

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
WESLEY CHAPEL TOWN HALL
6490 Weddington Road, Wesley Chapel, NC 28104
June 13, 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: 1:22*

Max Anthony from WCWAA thanked Council for considering shifting the road widening into Dogwood Park as he said it would affect 40% of the WCWAA services. Mayor Kapfhammer noted DOT rendered a new drawing, and he heard they were doing a traffic study but he did not know if it was done yet.

Dave Arone, President of the Weddington Optimist Club, which owns the upper 40% of the WCWAA Park, echoed Max, and added the road study is a secondary issue, irrespective, he wanted the road shifted to the south.

Council noted no decision has been made yet on the road shift, there are other pieces of information needed, including DOT and PARTF.

Ryan Graffeo, asked for input on his Eagle Scout project at the park; in February he presented to Parks and Rec to do three benches and fence bordering Hwy. 84; they approved it as did the Boy Scout council. He was later told not to build a fence there, but a fence was needed along the property line of the park with neighbors. He asked approval for that or another project suggestion.

Diana Bowler reported she was selected as one of five nationwide 2016 recipients of a Volunteering Works grant, sponsored by Realtor Magazine and the Good Neighbor Society. She was grateful for volunteering opportunities through the years, from the 2010 and 2011 festivals, and then through the 501(c) (3) Friends of Parks and Rec group. She reviewed the definitions

and requirements put on 501 (c)(3)'s, and noted the largest benefit of the award is bringing awareness of the park and town. She was awarded a \$1,000 grant and a year of mentoring from a past recipient. Mayor Kapfhammer thanked her for her efforts and congratulated her.

3. Additions, Deletions and Adoption of Agenda *Time Stamp 20:34*

Mayor Pro Tem Kenary motioned to table the May 9th, 2016 minutes approval; Council Member Rodriguez seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Kenary motioned to add approval of the resignation of Cody Ketcham from the Youth Council to the consent agenda; Council Member Kaperonis seconded the motion.

The motion passed unanimously.

Council Member Rodriguez motioned to move Beekeeping and the Park Storage Trailer up to Parks and Rec. and move the Faith Church Road Extension up to Planning Board. Mayor Pro Tem Kenary seconded the motion.

The motion passed unanimously.

4. Consider Approval of consent agenda *Time Stamp 28:48*

- a. Approve the minutes of the April 27, April 28, May 12, and May 19, 2016 meetings
- b. Approve the previous month finance report
- c. Approve the previous month planner's report and code enforcement report
- d. Approve audit contract for 2015-16
- e. Accept resignation of Tessie Morris from Safety Committee
- f. Accept resignation of Cody Ketcham from Youth Council Committee

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

The motion passed unanimously.

Included in the finance report were the following budget transfers made in May:

\$630 from Contingency to Books, \$152 from Election Expense to Annexation Expense, and \$28 from Postage to Printing.

May 31, 2016 Balance Sheet

ASSETS

Current Assets

Checking/Savings

| | |
|----------------------------------|--------------|
| Fifth Third Bank checking | 358,424.31 |
| Fifth Third Maxsaver | 305,843.17 |
| BB&T Money Market | 507,288.31 |
| Cash Change Fund | <u>50.00</u> |

Total Checking/Savings 1,171,605.79

Accounts Receivable

| | |
|------------------------------|-----------------|
| Misc. Fees Receivable | <u>2,392.50</u> |
|------------------------------|-----------------|

| | |
|---|----------------------------|
| Total Accounts Receivable | 2,392.50 |
| 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 | 39.19 |
| Mecklenburg | 26.68 |
| Union | 1,313.81 |
| Total Sales Taxes to be Received | <u>1,379.68</u> |
| Total Other Current Assets | <u>2,381.68</u> |
| Total Current Assets | 1,176,379.97 |
| 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 | 1,783.00 |
| Total Dogwood Park | <u>754,405.00</u> |
| Town Hall | 1,361,869.00 |
| Furniture & Equipment | 37,682.00 |
| Town Hall Driveway | 37,337.00 |
| Accumulated Deprec. | -175,932.98 |
| Total Fixed Assets | <u>2,828,783.02</u> |
| Other Assets | |
| Net Pension Asset | <u>3,185.00</u> |
| Total Other Assets | <u>3,185.00</u> |
| TOTAL ASSETS | <u><u>4,008,347.99</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 | 58.45 |
| Pay. for Employee Insurance | 50.50 |
| Escrow from Developers | 196,090.00 |
| Deferred Revenue | 726.20 |
| Unearned Rev(Priv licenses) | 300.00 |
| Next yr. Prop Tax prepaid | 311.57 |
| Total Other Current Liabilities | <u>214,117.72</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 | 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>75,631.88</u> |
| Total FUND BALANCE | <u>3,794,230.27</u> |
| TOTAL LIABILITIES & FUND BALANCE | <u><u>4,008,347.99</u></u> |

May 2016 Budget Report

| | <u>May 16</u> | <u>Jul '15 - May 16</u> | <u>Budget</u> | <u>% of Budget</u> |
|--|---------------|-------------------------|---------------|--------------------|
| General Fund | | | | |
| Income | | | | |
| Appropriated Fund Balance | 0.00 | 0.00 | 5,900.00 | 0% |
| Contributions Income | | | | |
| Property Tax Income | | | | |
| Current Year Property Tax | 463.99 | 137,855.02 | 136,168.00 | 101% |
| Utility Ad Valorem | 0.00 | 2,095.17 | 1,887.00 | 111% |
| Vehicle Registration | 1,100.71 | 11,539.17 | 11,560.00 | 100% |
| Delinquent Property Tax | 1.00 | 565.69 | 800.00 | 71% |
| Prior Year Motor Vehicle Tax | 1.16 | 16.56 | 0.00 | 100% |
| Interest/Ad Fee on Taxes | <u>25.07</u> | <u>360.27</u> | <u>300.00</u> | <u>120%</u> |
| Total Property Tax Income | 1,591.93 | 152,431.88 | 150,715.00 | 101% |
| 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 | 1,750.00 | 20,990.00 | 10,000.00 | 210% |
| Engineering Fees | | | | |
| Reimbursement | 2,392.50 | 24,316.05 | 22,000.00 | 111% |
| Annexation Exp Reimbursed | 0.00 | 0.00 | 100.00 | 0% |
| Misc. Fees | 107.00 | 4,005.25 | 300.00 | 1335% |
| Winter Walk 5K fees | 0.00 | 0.00 | 500.00 | 0% |
| National Night Out | <u>0.00</u> | <u>0.00</u> | <u>0.00</u> | <u>0%</u> |
| Total Fees and Licenses | 4,249.50 | 49,491.30 | 48,385.00 | 102% |
| Interest Earned | 12.95 | 563.79 | 400.00 | 141% |
| Revenue Sharing | | | | |
| Sales & Use Taxes | 2,973.80 | 26,790.99 | 44,000.00 | 61% |

| | | | | |
|--|------------------|---------------------|---------------------|-------------|
| 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 | 36,150.69 | 36,150.69 | 35,000.00 | 103% |
| Total Revenue Sharing | 39,124.49 | 235,650.03 | 374,200.00 | 63% |
| Total Income | 44,978.87 | 438,137.00 | 579,600.00 | 76% |
| Expense | | | | |
| Total Town Hall Operating Expense | 1,078.51 | 18,283.16 | 27,205.00 | 67% |
| Total Operating Expenditures | 2,017.32 | 44,920.56 | 90,938.53 | 49% |
| Total Planning & Zoning | 7,343.83 | 61,348.77 | 79,003.00 | 78% |
| Total Gen. Govt. Salaries | 10,389.28 | 97,865.45 | 116,650.00 | 84% |
| Total Professional Fees | 4,934.00 | 40,398.97 | 54,000.00 | 75% |
| 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 Parks & Recreation Personal Services | 375.00 | 675.00 | 1,200.00 | 56% |
| Total Parks & Rec Supplies & Material | 0.00 | 6,787.40 | 12,398.00 | 55% |
| Total Parks & Recreation Services | 4,557.79 | 32,107.58 | 49,612.00 | 65% |
| Total P&R Capital Outlay | 0.00 | 14,323.37 | 49,676.47 | 29% |
| Total Parks & Recreation | 4,932.79 | 53,893.35 | 112,886.47 | 48% |
| Total Expense | 30,695.73 | 400,287.23 | 579,600.00 | 69% |
| Net General Fund | 14,283.14 | 37,849.77 | 0.00 | 100% |
| Capital Projects Fund | | | | |
| CIP Income | | | | |
| 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% |
| CIP Expense | | | | |
| Capital Projects | | | | |
| 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 | 530.00 | 11,981.00 | 22,000.00 | 54% |
| TH Miscellaneous | 0.00 | 3,683.65 | 3,780.00 | 97% |

| | | | | |
|---------------------------------------|------------------|------------------|--------------|-------------|
| Total Town Hall Capital Outlay | 530.00 | 1,404,917.89 | 1,442,700.00 | 97% |
| Net Capital Projects Fund | -530.00 | 37,782.11 | 0.00 | 100% |
| Net Excess of Rev. over Exp. | 13,753.14 | 75,631.88 | 0.00 | 100% |

The 2015/16 audit contract approved is with Kendra Gangal, CPA for \$5,000.

5. Report from Finance Officer *Time Stamp 26:22*

The Finance Officer reviewed the monthly transactions; the alcoholic beverage license tax was received in the amount of \$36,150 which is right in line with the estimated revenue of \$35,000. Expenses were paid for the survey, the survey of the park property line, and the Pig in the Park event, the other transactions were routine expenditures and revenues.

6. Public hearing on temporary family health care structures and action *Time Stamp 29:57*

The public hearing was opened. Bill Duston reviewed the requirements of the N.C. general statute that caused this change that must be allowed as a use by right in all residential districts. Planning Board recommended approval.

Becky Plyler spoke that it was sad to have a law that you would put someone in the backyard instead of in the house.

Mayor Pro Tem Kenary felt there was a contradiction in the statute text on who resides in the structure, the caregiver or the patient. Bill Duston noted he took the structure definition verbatim from the statutes. Council asked Mr. Duston to further research the issue. Mayor Pro Tem Kenary motioned to continue the public hearing to the July 11, 2016 meeting at 7 pm at Town Hall, 6490 Weddington Road, Wesley Chapel, NC 28104. Council Member Kaperonis seconded the motion.

The motion passed unanimously.

7. Public hearing on deleting protest petitions from Zoning Ordinance and action *Time Stamp 39:58*

The public hearing was opened. Mr. Duston reported that previously a protest petition would require a super majority vote of council, but it is no longer legal to have protest petitions. There were no speakers. The public hearing was closed.

Council Member Kaperonis motioned to approve an ordinance, incorporated herein, to repeal section 12.1.8 of the Wesley Chapel Zoning Ordinance, and include the statement of consistency that the proposed change is neither consistent nor inconsistent with the Land Use Plan as said document does not address protest petitions, and the statement of reasonableness that the proposed change is reasonable as it is in conformity with S.L. 2015-160, which was adopted by the NC Legislature during their 2015 session. Mayor Pro Tem Kenary seconded the motion.

The motion passed unanimously.

**VILLAGE OF WESLEY CHAPEL
TO REPEAL SECTION 12.1.8 OF THE WESLEY CHAPEL ZONING ORDINANCE
Ord. 2016-08**

THAT WHEREAS, the Village of Wesley Chapel has considered amending the Village’s Zoning Ordinance text to delete Section 12.1.8 of the Zoning Ordinance;

WHEREAS, after having held a public hearing on the matter on June 13, 2016; and

WHEREAS the following text amendments are to be made to the Village’s Zoning Ordinance text:

- 1. Delete Section 12.1.8 of the Zoning Ordinance in its entirety; and**
- 2. Replace the text of Section 12.1.8 with the term “Reserved”.**

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

Adopted this 13th day of June 2016.

Attest:

Cheryl Bennett, Clerk

Mayor David Kapfhammer

8. Public hearing on amending Subdivision Ordinance for bond amounts and action *Time Stamp 45:02*

Bill Duston reported this also is a change by the General Assembly, that we can no longer get maintenance bonds (on streets), and other bonds are capped at 125% of cost (we had 150%). Storm water is not covered by this. The developer can provide a bond or letter of credit or “other form of guarantee that provides equivalent surety” per the NC GS. The change was discussed. Mayor Kapfhammer closed the public hearing.

Mayor Pro Tem Kenary motioned to adopt the proposed changes (incorporated herein in Ordinance 2016-09) to the Subdivision Ordinance. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

**VILLAGE OF WESLEY CHAPEL SUBDIVISION ORDINANCE
TEXT AMENDMENT – ORDINANCE 2016-09**

THAT WHEREAS, the Village of Wesley Chapel has considered amending the Village’s Subdivision Ordinance regulations with respect to road maintenance and performance bonds, and

WHEREAS, after having held a public hearing on the matter on June 13, 2016; and

WHEREAS the following text amendments are to be made to various portions of the Village’s subdivision Ordinance text:

309.2 Improvement and Guarantee Standards

a) Improvement and Guarantee Standards *(Amended 01.05.06)*

In lieu of requiring the completion and dedication of all improvements prior to final plat approval, the Village of Wesley Chapel may enter into an agreement with the subdivider whereby the subdivider shall guarantee completion of all required improvements. Once said agreement is signed by both parties and the surety required herein is provided, work may proceed and the final plat may subsequently be considered for approval by the Village Council, if all other requirements of this Ordinance are met. ~~including the additional survey requirements of Section 313.~~ To secure this agreement, the subdivider shall provide either one, or a combination of the following guarantees equal to one and ~~one-half (1.5)~~ one-quarter (1.25) times the entire estimated cost as provided herein. The type of surety shall be chosen by the subdivider. The amount shall be subject to the approval of the Village Council:

1. **Surety ~~Performance-Bond(s)~~ or Letter of Credit:** The subdivider shall obtain a ~~performance-surety bond(s)~~ from a ~~surety-bonding-company licensed~~ authorized to do business in North Carolina or a letter or credit issued by any financial institution licensed to do business in North Carolina. The bond(s) ~~or letter of credit~~ shall be payable to the Village of Wesley Chapel and shall be made in or total an amount equal to one and ~~one-half (1.5)~~ one-quarter (1.25) times the entire cost, as estimated by the subdivider, verified by the Village Engineer (or Office of the District Engineer, State of North Carolina Department of Transportation, Division of Highways, for street improvements) and thereafter accepted by the Village Council, for the installation of all required improvements. The duration of the bond(s) ~~or letter of credit~~ shall be for not more than two (2) years, or until such time as the improvements are accepted by the Village Council or otherwise dedicated, whichever is less. Any expenses associated with cost verifications incurred by the Village shall be borne entirely by the subdivider.

2. ~~Cash~~ **Other Form of Guarantee that Provides or Equivalent Surety to a Surety Bond or Letter of Credit.** The subdivider shall deposit ~~cash, an irrevocable letter of credit from a bank doing business in North Carolina such guarantee where deposits are insured by the Federal Deposit Insurance Corporation (FDIC), or Savings and Loan doing business in the State of North Carolina, where deposits are insured by the Federal Savings and Loan Insurance Corporation (FSLIC), or certified check drawn in favor of the Village of Wesley Chapel with the Village Clerk before any work commences.~~ -The use of any instrument other than cash shall be subject to the approval of the Village Council. The amount of ~~deposit or letter of credit said guarantee~~ shall be equal to one and ~~one-half (1.5)~~ one-quarter (1.25) times the cost as estimated by the subdivider, verified by the Village Engineer and thereafter accepted by the Village Council, for the installation of all required improvements.

Interest derived on any such cash or equivalent security deposit(s) shall inure to the provisional credit of the subdivider, and shall be delivered to him upon completion, acceptance and dedication of all required improvements, less any reasonable administrative expenses.

b) Default

Upon default, meaning the failure on the part of the subdivider to complete the required improvements within two (2) years as spelled out in the performance bond or other surety, then the surety, shall, if requested by the Village Council, pay all or any portion of the ~~bond-surety~~ to the Village of Wesley Chapel up to the amount needed to complete the improvements based on an updated engineering estimate. Upon payment, the Village Council, at its sole discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements, or restore the property to its pre-development state to the maximum extent feasible. The Village Council shall return to the subdivider, or guarantor in the event the guarantor is called upon to pay for improvements, any funds not so spent, less any reasonable administrative expenses. Any cash or equivalent surety held by the Village may be used likewise, in event of default.

c) Release of Guarantee Surety

The Village Council may release a portion of any surety posted as the improvements are completed and recommended for approval by the Subdivision Administrator. Within thirty (30) calendar days after receiving the Subdivision Administrator's recommendation, the Village Council shall approve or disapprove said improvements. When the Village Council approves said improvements, it shall immediately release such amount of surety posted, as it deems appropriate; provided however, the balance remaining as surety shall continue to equal one and ~~one-half (1.5)~~ one-quarter (1.25)

times the estimated cost of the remaining improvements, as verified by the Village Engineer.

Whenever a surety bond, ~~or~~ letter of credit, or other approved surety has been submitted, the Subdivision Administrator shall notify the subdivider at least ninety (90) calendar days prior to the time said guarantee is about to expire. If the subdivider does not extend or replace said guarantee within sixty (60) calendar days of said notification, the Subdivision Administrator shall, through the Village Attorney's Office, and after notifying the Village Clerk's Office, begin proceedings for calling upon the guarantee. Any extension or replacement shall be in the same amount as the guarantee calculated in the same manner as the original guarantee at an amount equal to one-hundred twenty-five (125) percent of the cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained. ~~Any extension or replacement shall be in the same amount as the guarantee being extended or replaced unless a portion of the improvements have been completed and a reduction in amount is appropriate as provided for in the Sub-section 309.2.c).~~

The period within which required improvements must be completed shall not in any event exceed two (2) years from the date of ~~preliminary or final plat approval~~, unless an extension is agreed upon by the Village Council, or the Village shall begin the process of calling upon the guarantee as specified herein.

If the subdivider indicates that the final plat will be completed in sections as herein provided, he may post such guarantee separately but before the time each respective section is submitted and considered for final plat approval.

Section 313. Maintenance of Dedicated Areas Until Acceptance

313.1 Subject to Sub-section 309.1 requirements, all facilities and improvements with respect to which the owner makes an offer of dedication to public use shall be maintained by the owner until such offer of dedication is accepted by the appropriate public authority.

~~**313.2** The owner of any development containing streets intended for public dedication shall post a performance bond or other sufficient surety to guarantee that such streets will be properly maintained until the offer of dedication is accepted by the North Carolina Department of Transportation or by formal acceptance by resolution of the Village of Wesley Chapel. The amount of the security shall constitute fifteen percent (15%) of the cost of the improvements.(road base and pavement) The owner shall provide information sufficient for the Village of Wesley Chapel Subdivision Administrator to determine the actual cost of improvements. This surety is in addition to those required in Sub-Section 309.2(a). If the surety/bond described herein is not provided, the Village of Wesley Chapel shall not issue Zoning Permits to any properties~~

~~on the said street(s).~~

~~313.3 The Village Council may relieve the owner of the requirements of this section, if it determines that a property owners' association has been established for the development, and that this association has requested responsibility for the subject improvements, and has satisfied the obligations set forth herein. The Council, at its discretion, may require any such property owners' association to post the bond referred to in Sub-section 313.2.~~

~~313.4 The above bond/surety shall be posted with the Village of Wesley Chapel prior to the release of any Guarantee Surety in accordance with Sub-section 309.2(c).~~

~~313.5 Whenever a surety bond or letter of credit has been submitted, the Subdivision Administrator shall notify the owner or the property owners' association at least ninety (90) days prior to the time said guarantee is about to expire. If the owner or the property owners' association does not extend or replace said guarantee within sixty (60) calendar days of said notification, the Subdivision Administrator shall through the Village Attorney's Office, and after notifying the Village Clerk's office, begin proceedings for calling upon the guarantee. In such case, no further zoning permits on the affected street(s) shall be issued without specific Village Council approval.~~

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

Adopted this 13th day of June, 2016.

Attest:

Cheryl Bennett, Clerk

Mayor Dr. David Kapfhammer, PhD

9. Public hearing on 2016-17 budget and fee schedule *Time Stamp 54:41*
Mayor Kapfhammer opened the public hearing on the 2016-17 budget and fee schedule.

Chuck Adams spoke against Council voting themselves a raise that is double their current salary noting the prior council met twice a month, and this council meets once a month, and he did not feel they had a track record of accomplishments to deserve this increase.

2016.06.13 minutes

Becky Plyler spoke against the fee schedule, and that the raises are wrong, and that she felt a small group of Council is running the town and changing things.

Joan Beaulieu spoke, as a former tax collector for the town, that Council took the job knowing what it paid and suggested the raise should be effective for new council members coming in.

The Mayor closed the public hearing.

Committee and Deputy Reports

10. Deputy *Time Stamp 1:01:29*

Deputy Wicker reported the Target cases are on the downslide, and an arrest cleared up several open cases. Council Member Como said he heard people are coming to the park right before closing so the gates close behind them. The Deputy said he hadn't gotten any calls for service for this, they are doing extra preventative patrols. Residents should call 911.

11. Youth Council Committee *Time Stamp 1:05:41*

Sophia Maupin reported their Chair resigned due to graduation, and Danielle Acker is the new Chair. There are no June meetings due to exams, but in July and August the Council will meet to discuss and plan a 5K run.

Mayor Pro Tem Kenary reported Cody Ketcham is their only graduating senior, he was accepted to UCLA, and was a pleasure to have on the Council, and she was grateful for his service.

12. Safety Committee *Time Stamp 1:09:25*

The Chair was not present.

13. Planning Board *Time Stamp 1:09:50*

Acting Chair John Souza was not present.

Bill Duston reported there were many questions from Planning Board for our consulting engineer on storm water, and she met with the Board for three hours and came up with suggested tweaks to the ordinance. A pre-meeting with two Council and two Planning Board members was suggested.

Mr. Duston reported on the Faith Church Road Extension, one third is in Wesley Chapel, and two thirds in Indian Trail. Between the railroad tracks and Old Monroe Road the road is built. Right of way is preserved near the Harris Teeter distribution center. Indian Trail is recommending to the MPO that the road not be built, and they have hired a private firm to do a study to see if the corridor should be vacated. The firm wants to meet with Village representatives, Mayor Pro Tem Kenary and Council Member Kaperonis volunteered to meet with the consultants. Bill Duston also suggested we have Bob Cook from NC DOT come speak to Council.

14. Parks & Rec Committee *Time Stamp 1:31:32*

- a. Fencing project
- b. Boy Scout projects
- c. Beekeeping
- d. Park storage trailer

Chair Pat Utley asked the Clerk if there were any calls about the park. Clerk Bennett reported a woman called about the water stations at the dog park which have been empty. Council Member Como offered to fill them twice a week. Council Member Kaperonis noted another option is visitors bring their own water.

Ms. Utley asked for an update on the tree removal at the neighbor to the park. Council Member Rodriguez stated he sent a letter stating that the tree is on our property and is alive and well, but if the neighbor wants to remove any branches overhanging her property, she can. The branches are not a danger to her home. There was no reply from her.

Chair Utley asked about the monument sign. Council Member Rodriguez spoke to the State Boy Scout Council and they sent the scout project file for the sign; he is forwarding it to both engineers. The Scout Council was surprised at the costs paid by the Village, over \$2,000, and now we are paying for getting a permit. Council Member Como stated Council chose to supplement the project due to it being a large \$6,000 project.

Council Member Rodriguez gave an update on the amphitheater – he was given a price of \$21,000 without roofing materials. The Architect will call the vendor next week and give us a figure to set it up. The cost does not include sound or lights. Mayor Pro Tem Kenary noted the recommendation from the Southbrook technical person was \$11,000 to \$16,000 and we budgeted \$16,000 in 2016-17 for sounds and lights.

Chair Utley noted Parks and Rec had an action item to create a list of volunteer projects, but they don't have insight on the long term vision of the park from Council nor the maintenance needs and can't assist. Mayor Pro Tem Kenary suggested conservation projects.

Chair Utley said the Committee's recommendation was to continue the fencing, noting some of the fence was existing. Mayor Kapfhammer explained the context at the last meeting was fences go on property lines, and ours is not. The decision was to re-evaluate it and we also might have two scouts assigned the same project. Council Member Como stated originally a Scout wanted to do a fence on the Hwy. 84 side, with the road widening, that didn't make sense, and another Scout was doing fencing at Mrs. Krueger's yard. Council Member Rodriguez noted the fencing is between four and seven feet off the property line. The attorney was asked if we are giving away property by not moving the fence; he replied that to make a case for adverse possession, there is a whole litany of factors and a 20 year provision. Council Member Como stated most of the fence was there, and we filled in gaps, there are also large old trees. He noted we added thirty feet to attach the Bayha and Jennings fences, and where the tennis court formerly was there is a drop-off of six to eight feet so he put the fence at the top of the ridge to prevent anyone dropping off; we have a Scout and materials ready to go. Council Member Kaperonis asked attorney advice on the fence being a couple of feet back, and neighbors connecting, or adding a gate to the park. The attorney said it could be open and notorious possession, but there are also other factors including a 20 year time frame. We would have to give permission to put a gate up; it's a policy issue. Council Member Rodriguez noted in the past no one had professionals come in, he is not opposed to a fence, it should be on our property line, and suggested the Scout can move the fence to the line. Mayor Pro Tem Kenary noted she would not install a fence four to

seven feet inside her property line, and agreed it should be moved to the property line and could be a Scout project. The Scout said he was interested in such a project.

Council Member Rodriguez motioned to allow Ryan Graffeo to move the existing fence to the property line and remove the gates. Council Member Como stated most of the fence has been there since the 1980's, and there are roots around the tree, so it will have to be hand dug. Mayor Pro Tem Kenary noted the map of the park showed only one fence was originally there. The motion was rescinded.

Mayor Pro Tem Kenary motioned to allow Ryan Graffeo to determine the length of fence he is comfortable with for his project; the fence will be removed and re-installed on the property line; he will meet with Council Member Rodriguez who will report back to Council by email to determine the scope of the project. Council Member Rodriguez seconded the motion. Council Member Como noted some of the neighbors use the fence to enclose their dogs.

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

Mayor Pro Tem Kenary motioned that Council Member Rodriguez will contact Ms. Murdock whose son was also promised a fence project, and for him to complete the remainder of the fence. Council Member Rodriguez seconded the motion.

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

Chair Utley said this is an example of the transition, and no one was contacted. Council Member Rodriguez stated he told the Scout leaders at Siler to contact him, and the Village Administrator explained she asked Parks and Rec for a list of Scout projects, but the list and Parks and Rec did not have contact info, and referred her to Council Member Como, who was asked for the contact info, but he did not provide it. Mayor Kapfhammer volunteered to manage contact information.

The lady who was going to present on beekeeping had already left. Council Member Rodriguez reported he watched a bee show on TV and there are two types of colonies, honey producing or pollinating colonies, which is composed of wood skids. The bees pollinate in a 5-8 mile radius. The lady can come do a presentation for us. Council Member Como suggested we should include the Parks and Rec Committee, and expressed concerns over it being kicked over. More information is needed but it could be an educational project.

Council Member Rodriguez said the park storage trailer is an eyesore, and looks like a dump site. He suggested getting rid of it, and building a wooden shed. Council Member Como noted Union County is shifting from sheds to storage trailers due to damage. The trailer was discussed, and consensus was to clean it up and turn the trailer into an art project, perhaps with the high school Art Honor Society doing a mural. Council Member Rodriguez noted there is also a nice photo-taking area there, and can be spruced up. *Council Member Como requested that they not throw anything away until they check since something you think is garbage might be useful, such as the half full paint containers that are for painting a mural. Mayor Pro Tem Kenary replied that this is to clean up the items outside the container, not inside it. (Minutes amended 9.12.2016 to add this.)*

Old Business

15. Conservation Zoning text amendment *Time Stamp 2:34:22*

Bill Duston reviewed the history of conservation zoning, it is another way to develop, the tradeoff is smaller lots and more open space. Site visits were made, Planning Board made a recommendation, and Council held a public hearing. Council sent it back to Planning Board and they stayed with their original recommendation and made no further changes to it. Council Member Rodriguez said he was in favor but gun-shy after senior housing, and suggested it be tabled to next month. Council Member Kaperonis agreed and Council Member Como added we need to look at the survey results. Mayor Pro Tem Kenary asked the planner to share the rules for conditional zoning in other towns.

16. Future Land Use Plan Map Amendment *Time Stamp 2:42:20*

Bill Duston reported the public meeting was held and a summary provided to Council. Council Member Kaperonis motioned to have a public hearing on the proposed future land use plan map amendment for lot 06075008D on July 11, 2016 at 7 pm at town hall, 6490 Weddington Road, Wesley Chapel, NC 28104. Council Member Como seconded the motion.

The motion passed unanimously.

17. Approve Budget Ordinance for 2016-17 *Time Stamp 2:46:48*

Council Member Kaperonis motioned to approve the budget ordinance and fee schedule for 2016-17. The motion died for lack of a second.

An ABC store was not included in the budget. Council Member Como said he didn't think people knew when voting on an ABC store that it would cost a half million dollars. He added he did not become a council member for the money, and liked the suggestion to keep the pay the same for existing members. Council Member Kaperonis noted it has been at least ten years since council pay was increased, we did research on other towns' pay, and it is a justifiable expense and there is significant work. Mayor Pro Tem Kenary added if we wait for new people it will never get embraced, we are only equalizing to what council makes in other towns, and also that the Mayor Pro Tem will get paid equal to Council members. She added an ABC store is a high priority item and needs to be funded. Council Member Rodriguez added he invests hours and hours, it should be a level playing field; an ABC store can generate revenue within a couple of years, he thought Indian Trail received \$136,000 last year; he has done research and we need to start it by November or else wait a year, and could then talk to 201 Central to negotiate rent. Mayor Kapfhammer reminded Council they were all in agreement when we left the budget meeting, so something has happened between then and now; do we need a special meeting. Council Member Kaperonis motioned to approve the budget ordinance and fee schedule for 2016-17; Council Member Como seconded the motion.

The motion was voted on with two yeas (Como and Kaperonis), and two nays (Kenary and Rodriguez). Discussion was held that more information is needed to know whether we need

a loan or not, and whether the ABC commission would operate as a separate entity. The AED project was discussed, the amount requested is \$3,070 and is included in the budget. The Mayor voted nay, so the motion failed 2-3.

An ABC store was discussed. Council Member Kaperonis noted much more discovery is needed. Mayor Kapfhammer asked if the ABC store could be funded as a budget amendment after the budget year has started; the Finance Officer said it can, you would probably want to hold a public hearing on it. Indian Trail spent \$600,000, the ABC recommended \$350,000 to \$450,000; it includes employees, inventory, up fit, etc. Indian Trail sales were much higher when they moved to their new location. The Finance Officer noted we have only \$436,992 available in fund balance. Council decided to change the line item for the AED project to AED project / security cameras. It was noted we can approve the budget as presently presented, and later do a budget amendment.

Council Member Kaperonis motioned to approve the 2016/17 budget and fee schedule, incorporated herein, and adjust the Safety Committee budget to add “ /cameras”. Council Member Como seconded the motion.

The motion passed unanimously.

**Village of Wesley Chapel 2016/2017 Budget
Ordinance 2016-10**

BE IT ORDAINED by the Governing Board of the Village of Wesley Chapel, North Carolina:

Section 1: The following amounts are hereby appropriated in the General Fund for the operation of the village government and its activities for the fiscal year beginning July 1, 2016, and ending June 30, 2017, in accordance with the chart of accounts heretofore established for this Village:

| | |
|--------------------------------------|-----------|
| General Government | |
| Town Hall and Operating Expenditures | \$ 87,350 |
| Salaries | 134,104 |
| Capital Outlay | 30,000 |
| Planning & Zoning | 79,003 |
| Professional Fees | 54,000 |
| Parks and Recreation | 115,188 |
| Public Safety | 91,672 |
| Contingency | 24,480 |
| Total | \$615,797 |

Section 2: It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2016, and ending June 30, 2017:

| | |
|---------------------------|----------|
| Appropriated Fund Balance | \$ 7,214 |
| Property Tax Income | 156,983 |
| Revenue Sharing Income | 410,500 |
| Fees and Licenses | 40,600 |

| | |
|----------|------------|
| Interest | 500 |
| Total | \$ 615,797 |

Section 3: There is hereby levied a tax at the rate of one and 65/100 cents (\$.0165 per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2016.

This rate is based on a total valuation of real and personal property for the purposes of taxation of \$864,075,479 and an estimated rate of collection of 99%; public service property with a value of \$11,557,230 and an estimated rate of collection of 99% and a valuation of motor vehicles of \$78,665,269 with an estimated collection of 99%.

Section 4: The Budget Officer is hereby authorized to transfer appropriations as contained herein under the following conditions:

- a. Transfer amounts between line item expenditures, or from Contingency, up to a dollar amount of \$1,000.
- b. An official report on all transfers should be made to Council at the next scheduled meeting.
- c. Transfers should not be made to salary accounts.

Section 5: Copies of this Budget Ordinance shall be furnished to the Clerk of the Governing Board and to the Budget Officer and Finance Officer to be kept on file by them for their direction in the disbursement of funds.

Adopted this 13th day of June, 2016.

Village Clerk Cheryl Bennett

Mayor Dr. David Kapfhammer PhD

| WESLEY CHAPEL FEE SCHEDULE Effective 07.01.2016 | |
|---|-----------|
| ZONING ORDINANCE RELATED FEES: | |
| <i>Fees do not apply to Village of Wesley Chapel initiated projects</i> | |
| Zoning Verification Letter | \$ 25 |
| Upfit Permit (2/04) | \$ 25 |
| Zoning Permit (Accessory) | \$ 25 |
| Zoning Permit (New & Addition) | \$ 50 |
| Foundation Permit (Accessory) | \$ 0 |
| Foundation Permit (New & Addition) | \$ 50 |
| Compliance Certificate (New & Addition) | \$ 100 |
| Temporary Sign Permit | \$ 50*** |
| Permanent Sign Permit | \$ 100*** |

| | | |
|---|--|--------------|
| Temporary Use Permit | \$ 75*** | |
| Floodplain Development Permit | \$ 75* plus any engineering review fees | |
| Variance Request | \$ 500* | |
| Rezoning application | \$ 250 | |
| Zoning Text amendment | \$ 250 | |
| Conditional Re-Zoning Request | \$1,500 * plus engineering/TIA deposit of \$1,000 + sketch plan fees | |
| Conditional Use Permit | \$ 750* plus engineering /TIA deposit of \$1,000, see application | |
| Statutory Vested Rights Application | \$ 200 | |
| Appeal Request | \$ 500 | |
| SUBDIVISION ORDINANCE RELATED FEES: | | |
| Exempt Subdivision Letter/Signature | \$ 25 | |
| Administrative Subdivisions (Up to 3 lots) | \$ 100 | |
| Minor Subdivision: | | |
| Preliminary Plat: | \$ 100 | |
| Final Plat: | \$ 100 | |
| Major Subdivision: | | |
| Sketch Plan Review: | \$ 500 | 11 – 50 Lots |
| | \$ 500 for first 50 lots plus \$ 50 each additional lot | 51 + Lots: |
| Preliminary Plat: | \$ 160 per lot | 11 – 50 Lots |
| | \$ 135 per lot | 51 + Lots |
| Final Plat: | \$ 500 for first 10 lots plus \$ 25 for each additional lot | 11 + Lots |
| Engineer/TIA review | \$ Cost plus \$25 hour | |
| Bad Check Fee | \$ 35 or 10% whichever is larger | |
| Copies: Black & White | \$.25 each page (one side) | |
| Copies: Color | \$.50 each page (one side) | |
| Recording of meeting | \$2.00 | |
| Privilege License (See Ordinance) | | |
| * Plus any Village Engineering Fees, if applicable at cost plus \$25/hour | | |

*** Fee does not apply to non-profit or not-for-profit organizations

New Business

Ending Items

18. Council Comments *Time Stamp* 3:19:41

Mayor Kapfhammer reported we obtained quotes for services to tabulate the surveys using Survey Monkey. COG quoted \$1,700, and N-Focus quoted \$1,230. They can complete the work by June 30th. The other option is to have our administrative assistant do it, but she would have to create the survey in Survey Monkey. Mayor Pro Tem Kenary motioned to hire N-Focus to tabulate the survey for \$1,230. Council Member Kaperonis seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Kenary reported she only received one bid on the irrigation RFP. Village Administrator Bennett has since contacted 16-18 potential vendors, and at least 6 were interested in submitting quotes.

Council Member Como commented we didn't get bids on the expanded landscape contract, pond contract, or town hall repair, and we should be following the rules. He noted there are picnic tables and benches that were not put back at the Park since the Pig in the Park. Mayor Kapfhammer said he moved back the two he moved. Council Member Como asked if he could refill the water stations at the dog park. Council consensus was this is okay.

Council Member Rodriguez said he would like to network the town hall so he could access documents from home; he had someone look at it, and thought it would cost less than \$500. Second, he contacted a copier company to see about networking the employees to a copier that would collate and staple, we could also log in from home, and the price he got was about \$240 per month to do 2,000 black and white copies, 400 color, the toner and maintenance. Third, he had his computer guy come in and look at the monitors, and the server, and he said it was just a cable that needs to be changed. The land surveyor forwarded the information to Gary Wirth to get a price to fix the trail that is causing washouts at the bridge.

Council Member Kaperonis said he was disappointed with comments on the budget when we are trying to be fiscally conservative, while growth is happening.

Mayor Pro Tem Kenary commented when an event occurs, shouldn't the group holding the event be responsible for returning items to where they belong.

19. Adjournment *Time Stamp* 3:44:24

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

The motion passed unanimously.

2016.06.13 minutes

The meeting ended at approximately 10:47 p.m.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Dr. David Kapfhammer