

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
WESLEY CHAPEL TOWN HALL
6490 Weddington Road, Wesley Chapel, NC 28104
January 9, 2017 – 7:00 PM

The Village Council of Wesley Chapel, North Carolina met in the Town Hall at 6490 Weddington Road, Wesley Chapel in North Carolina.

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

Absent: Council Member 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 Mayor Pro Tem Kenary gave the invocation.

2. Public Comments *Time Stamp: 2:08*

Former Mayor Brad Horvath encouraged Council to exercise due diligence and fiscal responsibility. He noted the 2016 survey response was half that in 2008, although the population increased. Regarding an ABC store he encouraged due diligence, noting Waxhaw didn't break even for eight years; also you need enough businesses (he was told 10-12) to buy from your store. There are ABC stores in Waxhaw, Monroe, and Indian Trail. You have to get permission from Raleigh to open a store. An alternative is to pursue revenue sharing from the store where Hickory Tavern buys liquor.

3. Additions, Deletions, and Adoption of Agenda *Time Stamp 7:55*

The following items were removed from the agenda: Deputy Report, Closed Session, Park Amphitheater, and Picnic Table Shelters. Youth Council Committee Report was kept on to address questions on their event.

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

The motion passed unanimously.

4. Consider Approval of Consent Agenda *Time Stamp 13:14*

- a. Approve the minutes of November 29, 2016 and December 12, 2016 council meetings and closed minutes for December 12, 2016
- b. Approve the previous month finance report
- c. Approve the previous month planner's and code enforcement reports
- d. Approve amended 2017 regular meeting schedule
- e. Proclamation for National School Choice Week

- f. Call for public hearing on zoning ordinance amendments for donation bins definition on February 13, 2017 at 6:30 pm at town hall at 6490 Weddington Road, Wesley Chapel, NC 28104
- g. Release McKinley Forest Performance Bonds of \$44,100 for Phase I and \$54,555 for Phase II
- h. Approve budget amendment of \$950 from Salary Adjustment, \$200 to Admin. Assistant, \$350 to Clerk Salary, \$200 to Planning and Zoning Professional Services, and \$200 to Public Services/Safety: Law Enforcement Services

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

The motion passed unanimously.

Balance Sheet

	<u>December 31, 2016</u>
ASSETS	
Checking/Savings	
Fifth Third Bank checking	488,659.59
Fifth Third Maxsaver	308,617.63
BB&T Money Market	507,585.02
Cash Change Fund	<u>50.00</u>
Total Checking/Savings	1,304,912.24
Accounts Receivable	
Misc. Fees Receivable	<u>3,465.00</u>
Other Current Assets	
Property Tax Rec.	782.00
Allow. for Doubtful Accounts	-543.00
Total Sales Taxes to be Received	1,723.08
Fixed Assets	
Land	813,423.00
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>5,534.00</u>
TOTAL ASSETS	<u><u>4,045,430.34</u></u>
LIABILITIES & Fund Balance	
Other Current Liabilities	
Due to Union County Schools	80.38
Pay. for Employee Insurance	50.50
Escrow from Developers	196,090.00
Net Pension Liability	2,155.00

2017.01.09 Council meeting minutes

Pension Deferrals Inflows	10,882.00
Payroll Liabilities	47.52
Deferred Revenue	<u>239.20</u>
Total Other Current Liabilities	<u><u>209,544.60</u></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 assigned TH land	25,000.00
Fund Bal. Assigned Sidewalks	16,000.00
Fund Balance Assigned for NNO	313.40
Fund Balance	730,838.59
Excess of Rev. over Exp.	<u>38,858.95</u>
Total Fund Balance	<u>3,835,885.74</u>
TOTAL LIABILITIES & Fund Balance	<u><u>4,045,430.34</u></u>

December 2016 Budget Report

	<u>Dec 16</u>	<u>Jul - Dec 16</u>	<u>YTD Budget</u>	<u>% of Budget</u>
Income				
Transfer from Capital Projects	22,482.11	22,482.11	0.00	
Appropriated Fund Balance	0.00	0.00	7,214.00	0%
Property Tax Income				
Current Year Property Tax	62,428.00	99,412.44	141,147.00	70%
Utility Ad Valorem	0.00	0.00	1,888.00	0%
Vehicle Registration	881.09	6,336.43	12,848.00	49%
Delinquent Property Tax	5.19	127.93	800.00	16%
Interest/Ad Fee on Taxes	10.13	117.10	300.00	39%
Total Property Tax Income	<u>63,324.41</u>	<u>105,993.90</u>	<u>156,983.00</u>	<u>68%</u>
Fees and Licenses				
Privilege Licenses	0.00	300.00	200.00	150%
Zoning Permit	15,665.00	50,975.00	15,000.00	340%
Engineering Fees				
Reimbursement	4,001.25	23,668.66	25,000.00	95%
Annexation Exp Reimbursed	0.00	0.00	100.00	0%
Misc. Fees	428.00	675.33	300.00	225%
Total Fees and Licenses	<u>20,094.25</u>	<u>75,618.99</u>	<u>40,600.00</u>	<u>186%</u>
Interest Earned	54.62	289.08	500.00	58%
Revenue Sharing				
Sales & Use Taxes	3,946.92	12,046.08	47,000.00	26%
Sales Tax on Telecom. Services	2,249.04	2,171.69	8,100.00	27%
Sales Tax on Video Programming	24,454.10	24,606.13	89,500.00	27%
Sales Tax on Electricity	61,384.93	59,956.85	208,000.00	29%

2017.01.09 Council meeting minutes

Sales Tax on Piped Natural Gas	1,309.76	1,055.31	20,000.00	5%
Alcoholic Beverage Tax	0.00	0.00	37,900.00	0%
Total Revenue Sharing	93,344.75	99,836.06	410,500.00	24%
Total Income	199,300.14	304,220.14	615,797.00	49%
Expense				
Total Town Hall Operating Expense	2,317.43	13,313.63	28,800.00	46%
Total Operating Expenditures	1,863.70	27,372.50	77,830.00	35%
Total Planning & Zoning	6,598.89	30,589.14	79,003.00	39%
Total Gen. Govt. Salaries	16,208.33	65,202.75	134,104.00	49%
Total Professional Fees	8,972.50	39,392.67	54,000.00	73%
Total Capital Outlay	0.00	0.00	29,014.00	0%
Total Public Services / Safety	21,616.75	64,894.13	91,672.00	71%
Parks & Recreation				
Total Recreation Events	0.00	2,267.76	7,300.00	31%
Total Park Maint. Supplies& Mat.	0.00	198.00	1,000.00	20%
Total Park Maint. Services	4,830.92	22,130.61	47,074.00	47%
Total P&R Capital Outlay	0.00	0.00	66,000.00	0%
Total Parks & Recreation	4,830.92	24,596.37	121,374.00	20%
Total Expense	62,408.52	265,361.19	615,797.00	43%
Net Excess of Rev. over Exp.	136,891.62	38,858.95	0.00	100%

**Village of Wesley Chapel Council
Amended 2017 Regular Meeting Schedule**

All Village Council meetings will be held at the Town Hall, 6490 Weddington Road, Wesley Chapel, NC.

Meetings are the second Monday of the month at 7 pm, unless otherwise stated.

January 9 – 6:30 for public hearings on CUP 16-01 and stormwater text amendments

January 9

February 13 – 6:30 pm for public hearings on ordinances for: 1. Panhandling, solicitation, street vending and canvassing, 2. Golf carts, 3. Open Burning, and 4. Animal Control

February 13

March 13

April 3

May 8

June 12

July 10

August 14

September 11

October 9

November 13

December 11

Village of Wesley Chapel, NC
Proclamation for National School Choice Week



WHEREAS: all children in the Village of Wesley Chapel should have access to the highest-quality education possible; and,

WHEREAS: the Village of Wesley Chapel recognizes the important role that an effective education plays in preparing all students in the village to be successful adults; and,

WHEREAS: quality education is critically important to the economic vitality of the Village of Wesley Chapel; and,

WHEREAS: the Village of Wesley Chapel is home to a multitude of excellent education options from which parents can choose for their children; and,

WHEREAS: educational variety not only helps to diversify our economy, but also enhances the vibrancy of our community; and,

WHEREAS: our area has many high-quality teaching professionals who are committed to educating our children; and,

WHEREAS: School Choice Week is celebrated across the country by millions of students, parents, educators, schools and organizations to raise awareness of the need for effective educational options;

NOW, THEREFORE BE IT PROCLAIMED AND RESOLVED, that I, Dr. David Kapfhammer, PhD, Mayor of the Village of Wesley Chapel, North Carolina, do hereby proclaim January 22 – 28, 2017 as SCHOOL CHOICE WEEK in Wesley Chapel, North Carolina and urge all citizens to join me in this special observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Village to be affixed this 9th day of January, 2017.

Signed _____ SEAL Attest

Mayor Dr. David Kapfhammer, PhD

Cheryl Bennett, Village Clerk

5. Youth Council Report / questions on event *Time Stamp 13:24*

Council Member Como asked for detail expenditures in writing for the spring festival, and to whom the proceeds are going. Mayor Pro Tem Kenary stated they just have proposed expenses as related at the last meeting, and they have not made any recommendations on where proceeds go; Council makes the ultimate decision. At this point there are no race sponsors. The Spring Festival part has been scheduled for a later time in the day, and they plan to use the park overflow parking.

6. Planning Board Report *Time Stamp 18:41*

Bill Duston reported there was no December Planning Board meeting, but in November they recommended approval of Huntington Learning Center's CUP, discussed donation bins and recommended we not allow them. The conservation zoning joint meeting is tomorrow night. Regarding clear cutting, the Planning Board wanted more information so Mr. Duston contacted other towns and found out Matthews requires re-planting if a clear cut property is developed within three years.

Mayor Pro Tem Kenary asked about the accessory structures at the Efird property which appear close to the property line; Mr. Duston explained that if they were built prior to 1998 they would be grandfathered in. Mayor Pro Tem Kenary motioned for Bill Duston to take the next steps to investigate explaining she wanted to protect Mr. Efird. Council Member Kaperonis seconded the motion.

The motion passed 2-1 with Como voting nay.

7. Finance Report *Time Stamp 27:26*

Finance Officer Bennett reported the Capital Projects Fund was closed and \$22,482.11 moved to the General Fund, we received preliminary plat fees for Heritage, \$424 in insurance for the claim on the gate, and quarterly revenue sharing sales taxes. Expenditures included the gate repair, and clearing of both sides of the park dam.

Council Member Como complained that not enough clearing was done at the dam; he will send a photo and we can schedule a conference call with the vendor. He also asked for more advance notice in the future of moving funds; the Finance Officer noted that last month's transfer had been detailed in the monthly email she sends to Council with the finance reports before the meeting, the Mayor said he would facilitate.

8. Decision on Zoning Ordinance Amendment for Stormwater Text Changes *Time Stamp 33:44*

Mayor Pro Tem Kenary motioned to adopt Ordinance 2017-01 (incorporated herein) with the text change submitted by Bill Dustin to correct that the existing ordinance does not provide detention for the 50 or 100 year storm; and to include the statement of reasonableness that the proposed text is deemed reasonable as it affords the Village greater stormwater protection than

the current text while giving the Village and its staff some additional flexibility in applying and administering the regulations, and the statement of consistency that the proposed text is neither consistent nor inconsistent with the Village's Land Use Plan (LUP) as the LUP does not specifically address stormwater issues. Council Member Como seconded the motion.

The motion passed unanimously.

**VILLAGE OF WESLEY CHAPEL
TO ADOPT ZONING ORDINANCE TEXT AMENDMENT
Ord. 2017-01**

THAT WHEREAS, the Village of Wesley Chapel has considered amending the Village's Zoning Ordinance regulations to update portions of the Village's Stormwater regulations as contained in Article 14 of the Zoning Ordinance;

WHEREAS, after having held a public hearing on the matter on January 9, 2017; and

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

1. Add the following text as Section 14.5.1.A:

(1.A) The Village of Wesley Chapel hereby adopts and incorporates herein the provisions contained in the Charlotte-Mecklenburg Stormwater Design Manual, as amended (hereinafter referenced as the "Stormwater Manual"), with the following exceptions:

- 1) **Deviations may be necessary to accommodate soil types found in the County and the Town. Soil classifications shall be obtained from the "Soil Survey of Union County, North Carolina", a publication prepared by the USDA Natural Resources Conservation Service.**

- 2) **Rainfall data for stormwater management design calculations shall be the most current available and shall be obtained from the National Oceanic and Atmospheric (NOAA) Precipitation Frequency Data Server website.**

- 3) **When discrepancies are found between the Stormwater Manual and the Village of Wesley Chapel zoning or subdivision regulations, the stricter regulation shall apply.**

- 4) *The Town Engineer, on a case-by-case basis, may consider minor deviations from the Stormwater Manual.*

2. **Amend Section 14.5(1) of the Zoning Ordinance text as follows:**

All developments shall be constructed and maintained so that properties are not unreasonably burdened with storm water runoff as a result of such developments. More specifically:

All nonresidential development and all major residential subdivisions *creating more than 2,500 square feet of impervious area* shall provide storm water detention to control the peak stormwater runoff from the 1, 2, 10, 25, 50, and 100-year, 24 hour storm events to pre-development rates, and shall safely pass the 50 and 100-year, 24 hour storm with minimum 0.5 feet of freeboard...

Stormwater volume control shall be provided for the 1-year, 24 hour storm. Runoff volume drawdown time shall be a minimum of 24 hours, but not more than 120 hours.

Stormwater management facilities shall not be located within 10 feet of any property lines, as measured from the top or toe of slope of the pond embankment. *Pipe, riprap apron, or any other features associated with the stormwater management facility outlet shall not be located within 20 feet of any property lines, inclusive of any required buffers.*

3. **Amend Section 14.7.2 as follows:**

14.7.2 Operation and Maintenance Agreement

All stormwater management facilities shall have an enforceable operation and maintenance agreement to ensure the system functions as designed. This agreement will include any and all maintenance easements required to access and inspect the facilities, and to perform routine maintenance as necessary to ensure proper functioning of the facility. In addition, a legally binding covenant specifying the parties responsible for the

proper maintenance of all facilities shall be secured prior to issuance of any permits for land disturbance activities. **Refer to the Subdivision Declaration form for the operation and maintenance of stormwater management facilities.**

4. Add the following text as Section 14.7.7:

14.7.7 Security

Prior to placing the stormwater management facilities (“SMFs”) in service, the Village of Wesley Chapel may, at its discretion, require the submittal of a maintenance security in order to insure that the SMFs are maintained by the developer or owner as required by the approved stormwater management plan, the operation and maintenance agreement between the Village and the developer or owner and this ordinance. The amount of the maintenance security shall be 1/3 of the total costs of construction of the SMFs, as shown by a construction cost estimate provided by developer’s engineer and approved by the Village. The security shall contain forfeiture provisions for failure to perform the principal’s maintenance obligations. If, at any time, any portion of the security is forfeited, the Village may, at its discretion, require the responsible persons (as defined in Section 14.8) to provide new security equal to 1/3 of the then current cost of replacement of the SMFs, as shown by a construction cost estimate provided by the responsible person’s engineer and approved by the Village. All fees for engineering services incurred by the Village in order to approve the amount of the security shall be reimbursed by the Developer.

Adopted this 9th day of January 2017.

Attest:

Cheryl Bennett, Clerk

Mayor David Kapfhammer

9. Decision on CUP for Huntington Learning Center *Time Stamp 36:30*
Council Member Kaperonis did not vote on this item as he was not present for the public hearing on the CUP.

Findings of Fact were considered.

1. Mayor Pro Tem Kenary motioned to approve the first finding of fact per zoning ordinance section 6.4.3(a) that the use will not materially endanger the public health, safety or welfare if located where proposed and developed according to the submitted

plan and not create dangerous traffic conflicts, noxious odors/sounds/glare or environmental hazards, noting this learning center will not create any negative environmental impacts and should have little if any impact on traffic. Council Member Como seconded the motion. The motion passed unanimously.

2. Mayor Pro Tem Kenary motioned to approve finding 2 (Section 6.4.3(b)) that the use meets all required conditions and specifications, noting the use meets or exceeds all specifications of the zoning ordinance. Council Member Como seconded the motion. The motion passed unanimously.
3. Mayor Pro Tem Kenary motioned to approve finding 3 (Section 6.4.3(c)) that the use will not substantially injure the value of adjoining or abutting property and will not hinder future development potential of adjacent properties by the introduction of incongruous land use or incompatible development scale or intensity, noting the proposed use is replacing another commercial use in the shopping center; thus there should be no impacts as a result of the expansion both within the shopping center and on adjoining properties. Council Member Como seconded the motion. The motion passed unanimously.
4. Mayor Pro Tem Kenary motioned to approve finding 4 (Section 6.4.3(d)) that the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is located, not disrupt the integrity of existing land use districts, and will be in general conformity with this ordinance and the Wesley Chapel Land Development Plan, noting the property is zoned B-2 by the Village and is located in a shopping center that had previously received a Conditional Use Permit; the Future Land Use Plan map depicts the property for future commercial development. Council Member Como seconded the motion. The motion passed unanimously.
5. Mayor Pro Tem Kenary motioned to approve finding 5 (Section 6.4.3(e)) regarding availability of services including water, wastewater treatment, gas, stormwater as required by the project, noting the area will be served by water from Union County Public Works. Council Member Como seconded the motion. The motion passed unanimously.
6. Mayor Pro Tem Kenary motioned to approve finding 6 (Section 6.4.3(f)) regarding access to public streets and the adequacy of those streets to carry anticipated traffic; and on-site circulation for both pedestrian and on-site and off-site vehicular traffic circulation patterns, noting traffic volumes and circulation both within the shopping center and along NC 84 and Waxhaw-Indian Trail Road will not be materially affected by the proposed use. Council Member Como seconded the motion. The motion passed unanimously.
7. Mayor Pro Tem Kenary motioned to approve finding 7 (Section 6.4.3 (g)) regarding adequate safety and emergency services (police, fire and EMS), noting there is no change

in the need for safety and emergency services as the building has been at the site for over five years. Council Member Como seconded the motion. The motion passed unanimously.

Mayor Pro Tem Kenary motioned to approve CUP 16-1 for the expansion of Huntington Learning Center with the condition of no outdoor classrooms. Council Member Como seconded the motion.

The motion passed unanimously.

10. CMAQ Grant Application and possible budget amendment *Time Stamp 44:39*
Mayor Kapfhammer noted that hot items have been an ABC store and traffic concerns. Bill Duston explained that this is a DOT grant application for CMAQ funds to put a roundabout at Potter and Wesley Chapel Road, it does not include Potter and NC 84. Lee Ainsworth at DOT estimated the project at \$1.31 million, and the required match is 20%, but if we go up to 21% you get bonus points, so \$275,100 is a 21% match. Council Member Como felt that DOT should do this project if they feel it is a problem. Bill Duston explained it is not on the 2045 transportation pipeline. Mayor Kapfhammer noted at other projects on New Town Road the road was broken, but this is a congestion problem. Mayor Pro Tem Kenary thought Board of Education actions might remove some of the congestion. Bill Duston noted it will be two years before the funds will be paid to DOT. Council Member Kaperonis said this is a priority over Potter and NC Hwy 84 because you have no control access here; also there are three new subdivisions and the only conduit is Hwy. 84 and up from Potter; traffic was a big concern on the survey. If we do not provide the 20%, DOT will not apply for the grant. The Mayor noted we have the funds available. Mayor Pro Tem Kenary requested the language in the Resolution be changed to add "maximum" instead of "total" and to add "of the proposed amount of \$1,310,000" after "match" in the last paragraph. Council Member Kaperonis motioned to approve the amended Resolution 2017-01, incorporated herein. Mayor Pro Tem Kenary seconded the motion.

The motion passed 2-1, with Como voting nay.

Village of Wesley Chapel, NC Resolution 2017-01
Resolution of Intent to Pursue Congestion Mitigation and Air Quality (CMAQ) Funding for Road Improvements in Wesley Chapel, NC and Commitment to Provide a Twenty-One Percent Match of Estimated Construction Costs

WHEREAS the Wesley Chapel Village Council has expressed concern about traffic congestion at the intersection of Potter and Wesley Chapel Roads and,

WHEREAS said intersection was one that was included in a road improvements study in Union County, NC conducted by R S & H in 2016; and,

WHEREAS said study had concluded that a round-about was needed at said intersection in order to alleviate traffic congestion; and,

WHEREAS the Charlotte Regional Transportation Planning Organization (CRTPO) has announced the call for projects for CMAQ funding; and,

WHEREAS the North Carolina Department of Transportation (NCDOT) has expressed a willingness to apply for CMAQ funding for improvements at this intersection; and,

WHEREAS NCDOT has estimated that the cost of the construction of said roundabout to be approximately \$1,310,000.00;

NOW, THEREFORE, BE IT RESOLVED: that the Village of Wesley Chapel commits a maximum of (\$275,100) as a twenty-one (21) percent match of the proposed amount of \$1,310,000 for the CMAQ application to be submitted by NCDOT for the construction of a roundabout at the intersection of Potter and Wesley Chapel Roads and that said match will be committed to NCDOT at the appropriate time(s) should CMAQ funding for this roundabout be awarded.

Adopted this 9th day of January, 2017.

ATTEST

Cheryl Bennett, Clerk to the Board

Dr. David Kapfhammer, PhD, Mayor

Old Business

11. Cameras for Park *Time Stamp 1:16:14*

Council consensus was that three quotes are needed for the cameras, and the \$3,870 budgeted for cameras in public services will need to be moved to the park budget. A scope of work is needed. Any input can be sent to Council Member Rodriguez.

New Business

None.

Ending Items

12. Council Comments *Time Stamp 1:21:23*

Council Member Kaperonis mentioned a potential agenda item for a proposed computer tower dedicated to use the projector in council chambers. The Mayor noted staff computers need to be replaced.

Mayor Pro Tem Kenary asked to be excused as it is her son's birthday. Council agreed.

Council Member Como stated a year ago we had a joint meeting with Parks and Rec and nothing on the list was done; he will submit an agenda item for next month. Also Southbrook Church

wants to add discussion of their request to the County for a new sign to our joint meeting on Highway 84 on the 19th. Mayor Kapfhammer said he just found out he will be out of town for work on the 19th, so the meeting will be re-scheduled. The meeting content was discussed, as well as the role of the attorney. The meeting will be for discovery only.

Mayor Kapfhammer said if there are any data points regarding getting support needed for staff and council from the code enforcement officer, please send them to him.

13. Adjournment *Time Stamp 1:39:40*

Council Member Kaperonis motioned to adjourn; Council Member Como seconded the motion. The motion passed unanimously.

The meeting ended at approximately 8:45pm.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Dr. David Kapfhammer