

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
WESLEY CHAPEL TOWN HALL
6490 Weddington Road, Wesley Chapel, NC 28104
November 14, 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 Keith Merritt, 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: 1:30*

Kathy Miller noted the Village resident survey showed 62% don't mind age restricted housing if it is built at one house per acre. Also the preference was for no more age restricted housing. When you purchase a home you look at what is around it and the zoning to know what will happen in the future. By re-zoning, it tells the people that even with zoning you can get something else. She was against the Heritage development.

Diana Bowler spoke regarding the traffic back-ups every morning and evening at Highway 84 and Potter Road, about a dumping situation at 117 S. Potter Road, and about the Fall Bash. She thanked the town for its contribution to the event, noted it helps awareness of the park, and heard the request for concerts at the park. She noted the events are all done by volunteers, and encouraged town leaders to attend the events. She submitted a proposed schedule of 2017 events and asked to reserve the park for those events.

Gayla Adams spoke at the previous meeting, and noted a friend had thought she spoke against future development. She stated she is not against development, she is in favor of it where it makes sense; in a perfect world we would sit down together and reach common ground.

Mike Como stated the podium is a powerful tool to say what you think; later in the meeting Council will try to limit who can speak, and that should scare you.

Stan Efird noted in 1981 he bought a lot in Foxfire Estates, and recently a couple of acres of trees have been clear cut. He moved to a wooded subdivision, now he can see Highway 84 from his home. He talked to staff, and there is not anything to stop the heritage trees being taken down. Two trees are about 54 inches across. He heard the Boy and Girl Farm is expanding, but they

said they are purchasing land elsewhere, and he felt the trees were taken down to circumvent the rules of the Village. On-line he found Moser advertising the land for commercial. He asked Council to help with this and prevent future cases of clear cutting.

3. Additions, Deletions, and Adoption of Agenda *Time Stamp 17:41*

Council Member Como complained that the council rule that agenda items have to be submitted two weeks ahead was broken since he just received the ordinances being proposed; also we have a Scout policy that is not being followed. An item was added regarding the Scout policy not being followed. Mayor Pro Tem Kenary motioned to reverse the order of the two public hearings; add a discussion item on the scout projects, add to Old Business an item for computer monitors and add to the park the fence, shed and sign; and add to New Business a special meeting on Nov. 29, 2016 with NCDOT regarding the Hwy. 84 widening. Council Member Rodriguez seconded the motion.

The motion passed 3-1 with Como voting nay.

Council Member Como motioned to delete from the agenda the call for public hearing on the proposed ordinances, run them by legal, and table it to next month. Council Member Kaperonis seconded the motion.

The motion passed unanimously.

Council Member Como motioned to adopt the agenda with the above revisions. Mayor Pro Tem Kenary seconded the motion.

The motion passed unanimously.

4. Present Certificate of Appreciation *28:20*

Mayor Kapfhammer presented a certificate of appreciation to Bruce Ewing who served on Board of Adjustment since 2007.

5. Consider Approval of Consent Agenda *Time Stamp 29:49*

- a. Approve the minutes of September 22, 2016, September 29, 2016, October 3, 2016 and October 13, 2016 meetings
- b. Approve the previous month finance report
- c. Approve the previous month planner's and code enforcement report
- d. Approve contract with Botanica Lights LLC for \$1,220
- e. Approve budget amendment to move \$1,900 from Contingency to Town Hall Operating Expense – Utilities
- f. Call for public hearing on zoning ordinance text amendment for CUP threshold for December 12, 2016 at 7 pm at town hall
- g. Call for public hearing zoning ordinance text amendment for construction announcement signs for December 12, 2016 at 7 pm at town hall
- h. Call for public hearing on zoning ordinance text amendment for definition of "restaurant" for December 12, 2016 at 7 pm at town hall
- i. Accept resignation of Adam Lepke from Youth Council Committee

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

The motion passed unanimously.

October 31, 2016 Balance Sheet

	<u>Oct 31, 16</u>
ASSETS	
Checking/Savings	
Fifth Third Bank checking	371,638.13
Fifth Third Maxsaver	305,907.08
BB&T Money Market	507,500.43
Cash Change Fund	<u>50.00</u>
Total Checking/Savings	1,185,095.64
Accounts Receivable	
Misc. Fees Receivable	<u>4,413.75</u>
Other Current Assets	
Property Tax Rec.	782.00
Allow. for Doubtful Accounts	<u>-543.00</u>
Total Sales Taxes to be Received	1,599.76
Fixed Assets	
Land	813,423.00
Dogwood Park	
Dogwood Park Improvements	722,271.00
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 Signs	<u>3,803.00</u>
Total Dogwood Park	757,750.00
Town Hall	1,361,869.00
Furniture & Equipment	37,682.00
Town Hall Driveway/Irrigation	48,892.00
Accumulated Deprec.	<u>-290,058.98</u>
Total Fixed Assets	2,729,557.02
Other Assets	
Net Pension Asset	<u>3,185.00</u>
TOTAL ASSETS	<u><u>3,924,090.17</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	72.38
Pay. for Employee Insurance	50.50

Escrow from Developers	196,090.00
Deferred Revenue	<u>239.20</u>
Total Other Current Liabilities	<u>213,033.08</u>
Total Current Liabilities	<u>213,033.08</u>
Fund Balance	
Fund Bal. inv. in Fixed Assets	2,729,557.02
Fund Bal. non-spendable	196,090.00
FB Restrict for P&R fee in lieu	99,227.78
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 Balance Assigned for NNO	313.40
Fund Balance	615,967.48
Excess of Rev. over Exp.	<u>-80,076.70</u>
Total Fund Balance	<u>3,711,057.09</u>
TOTAL LIABILITIES & Fund Balance	<u><u>3,924,090.17</u></u>

October 2016 Budget Report

	<u>Oct 16</u>	<u>Jul - Oct 16</u>	<u>Budget</u>	<u>% of Budget</u>
General Fund				
Income				
Appropriated Fund Balance	0.00	0.00	7,214.00	0%
Total Property Tax Income	8,761.69	17,168.88	156,983.00	11%
Total Fees and Licenses	33,048.75	46,710.49	40,600.00	115%
Interest Earned	54.55	178.94	500.00	36%
Total Revenue Sharing	<u>3,720.15</u>	<u>2,507.23</u>	<u>410,500.00</u>	<u>1%</u>
Total Income	<u>45,585.14</u>	<u>66,565.54</u>	<u>615,797.00</u>	<u>11%</u>
Expense				
Total Town Hall Operating Expense	2,177.96	9,474.37	25,900.00	37%
Total Operating Expenditures	241.85	23,979.37	83,730.00	29%
Total Planning & Zoning	5,474.74	17,158.31	79,003.00	22%
Total Gen. Govt. Salaries	11,105.67	41,440.04	134,104.00	31%
Total Professional Fees	8,305.60	17,692.61	54,000.00	33%
Total Capital Outlay	0.00	0.00	30,000.00	0%
Total Public Services / Safety	0.00	43,276.31	91,672.00	47%
Parks & Recreation				
Total Recreation Events	2,002.29	2,002.29	7,300.00	27%
Total Park Maintenance Supplies & Materials	0.00	198.00	1,000.00	20%
Total Park Maintenance Services	<u>3,602.97</u>	<u>13,903.05</u>	<u>43,088.00</u>	<u>32%</u>
Total P&R Capital Outlay	0.00	0.00	66,000.00	0%
Total Parks & Recreation	<u>5,605.26</u>	<u>16,103.34</u>	<u>117,388.00</u>	<u>14%</u>
Total Expense	<u>32,911.08</u>	<u>169,124.35</u>	<u>615,797.00</u>	<u>27%</u>

Net General Fund	12,674.06	-102,558.81	0.00	100%
Capital Projects Fund				
Appropriated for Town Hall	<u>0.00</u>	<u>1,442,700.00</u>	<u>1,442,700.00</u>	<u>100%</u>
Total Transfer from General Fund	<u>0.00</u>	<u>1,442,700.00</u>	<u>1,442,700.00</u>	<u>100%</u>
Total Other Income	0.00	1,442,700.00	1,442,700.00	100%
Town Hall Capital Outlay				
TH Construction Contract	0.00	1,235,560.67	1,250,481.00	99%
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	27,281.00	28,500.00	96%
TH Miscellaneous	<u>0.00</u>	<u>3,683.65</u>	<u>3,780.00</u>	<u>97%</u>
Total Town Hall Capital Outlay	<u>0.00</u>	<u>1,420,217.89</u>	<u>1,442,700.00</u>	<u>98%</u>
Total Capital Projects	<u>0.00</u>	<u>1,420,217.89</u>	<u>1,442,700.00</u>	<u>98%</u>
Net Capital Projects Fund	<u>0.00</u>	<u>22,482.11</u>	<u>0.00</u>	<u>100%</u>
Net Excess of Revenue over Exp.	<u>12,674.06</u>	<u>-80,076.70</u>	<u>0.00</u>	<u>100%</u>

6. Eagle Scout project presentation *Time Stamp 30:15*

Alex Lubinecky proposed a hanging wooden bench swing made of pressure treated wood, located to the left of the sidewalk that leads to the pond at the park. The bench would be stationary in concrete, with a base of 6x6 wooden posts, mulch and flowers. Approximate materials cost is \$600. His primary contact has been Mayor Pro Tem Kenary. He hopes to build it in mid-January to late February. He is contacting construction businesses for donations and will need a building permit. Utilities will have to be marked. Bill Duston noted he issues zoning permits, and can work with him on the location, and there will be a fee for the County building permit.

Mayor Pro Tem Kenary motioned to approve Alex Lubinecky's project of the swinging bench in a location which is approved per Bill Duston. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

6A. Scout Policy not being followed *Time Stamp 44:08*

Council Member Como noted that Mayor Pro Tem Kenary wrote the policy, but didn't follow it, and asked that future scouts should follow the policy.

7. Report from Finance Officer *Time Stamp 45:09*

During the month of October, the Finance Officer moved \$600 from Contingency to Parks and Rec – Events – Printing and \$100 to Parks and Rec – Events – Supplies. The Finance Officer reviewed the routine monthly transactions. We have received sketch plan fees so zoning permit revenue is high.

Prices were received on the work required at the dry ponds and for the dam maintenance. Lucas bid \$3,035 to do the dry pond work in both locations, and bid \$250 to clear the pond side of the dam. Four quotes were requested on the dry ponds, one other higher bid was received, and one vendor declined to quote. A higher bid was received on the dam work. Council Member Como asked if we could do both sides of the dam for \$500. Council Member Como motioned to approve up to \$4,000 for both projects including clearing both sides of the dam and with a budget transfer of up to \$4,000 from contingency; \$1,000 going to Town Hall Operating Expense – Land Maintenance, and \$2,035 going to Parks Maintenance Services – Maintenance/Grounds, and \$965 going to Parks Maintenance Services – Pond Maintenance. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

Timing and weather were discussed. Council Member Rodriguez motioned to have the Clerk contact the vendor and do the work if the window of opportunity is still open, otherwise wait. Mayor Pro Tem Kenary seconded the motion.

The motion passed unanimously.

8. Public Hearing on Temporary Family Health Care Structures Text Amendment to Zoning Ordinance and Action on Ordinance 2016-13 *Time Stamp 58:56*

The public hearing was opened. Bill Duston noted the text mirrors the state legislation, a fee will have to be added including an annual inspection fee. He has had no requests for this. There were no public speakers. The public hearing was closed.

Mayor Pro Tem Kenary motioned to adopt ordinance 2016-13, incorporated herein, with the statement of consistency that the Land Use Plan does not address temporary housing. Thus the proposed text change is neither consistent nor inconsistent with the Land Use Plan, and the statement of reasonableness that the proposed text change is deemed to be reasonable as it is in concert with NCGS 160A-383.5. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

**VILLAGE OF WESLEY CHAPEL
TO ADOPT ZONING ORDINANCE TEXT AMENDMENT
Ord. 2016-13**

THAT WHEREAS, the Village of Wesley Chapel has considered amending the Village’s Zoning Ordinance regulations to allow temporary family health care structures;

WHEREAS, after having held a public hearing on the matter on November 14, 2016;
and

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

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

Activities of Daily Living

Bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting, and eating.

Caregiver

An individual 18 years of age or older who (i) provides care for a mentally or physically impaired person and (ii) is a first or second degree relative of the mentally or physically impaired person for whom the individual is caring.

Person, Mentally or Physically Impaired.

A person who is a resident of this State and who requires assistance with two or more activities of daily living as certified in writing by a physician licensed to practice in this State.

Relative, First or Second Degree

A spouse, lineal ascendant, lineal descendant, sibling, uncle, aunt, nephew, or niece and includes half, step, and in-law relationships.

Temporary Family Health Care Structure

A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the State Building Code and G.S. 143-139.1(b). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.

2. Add the following text as Section 4.7.8, “Temporary Structures and Uses”:

Temporary family health care structures shall be allowed per Section 4.9.9 of this Ordinance.

3. Add the following text as Section 4.9.9, “Accessory Uses and Structures”:

4.9.9 A temporary family health care structure shall be allowed by right as an accessory structure on lots located in a Residential (R or RA) zoning district subject to the following conditions:

- A. (i) The temporary family health care structure shall be used by a caregiver in providing care for a mentally or physically impaired person on property owned or occupied by the caregiver as the caregiver's residence as a permitted accessory use in any single-family residential zoning district (i.e., any “R” or “RA” zoning district) on lots zoned for single-family detached dwellings.

- B. The Village shall consider a temporary family health care structure used by an individual who is the named legal guardian of the mentally or physically impaired person a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings in accordance with this Section if the temporary family health care structure is placed on the property of the residence of the individual and is used to provide care for the mentally or physically impaired person.
- C. Only one (1) such temporary family health care structure shall be allowed per lot or parcel of land. The temporary family health care structure shall comply with all accessory structure requirements as contained in Section 4.9, except as herein provided. Such temporary family care structures shall comply with all setback requirements that apply to the primary structure and with any maximum floor area limitations that apply to the primary structure.
- D. Any person proposing to install a temporary family health care structure shall first obtain an accessory structure permit from the Village and pay the applicable zoning permit fee for accessory structures. An annual review shall be conducted by the Village to ensure that all requirements for having such structure remain are in place. A fee for such review shall be in accordance with the Village's fee schedule. As a part of such annual review, the Village may require that the applicant provide evidence of compliance with this Section on an annual basis as long as the temporary family health care structure remains on the property. The evidence may involve the inspection by the Village of the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation, and annual renewal of the doctor's certification. The Village may not withhold a permit if the applicant provides sufficient proof of compliance with this section.
- E. Notwithstanding Subsection (I) of this Section, any temporary family health care structure installed under this Section may be required to connect to any water, sewer, and electric utilities serving the property and shall comply with all applicable State law, local ordinances, and other requirements, include NCGS 160A, Article 19, Part 5 (Building Inspection), as if the temporary family health care structure were permanent real property.
- F. No signage advertising or otherwise promoting the existence of the temporary health care structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.
- G. Any temporary family health care structure installed pursuant to this Section shall

be removed within sixty (60) days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this Section. If the temporary family health care structure is needed for another mentally or physically impaired person, the temporary family health care structure may continue to be used, or may be reinstated on the property within sixty (60) days of its removal, as applicable.

- H. The Village may revoke the permit granted pursuant to Subsection D of this Section if the permit holder violates any provision of this Section or G.S. 160A-202. The Village may seek injunctive relief or other appropriate actions or proceedings to ensure compliance with this section or G.S. 160A-202.
- I. Temporary family health care structures shall be treated as tangible personal property for purposes of taxation.

Adopted this 14th day of November 2016.

Attest:

Cheryl Bennett, Clerk

Mayor David Kapfhammer

9. Continued Public Hearing on CZ 16-01 Heritage Senior Housing Conditional Rezoning
Time Stamp 1:01:53

The public hearing was re-opened. Comments from the public were heard.

Kathy Miller commented the land has not been purchased because their only plan is to do option 1, if it doesn't go the land will be up for sale. The two impact studies by the developer went back to 2001 for comps, and you should not go beyond 12-18 months when looking at comps. She asked about the modification requested to remove 144 heritage trees and in lieu of planting the 10,000 inches in diameter of trees. She urged council to vote no, saying Wesley Chapel and Indian Trail residents don't want this.

Steven D. Starnes, Attorney for the Ramiges. noted they have four acres, and a 4,000 square foot home zoned R-40. The proposed development is high density and results in a significant diminution in value to them between 15% and 24%. The appraisal was sent to Mr. Duston last Thursday showing a value of \$535,000 which is \$24,000 over tax value. The developer said today he did not have time to evaluate it, and asked Council to give them time to do that. He also thought the decision could go to the people via a referendum.

Pat Mower stated she had talked against the development, but learned there are definite plans to develop with or without the re-zoning, and felt the re-zoning plan is a better option because you

can add conditions. She encouraged Indian Trail to approve with more buffers, traffic calming devices, etc., and they made the best decision.

Edlyn Niimi from Wesley Chapel said she was one of the 62% who don't want to change the zoning, and felt we should have notified residents. She said it is a horrible intersection at Tan Yard Road, we don't need more density. And she will show up at future elections. She asked Council to reconsider changing the zoning without more input.

Council Member Como noted we had twenty public information meetings between the two towns. Bill Duston noted he asked DOT to review the speed limit on Wesley Chapel Road and we should hear back within a month.

Council questions were heard next.

Mayor Pro Tem Kenary asked about the visibility study. Brian Jenest showed where the road will move, it creates a 525 foot sight distance in each direction; only 450 feet is required.

Council Member Como said he was at the Indian Trail Council meeting, and the consensus was it was better than a use by right. Our Planning Board recommended in favor.

Mayor Pro Tem Kenary asked for confirmation that large wooden playsets are not allowed by the CCR's. Bill Duston noted this would have to be added as a condition.

Bill Duston noted the applicant is proposing to build the greenway, and we would maintain it. David Goracke noted at the north end, the trail meets the road, and there is a trail along the road. Indian Trail had a condition that there be an eight foot wide sidewalk. Bill Duston noted the trail is instead of a fee in lieu of approximately \$19,000.

The public hearing was closed.

Consider approval of CZ 16-01 subdivision modification 1 to remove 144 heritage trees – findings of fact.

1. Mayor Pro Tem Kenary motioned to approve 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, noting the site is heavily wooded and there are heritage trees throughout the site; nearly any sort of development would require removal of heritage trees. Council Member Rodriguez seconded the motion. The motion passed unanimously.
2. Council Member Rodriguez motioned to approve finding 2 that the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner, noting the removal of heritage trees is deemed to be reasonable given their location and the natural features of the site; almost any sort of substantial development would require the removal of at least one heritage tree given how heavily wooded the site currently is. Council Member Kaperonis seconded the motion. The motion passed unanimously.
3. Council Member Rodriguez motioned to approve 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, noting there are

heritage trees throughout the site, nearly any sort of substantial development would require removal of heritage trees. Council Member Kaperonis seconded the motion. The motion passed unanimously.

4. Mayor Pro Tem Kenary motioned to approve 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, noting the applicant has furnished stormwater plans that have been reviewed and approved by the Village's Consulting Engineer. Council Member Rodriguez seconded the motion. The motion passed unanimously.
5. Council Member Rodriguez motioned to approve finding 5 that the modification will not vary the provisions of the Village of Wesley Chapel Zoning Ordinance applicable to the property, noting 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 unanimously.

Mayor Pro Tem Kenary motioned to approve modification 1 to remove 144 heritage trees; Council Member Rodriguez seconded the motion. The motion passed unanimously.

Consider approval of CZ 16-01 subdivision modification 2 to use excess tree save area in lieu of planting 10,000 inches + of remediation trees – findings of fact.

1. Mayor Pro Tem Kenary motioned to approve 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, noting the site is heavily wooded and the excess tree save area has been demonstrated to contain more than the required amount of trees (both in number and caliper) to satisfy the tree mitigation requirements. Council Member Como seconded the motion. The motion passed unanimously.
2. Council Member Como motioned to approve finding 2 that the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner, noting the retention of excess of tree save area is seen as a much more effective, and less costly, means of preserving the tree canopy and for providing buffers to adjacent properties. Mayor Pro Tem Kenary seconded the motion. The motion passed unanimously.
3. Council Member Como motioned to approve 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, noting a significant portion of the tract lies within a FEMA designated floodplain area; disturbance of floodplain areas is not encouraged by the Village. Mayor Pro Tem Kenary seconded the motion. The motion passed unanimously.
4. Council Member Como motioned to approve 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, noting the applicant has furnished stormwater plans that have been reviewed and approved by the Village's

Consulting Engineer. Council Member Rodriguez seconded the motion. The motion passed unanimously.

5. Council Member Como motioned to approve finding 5 that the modification will not vary the provisions of the Village of Wesley Chapel Zoning Ordinance applicable to the property, noting this modification does not impact any of the regulations contained in the Village's Zoning Ordinance. Council Member Rodriguez seconded the motion. The motion passed unanimously.

Decision on CZ 16-01.

Council Member Como motioned to approve CZ 16-01 with the 28 conditions listed on the site plan, including a CCR to prohibit large play structures, with the statement of consistency that the Land Use Plan, at the time the application was submitted, contemplated 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 density 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 consistent with the applicable provisions of the Land Use Plan at the time the application was submitted, and the statement of reasonableness that the proposed rezoning is deemed reasonable as it meets all applicable zoning regulations that were in effect at the time the rezoning application was submitted. Moreover, the Town of Indian Trail has given its approval to that portion of the development that lies within the Indian Trail corporate limits. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

A brief recess was held.

Committee and Deputy Reports

10. Deputy *Time Stamp 1:54:17*

Deputy Wicker reported there is a small increase in thefts at homes under construction and there was an unlocked vehicle break-in. The "weapon" at New Town Elementary was just a box cutter in a car that was used for a project.

Mayor Kapfhammer noted the New Town Road construction detour should last to the end of November.

11. Youth Council Committee *Time Stamp 1:58:12*

Danielle Acker reported they recommended using Queen City Timing for the 5K. The fee to register for the race will be \$25, and Race It does the website for a fee of \$2.90 per runner. If they register here we keep the whole \$25. They are currently looking for race sponsors. Southbrook is okay with parking for the event, and they would like the Explorers to attend. Council Member Como asked what the break-even point would be, and motioned to table the motion to spend funds until we have more detail, noting it will be the single most expensive event in Wesley Chapel. The motion died for lack of a second.

Council Member Kaperonis volunteered to help them get sponsors.

Mayor Pro Tem Kenary motioned to approve spending up to \$4,100. Council Member Rodriguez seconded the motion. Discussion was held on the financial aspects of the race. Mayor Pro Tem Kenary promised to send details during the process and address any concerns.

The motion was voted on with two yeas (Kenary and Rodriguez), and two nays (Como and Kaperonis), and Mayor Kapfhammer voted yea, so the motion passed 3-2.

A spring festival is planned for after the 5K, and the Youth Council requested to spend up to \$2,000; \$500 was already budgeted for additional events, so another \$1,500 is being requested. Council Member Como said Southbrook only approved the parking for the morning event. There possibly would be food trucks, and it was suggested they charge the trucks a fee. Council Member Como asked if the proceeds of the race will stay in Wesley Chapel, Danielle Acker said they had discussed possibilities. Mayor Pro Tem Kenary asked Council to provide any questions to Danielle ahead of time. Mayor Pro Tem Kenary motioned to move \$1,500 from contingency to Youth Council – events for a spring festival. Council Member Kaperonis seconded the motion.

The motion passed 3-1 with Como voting nay.

Council Member Rodriguez motioned to approve expenditures of \$2,000. Mayor Pro Tem Kenary seconded the motion. The motion and second were withdrawn. Council Member Kaperonis wanted to see a PowerPoint with expense detail. Council Member Rodriguez amended the motion to approve the expenditures of \$2,000 conditional to a presentation of the expense detail in December.

The motion passed 3-1 with Como voting nay.

Mayor Pro Tem Kenary motioned to approve Ordinance 2016-17, Declaring a Road Closure for Community Event in the Village, incorporated herein. Council Member Rodriguez seconded the motion. When the last race was held the deputy went door to door to advise residents, and he was asked to do that again.

The motion passed unanimously.

Ordinance 2016-17

AN ORDINANCE DECLARING A ROAD CLOSURE FOR A COMMUNITY EVENT IN THE VILLAGE OF WESLEY CHAPEL, NORTH CAROLINA

WHEREAS, the Village of Wesley Chapel provides community events for the pleasure of its citizens; and

WHEREAS, the Village of Wesley Chapel acknowledges its citizens realize a quality of life benefit from holding such events; and

WHEREAS, the Village of Wesley Chapel acknowledges these events require time to install signing and traffic control, and also requires time for removal of signs, traffic control, and litter; and

NOW, THEREFORE, IT SHALL BE ORDAINED by the Village Council of the Village of Wesley Chapel, North Carolina pursuant to authority granted by G.S. 20-169 that they

do hereby declare the temporary closure during the day and time set forth below on the described portion of a State Highway System route:

Section 1 – Events Schedule

Date: Saturday, March 18, 2017

Time: 7:00 am to 10:00 am

Route Description: Lester Davis Road between Highway 84 and New Town Road

Section 2. This ordinance to become effective when signs are erected giving notice of the limits and times of said event, and implementation of adequate traffic control to guide through vehicles around the event route.

AND SO IT IS SO ORDAINED, this 14th day of November, 2016.

Mayor Dr. David Kapfhammer PhD

ATTEST:

Clerk Cheryl Bennett

Approved as to Form:

Attorney George Sistrunk

12. Planning Board *Time Stamp 2:41:12*

John Souza reported they reviewed stormwater ordinance updates. Currently any impervious surface requires a stormwater submittal, the proposal is to exempt the first 2,500 square feet of impervious surface. Another proposed change is to require the stormwater outlet be set back at least twenty feet from the property line, right now the lip is required to be at least ten feet from the line. Another change is a forever security bond for one third of the construction cost; the attorney is finalizing the language. The initial reaction of the Planning Board to the donation boxes was mixed.

Conservation zoning text was discussed. Council Member Rodriguez motioned to send the text back to Planning Board and give them an opportunity for a special meeting in December, and they want to have an absolute deadline of January 30 to have had a meeting with us and come to a conclusion. Mayor Pro Tem Kenary seconded the motion.

The motion passed unanimously.

Old Business

13. Computer Monitors *Time Stamp 3:01:07*

Mayor Pro Tem Kenary motioned for Council Member Kaperonis to take the lead in addressing the problems with the computer monitors and projector, with some information from Council

Member Rodriguez, to get a recommendation and price to fix them. Council Member Como seconded the motion.

The motion passed unanimously.

14. Update on Fall Bash *Time Stamp 3:03:08*

Council Member Como reported the event had about 1,400 attendees, and Friends of Parks and Rec did a great job, and stated to date they have raised about \$4,000 going back to 2014. Mayor Pro Tem Kenary asked the Finance Officer for a spreadsheet of what was spent and received and what FOPR's total budget of the event was including reaching out to all the sponsors. The Finance Officer noted we asked them for that before, and they could not provide the information. There was a minor problem with the trash containers but they have been emptied.

15. Board of Adjustments *Time Stamp 3:08:17*

Council Member Como stated he did research and what he found is legally there is no reason you can't have someone be on both Board of Adjustment and Planning Board or Council, but he thought it was not ethical. If someone wants a shed on their property but it is not 15 feet from the line, they can go to Board of Adjustment for a variance, or you can ask Planning Board and Council to change the ordinance. Council Member Rodriguez said he is on Board of Adjustment, but there have been no meetings for a couple of years and if there were a conflict of interest he would abstain. Mayor Pro Tem Kenary noted in the October minutes she had brought up the statutes do allow dual office holding.

16. Farmers Market Update *Time Stamp 3:13:52*

Council Member Como asked about the farmers market. Council Member Rodriguez noted the new season will start in late March or April of 2017; we have had good response, and will look for a budget moving forward, he would like to charge an annual fee and a weekly fee, and we won't provide tables or tents, we also need something on the website and a Facebook page. Mayor Pro Tem Kenary wanted Council Member Kaperonis to work on a Facebook page. There is a pallet on the side of the building that needs to be removed. Council Member Como complained there was some discussion by email between three Council members, and he and Paul were informed afterwards. Mayor Kapfhammer noted any expenditures went to Council. Mayor Pro Tem Kenary said tents were purchased for FOPR events, and Council Member Como complained she was using her personal email for town business.

17. Park Dam *Time Stamp 3:20:43*

This was covered earlier.

18. Park Shed, Fence, and Sign *Time Stamp 3:20:54*

Mayor Pro Tem Kenary noted an email was sent out regarding items missing from the park storage container. After some discussion, Mayor Pro Tem Kenary motioned to file a police report on the missing items. Council Member Como seconded the motion.

The motion passed unanimously.

Regarding the fence, Mayor Pro Tem Kenary motioned to have the attorney send letters out to residents along that property line and let them know within sixty days we are removing that

fence that is off the property line, giving them ample time, also we have bundles of salvage fence, and allow them to take that to put the fences back in so there would be no cost other than their installation, and not install gates into the park. Council Member Rodriguez seconded the motion. He added that the PARTF representatives said it is our decision, but there could be a problem twenty years down the road, one fence had a gate and lock with a no trespassing sign on our side that they did not like. Mayor Pro Tem Kenary added we cannot maintain our property, and if they got hurt on their side of our property, we would be liable. Mayor Pro Tem Kenary motioned to go into closed session per NC GS 143-318.11(a) (3) to consult with the attorney. Council Member Rodriguez seconded the motion.

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

Council entered closed session and discussed items regarding the park and public comments.

Mayor Pro Tem Kenary motioned to leave closed session; Council Member Rodriguez seconded the motion.

The motion passed unanimously.

Council Member Rodriguez rescinded his second regarding the motion on the fence, and Mayor Pro Tem Kenary rescinded her motion.

Mayor Pro Tem Kenary motioned to table the fence to next month. Council Member Como seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Kenary motioned to table the sign to next month. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

The Clerk will coordinate a park site visit by the attorney and Council.

New Business

19. Verbiage change to Rules of Procedure *Time Stamp 3:44:20*

Council Member Como motioned to remove this item from the agenda. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

20. November 29, 2016 special meeting with NCDOT at 6:30 pm *Time Stamp 3:45:10*

We will invite WCWAA and Southbrook Church and Weddington representatives to attend the meeting.

Mayor Pro Tem Kenary motioned to have a special meeting of council on November 29, 2016 at 6:30 pm at town hall for a discussion and presentation of the proposed NC 84 widening. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

Ending Items

21. Council Comments *Time Stamp 3:55:05*

Council Member Como stated we do not have a set time limit anywhere for council comments. Council Member Rodriguez stated he has an upcoming item for metal signs at the park and an amphitheater update; for \$32,870 we can have a unit delivered with metal poles and wiring run internally, a metal roof. Through the NJPA organization we get a discount.

Mayor Pro Tem Kenary stated statements without backup leads to misleading, and asked people to question what may not be facts.

Council Member Como said four acres of trees are being cut down, have we created a loophole to the tree ordinance. He asked if the lost key had been found, it has not. He noted fire ant control at the park had been in the contract but fell out when it was revised, and should be added back in next year.

22. Adjournment *Time Stamp 4:04:00*

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

The motion passed unanimously.

The meeting ended at approximately midnight.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Dr. David Kapfhammer