direction from Council for the Committee, and warned Council she would contact the press. The attorney clarified that the Mayor runs the meeting and the Mayor noted Ms. Brown had chosen not to speak to represent Parks and Rec at the start of this item, and her speaking now was improper.

Mayor Kapfhammer reported the recommendation from Pat Utley was that a hand rail is not necessary on the outdoor staircase.

Council Member Kaperonis asked the Eagle Scout's mother to bring the project dossier to him. The project is fencing. The Mayor noted the problem is we did not know where the property line was, and just got it surveyed.

Old Business

13. Monument sign at park – approve resolution to exempt ourselves from GS 143-64.31, contract with engineer for up to \$500, and pay permit fee *Time Stamp 54:53*

Council Member Rodriguez motioned to approve the resolution to exempt ourselves from GS 143-64.31 in order to contract an engineer and pay up to \$500, and pay the permit fee (\$180) for the building permit that should have been obtained when the monument sign was built. Mayor Pro Tem Kenary seconded the motion. Council Member Rodriguez noted this is just to spend up to \$500, more information is needed to get the permit, and he is waiting on information from Council Member Mike Como who had worked with the scout on the project; information is needed on materials used, etc. Council Member Como said he sat with the scout and the planner when they got the zoning permit, Bill Duston added he did not mention a building permit; the subject did not come up. Council Member Como stated Council Member Rodriguez can handle this.

The motion passed, with three yeas, and one abstention (Como), so it passed unanimously.

Resolution 2016- 08
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 engineering services for the monument sign at 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 9th day of May, 2016.

ATTEST

Cheryl Bennett, Clerk to the Board

Dr. David Kapfhammer, PhD, Mayor

14. Clarification about Committees' Roles *Time Stamp 1:00:00*

Mayor Pro Tem Kenary motioned: Effective immediately, all text in all Village documents is to be clear and state the following: "(respective Committee title here) Committee is a recommending body to Council. All Committee projects, expenses, and recommendations of the Committee are to be presented to all members of Council at a regularly scheduled Council meeting, for consideration of the committee's request, prior to any work beginning or authorization for any project communicated to any outside organization."

-At all times Council gives direction to the Committee.

-No money may be spent by any Committee member.

-No member of any Committee is an agent of the Village and no person on a Committee has the authority to speak on behalf of the Council unless duly authorized by Council to do so.

- No Committee member may contact a contracted party to discuss Village business at any time, unless duly authorized to do so by Council.
- No Committee member may interfere in Village business, unless given specific authority to do so by Council.
- All recommendations that are being presented to Council for consideration are to have complete and proper backup with the full description of the request along with any supporting documentation included, when a request for approval is presented. For example, if there is an approved plan in place, the plan, the area under discussion for consideration identified on the plan and all appropriate costs for the suggested project are to be included with the backup.
- Any clarification needed in order to complete the proposed project is to come before Council.

Council Member Como questioned when has this been abused. Council Member Rodriguez seconded the motion, stating it is just reiterating what is on the books. He added that he had talked to the park consultant and inspected the park with him, and shared the items with Council; he subsequently got a call from the consultant that a committee member had called him. Julie Brown stated that she had called him. Council Member Rodriguez noted he clarified the items with the consultant; also he had a call from the band shell architect who noted Council Member Como had called a contractor who bid on the amphitheater, and this is unprofessional. Council Member Como noted when he wanted to call the landscaper, the Clerk reminded him she was the point of contact and she contacted them; who put Council Member Rodriguez in charge of everything parks. Julie Brown stated Council Member Rodriguez had given false information in a public meeting so she then contacted the consultant and she confirmed it was false. Council Member Como commented that there are things we have tasked Council Member Rodriguez to do that have not been done such as cameras at town hall and park, Aston Properties, and the band shell. The Mayor brought the conversation back to the motion.

The motion was voted on with 3 yeas, and Como abstained, so it passed unanimously.

Mayor Pro Tem Kenary motioned that: All outside organizations that the Village does not have a written agreement with will present their project or request at the Council's regular monthly meeting. The aforementioned is for any outside entity for any area under the control of the Village Council. Upon approval of the project or request, copies of the plans and written documents will remain on file with the Village. The Clerk and Planner will direct the project as appropriate. The Clerk will remain point of contact for the project as needed. The council reserves the right to appoint an alternate person as they deem appropriate.

Council Member Rodriguez seconded the motion.

The motion was voted on with three yeas, and Como abstained, so it passed unanimously. This information will go to all committees, but it is not for boards.

15. Consider adoption of zoning ordinance amendment to address learning centers *Time Stamp: 14:22*

Planner Bill Duston met with Mayor Pro Tem Kenary and came up with some changes to the text. In the definition "attendees" was changed to "registrants". Three options were proposed on whether it be a use by right or conditional use, and two options on parking spaces.

Mayor Pro Tem Kenary motioned to approve the zoning ordinance amendment with learning centers being a conditional use in the B-1, B-2 and O-I districts, and with one parking space per

employee during the shift with greatest employment plus one space for each 150 feet of gross floor area; with the statement of consistency that the proposed text changes are neither consistent nor inconsistent with the Future Land Use Plan (LUP); the LUP is largely silent on the types of non-residential uses which are preferred in the Village; and with the statement of reasonableness that the proposed text changes are reasonable as they address a use which the Village has supported in the past. Council Member Kaperonis seconded the motion.

The motion was voted on with three yeas, and Como abstained, so it passed unanimously.

VILLAGE OF WESLEY CHAPEL ORDINANCE 2016-05 FOR ZONING ORDINANCE TEXT AMENDMENT

THAT WHEREAS, the Village of Wesley Chapel has considered amending the Village’s Zoning Ordinance regulations to allow for learning centers as a use in certain non-residential zoning districts;

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***:

1. Add the following definition to Section 2.2 “Definitions”,

Learning Center: A private entity that provides general education tutoring and college-preparatory assistance to registrants.

2. Amend Section 5, Table of Uses, to add “learning center” as a conditional use in the B-1, B-2, and O-I districts.
3. Add the following to Section 9.1.9, “Minimum Off-street Parking Requirements”,

Use Classification

Parking Space Requirement

Learning Centers

One (1) space per employee during the shift with greatest employment plus one (1) space for each one-hundred fifty (150) square feet of gross floor area.

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

Adopted this 9th day of May 2016.

Attest:

Cheryl Bennett, Clerk

Mayor David Kapfhammer

New Business

16. Consider modification request to subdivision ordinance for Lot 06024013B from CZ15-01 Liquid Management *Time Stamp 1:24:24*

Bill Duston reported the applicant's engineer Mr. John Ross handed him a site plan with changes since the public hearing. They propose removal of nine heritage trees, and remediation for removal has been met. Mr. Ross handed out findings language from his perspective. All findings must be met for approval of the modification.

Finding 1 – 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. Council Member Rodriguez motioned to approve the finding that the removal of heritage trees is deemed to be reasonable given their location and the natural topography of the site. Mayor Pro Tem Kenary seconded the motion.

The motion passed 3-1 with Como abstaining, so it passed unanimously.

Finding 2 – that the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner. Council Member Rodriguez motioned to approve the finding since the removal of the heritage trees is deemed to be reasonable given their location and the natural topography of the site. Mayor Pro Tem Kenary seconded the motion. Council Member Kaperonis noted he heard some discussion that there could be some movement of lots on the site to save a couple of trees. Planner Duston stated there can be only very minor changes; he did clarify with the attorney that if they only remove eight trees, they would only need mitigation for eight trees.

The motion passed 3-1 with Como abstaining, so it passed unanimously.

Finding 3 – 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. Council Member Rodriguez motioned to approve the finding since many of the heritage trees proposed for removal are located where a stormwater detention facility is proposed. The topography of the site dictates that the stormwater facility be located there. Mayor Pro Tem Kenary seconded the motion.

The motion passed 3-1 with Como abstaining, so it passed unanimously.

Finding 4 – 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.

Council Member Rodriguez motioned to approve the finding since the applicant has furnished stormwater plans that have been reviewed and approved by the Village's consulting engineer. Mayor Pro Tem Kenary seconded the motion.

The motion passed 3-1 with Como abstaining, so it passed unanimously.

Finding 5 – that the modification will not vary the provisions of the Village of Wesley Chapel Zoning Ordinance applicable to the property. Council Member Rodriguez motioned to approve the finding since this modification does not impact any of the regulations contained in the Village's Zoning Ordinance. Council Member Kaperonis seconded the motion.

The motion passed 3-1 with Como abstaining, so it passed unanimously.

Council Member Rodriguez motioned to approve the modification as requested by the applicant. Mayor Pro Tem Kenary seconded the motion.

The motion passed 3-1 with Como abstaining, so it passed unanimously.

17. Decision on CZ15-01 regarding re-zoning of Lot 6024013B from R-40 to conditional zoning *Time Stamp 1:40:26*

Bill Duston noted that the connection to Price Mill was removed from the site plan, and the five changes Mr. Ross went over at the public hearing are: 1. Full mitigation for heritage trees, 2. Removal of 12 lots down to 60 lots, 3. Add a cul-de-sac instead of a connection to the neighboring property, 4. A right hand turn in lane, and 5. Reposition the stormwater outlet to the south side of the pond. Mr. Duston noted this is the site plan that will be used with only very minor adjustments, and striking the reference to the trail connection to Price Mill. Council can ask for fair and reasonable conditions.

Mayor Kapfhammer reviewed the process, with a quasi-judicial process you have to vote on findings of fact, you cannot discuss the project with the public before the public hearing, and this project would have bene 72 lots, there would have been a path to the neighbors, and no cul-de-sac. Instead it was a legislative proceeding to work with the applicant and discuss with the constituency. People are calling this a back room deal, but as a result it went to 60 lots, two lanes out, a deceleration lane, full tree mitigation, and the stormwater is pointing further away. Council Member Rodriguez motioned to approve the request CZ15-01 as submitted. He amended his motion to accept the application as strictly for senior housing and with the renderings submitted and if fewer trees are removed, the planner can adjust the mitigation. The motion was rescinded. The need for specifics was discussed.

Council Member Rodriguez motioned to approve CZ15-01 with the site plan as rendered, with sixty (60) lots, three (3) lanes of ingress and egress, a deceleration right lane in, stormwater changes as rendered in the sketch, no trail connection to the neighboring subdivision, a cul-de-sac as rendered in the sketch, homes built similar and consistent to what was presented in the public hearing, if fewer heritage trees are removed the Planner can adjust mitigation, and the neighborhood is only for senior housing. Council Member Kaperonis seconded the motion. Dennis Moser noted the color of bricks may change, and they may add cedar or hardie board. Council Member Kaperonis rescinded his second.

Council Member Rodriguez amended his motion to add to require exterior building materials of stucco, brick, hardie board, stone, cedar, and no vinyl siding. He added to his motion the statement of consistency that the Land Use Plan (LUP) 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 LUP; and the statement of reasonableness that the proposed rezoning is deemed reasonable as it is consistent with all Village ordinances. Council Member Kaperonis seconded the motion.

The motion passed with 3 yeas, Como abstained, so it passed unanimously.

18. Consider Ordinance to extend corporate limits of the Village under GS 160A-31 *Time Stamp 2:07:15*

Mayor Pro Tem Kenary motioned to approve Ordinance 2016-03 incorporated herein. Council Member Kaperonis seconded the motion.

The motion passed with 3 yeas, 'Como abstained, so it passed unanimously.

Ordinance 2016-03

ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE VILLAGE OF WESLEY CHAPEL, NORTH CAROLINA

WHEREAS, the Village of Wesley Chapel has been petitioned under G.S. 160A-31 to annex the area described below; and

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

WHEREAS, the Village Clerk has certified the sufficiency of the petitions and a public hearing on the question of this annexation was held at Wesley Chapel Town Hall at 7:00 PM on May 9, 2016 after due notice by publication on April 24 and May 1, 2016; and

WHEREAS, the Village of Wesley Chapel Council finds that the petitions meet the requirements of G.S. 160A-31;

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

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the Village of Wesley Chapel as of June 30, 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 2. Upon and after June 30, 2016, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Village of Wesley Chapel and shall be entitled to the same privileges and benefits as other parts of the Village of Wesley Chapel. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Village of Wesley Chapel shall cause to be recorded in the office of the Register of Deeds of Union County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Adopted this 9th day of May, 2016.

Mayor Dr. "David Kapfhammer PhD

ATTEST:

Clerk Cheryl Bennett

19. Consider Ordinance to extend corporate limits of the Village under GS 160A-58.1 *Time Stamp 2:09:16*

Mayor Pro Tem Kenary motioned to approve Ordinance 2016-04 incorporated herein. Council Member Rodriguez seconded the motion.

The motion passed with 3 yeas, 'Como abstained, so it passed unanimously.

Ordinance 2016-04

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE VILLAGE OF WESLEY CHAPEL, NORTH CAROLINA

WHEREAS, the Village of Wesley Chapel has been petitioned under G.S. 160A-58.1 to annex the area described below; and

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

WHEREAS, the Village Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at Wesley Chapel Town Hall at 7:00 PM on May 9, 2016 after due notice by publication on April 24 and May 1, 2016; and

WHEREAS, the Village of Wesley Chapel Council finds that the petition meets the requirements of G.S. 160A-58.1(b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than two (2) miles from the primary corporate limits of the Village or is contiguous to the satellite corporate limits of the Village;
- b. No point on the proposed satellite corporate limits is closer to another municipality than to the primary corporate limits of the Village, except that this subdivision does not apply if the area proposed for annexation is contiguous to the satellite corporate limits;
- c. The area described is so situated that the Village will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- d. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits does not exceed twenty percent (20%) of the area within the primary corporate limits of the Village; and

WHEREAS, the Village of Wesley Chapel Council further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Village of Wesley Chapel Council further finds that the petition is otherwise valid, and that the public health, safety and welfare of the Village and of the area proposed for annexation will be best served by annexing the area described;

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

Section 1. By virtue of the authority granted by G.S. 160A-58.1, the following described non-contiguous territory is hereby annexed and made part of the Village of Wesley Chapel as of June 30, 2016:

Wesley Oaks Lots 7, 8, and 107

Section 2. Upon and after June 30, 2016, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Village of Wesley Chapel and shall be entitled to the same privileges and benefits as other parts of the Village of Wesley Chapel. Said territory shall be subject to municipal taxes according to G.S. 160A-58.1.

Section 3. The Mayor of the Village of Wesley Chapel shall cause to be recorded in the office of the Register of Deeds of Union County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Adopted this 9th day of May, 2016.

Mayor Dr. David Kapfhammer PhD

ATTEST:

Clerk Cheryl Bennett

20. Park Maintenance Contracts *Time Stamp 2:10:21*

Council Member Rodriguez reported Lucas Landscape has bobcats and can do work as needed on an hourly basis, they will also provide mulch and flowers at the park entry, within two years we will have 80% fescue grass, they will take care of any branches less than five inches in diameter, will use Round-up for poison ivy or sumac on the trails. The cost will be less than one third the cost Parks and Rec presented to hire a worker. It includes mowing every two weeks at the area along Hwy. 84.

The contract for Foster Pond and Lake is \$3,300 per year, and includes the dry pond, brush around the pond, the drain, primrose, they will take water samples and maintain the filter at the fountain and clean the glass light, and make recommendations regarding stocking fish in the pond. They will come in monthly.

Council Member Rodriguez motioned to expand the contract with Lucas for an additional \$692 per month for a year, and to contract with Foster Lake for \$3,300 per year. Mayor Pro Tem Kenary seconded the motion.

Council Member Como questioned who tasked you with this, he was told not to call Lucas, and this was not reviewed by Parks and Rec. Council Member Rodriguez responded that he looked at what was being spent for the park, with professional management it would free up Council to do other Village business, anyone in Parks and Rec could have recommended a contract at any time but did not. Roles of scouts were discussed, they take ownership of their projects and this does not prevent projects. Council Member Como questioned why we did not get bids and a detailed list of tasks; Council Member Rodriguez noted we have been happy with the landscaper's services; they have met our every request. This is an extension of an existing contract. Mayor Pro Tem called the question for the motion.

The motion was voted on with two yeas (Kenary and Rodriguez), and two nays (Como and Kaperonis), and the Mayor broke the tie by voting yea. The motion passed 3-2. The contracts will take effect July 1, 2016.

21. Fencing Survey *Time Stamp*2:26:33

Council Member Rodriguez noted the survey shows the fence has been put in four to seven feet off the line, essentially giving up some of our land, which also may be an issue with PARTF. The original plan was for a living fence. Council Member Rodriguez motioned to look at the survey and decide whether to go a living fence or leave the fence. Council Member Como noted some of the fence has been up for decades, and added you promised Mrs. Krueger a fence. Council Member Rodriguez stated we hear for every dollar spent we have saved ten, this is proved wrong, he blamed the original mayor, the fence is not right, and we need to set it right. Mayor Kapfhammer noted the property line needs to be respected; we can't just give away land. Council Member Kaperonis suggested a proactive solution. Council Member Rodriguez suggested removing the fence and putting in turkey wire fence on the boundary plus natural plants. Mayor Pro Tem Kenary was not in favor of giving away village land, it has to be moved or removed, and PARTF would not allow you to give away land. Council Member Rodriguez motioned to remove the existing fence and replace it with turkey line and supplement with plants, and extend it to all residents. He revised his motion to remove the fence and to let Park and Rec make a recommendation for the solution. Mayor Pro Tem Kenary seconded the motion. Mayor Kapfhammer suggested going to the committee first for a recommendation. The second was rescinded.

Council Member Rodriguez motioned to install wire fence on the line, and give Parks and Rec 30 days to bring a recommendation. Mayor Pro Tem Kenary seconded the motion.

The motion was voted on with two yeas (Kenary and Rodriguez), and two nays (Como and Kaperonis), the Mayor voted nay, so the motion failed.

Mayor Pro Tem Kenary motioned to task the committee, by the next council meeting to bring a recommendation for remediation. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

Ending Items

22. Council Comments *Time Stamp 2:48:05*

Council Member Rodriguez noted things have been status quo, but we are taking fiscal responsibility and moving forward to make things right. He gave an update on the band shelter; the price from a pre-fab company was around \$20,000, in talking with the architect he felt even with the installation it will save a lot of money.

Council Member Kaperonis agreed they have inherited issues, change is not easy, and we want to work together with the committees to get communication straightened out.

Council Member Como said he thought he could make changes to the consent agenda, he could have been given a heads up, listen to the people, we worked hard for good relationships with neighbors and scouts, and you are undoing this.

Mayor Pro Tem Kenary noted she is familiar with Eagle Scout projects, a lot of projects were not in fact done as scouts, and misinformation has been given over the last 6-8 months. When she went to the Boy Scout council meeting they said they were told not to do projects, Council Member Como has chosen to divide the Council and spread rumors. There is a rumor I am against the park, if that were true, I would not care, but I do very much care and want the park to be enjoyed by citizens and maintained by professionals.

Mayor Kapfhammer gave a survey update; the numbers on the survey were done by a third party to avoid duplication. The demographic questions are required by PARTF and needed for future grants. The survey was divided into sections because the questions came from the committees; he used a Likert scale to express the degree of sentiment which is a standard technique. If you want to redact your name on the survey, you may.

23. Adjournment *Time Stamp 3:02:51*

Council Member Kaperonis motioned to adjourn; Council Member Rodriguez seconded the motion.

The motion passed unanimously.

The meeting ended at approximately 10:07 p.m.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Dr. David Kapfhammer