

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
WESLEY CHAPEL TOWN HALL
6490 Weddington Road, Wesley Chapel, NC 28104
June 12, 2017 – 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 the invocation was said.

2. Public Comments *Time Stamp: 0:40*

Bill Duston thanked Council for the opportunity to work here the last few years. He noted he learned it is one thing to write code, and another to administer it. He thanked past Mayor Horvath, Planning Board Chair John Souza and the Planning Board, the attorney, deputy, and especially the Clerk. He presented a beautiful glass vase to the Village. Mayor Kapfhammer thanked Mr. Duston for sharing information willingly and facilitating the understanding of planning and zoning.

Diana Bowler spoke representing Wesley Chapel Friends of Parks and Rec (FOPR), and noted the Fall Bash, which over 1,000 people attend, has been approved. She requested funding for the Fall Bash in the amount of \$700 for portajons, hand sinks, and advertising. Unpaid volunteers administer their events. They have \$1,500 from the Pig in the Park event designated for a picnic shelter. She thanked Bill Duston for his help in event permits.

Former Mayor Brad Horvath spoke about the area behind town hall, and noted we should follow protocol, if it is a recreation area we are changing the use, and it would go to the Board of Adjustment for a CUP amendment. Fee in lieu is set aside for recreation purposes, if we are simply landscaping, it is not a recreation use.

Mayor Pro Tem Jeannine Kenary spoke that she has been on Council 3.5 years, we had funds for the amphitheater in the budget and as they are unused, they will move to fund balance. Council Member Rodriguez got quotes, projects don't move forward, but they need to do so. She added a report on the dam was mentioned by Brad Horvath, and Mike Como said he read it, but after checking with the Clerk, a report doesn't exist. She said fee in lieu can also be used for greenspace.

3. Adoption of Agenda *Time Stamp 17:06*

Mayor Pro Tem Kenary motioned to approve the amended consent agenda with the following items tabled: cleaning contract with Coverall, call for public hearings for text changes for walls, and call for public hearing text changes for invasive species. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Kenary motioned to replace the Policies and Procedures item with Discussion of the Park. Council Member Rodriguez seconded the motion.

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

Mayor Pro Tem Kenary motioned to swap the order of the items for Discussion of the Park and for Approval of the Budget Ordinance 2017-04. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Kenary motioned to adopt the remainder of the agenda, with the tabling of the item to call for public hearings on text changes for barns. Council Member Kaperonis seconded the motion.

The motion passed unanimously.

4. Consider Approval of Consent Agenda

- a. Approve the minutes of April 3, 2017, May 2, 2017 and May 15, 2017 Council meetings
- b. Approve the previous month planner's and code enforcement reports
- c. Approve the previous month finance report
- d. Approve contract with NCLM / American Legal over two years to codify ordinances for \$14,250
- e. Purchase from School Health an AED unit for \$1,649 plus cabinet for \$207 plus shipping
- f. Release of McKinley Forest Phase II Road Maintenance Bonds in amount of \$14,034
- g. Budget Amendment to increase Planning/Zoning Professional Services by \$5,000; decrease Seminars by \$2,800 and decrease Travel and Entertainment by \$2,200

The Consent Agenda was approved in item 3 above.

May 31, 2017 Balance Sheet

ASSETS

Checking/Savings

Fifth Third Bank checking	233,662.63
Fifth Third Maxsaver	308,681.44
NCCMT Government Portfolio	300,099.42
BB&T Money Market	507,794.93

2017.06.12 Council meeting minutes

Cash Change Fund	50.00
Total Checking/Savings	1,350,288.42
Total Accounts Receivable	6,127.31
Other Current Assets	
Property Tax Rec.	782.00
Allow. for Doubtful Accounts	-543.00
Prepaid Exp.	276.00
Total Sales Taxes to be Received	430.89
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	3,803.00
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.	-290,058.98
Total Fixed Assets	2,729,557.02
Other Assets	
Contr to PenPlan CY Def Outflow	5,534.00
Total Other Assets	5,534.00
TOTAL ASSETS	4,092,452.64
LIABILITIES & FUND BALANCE	
Other Current Liabilities	
Due to Union County Schools	103.24
Pay. for Employee Insurance	50.50
Escrow from Developers	196,090.00
Net pension liability	2,155.00
Deferred Revenue	239.20
Unearned Rev(Priv licenses)	285.00
Pension deferrals Inflows	10,882.00
Payroll Liabilities	3,357.20
Total Other Current Liabilities	213,162.14
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 for Sidewalk	16,000.00
Fund Balance Assigned for NNO	313.40
Fund Balance	730,838.59
Excess of Rev. over Exp.	<u>82,263.71</u>
Total Fund Balance	<u>3,879,290.50</u>
TOTAL LIABILITIES & FUND BALANCE	<u><u>4,092,452.64</u></u>

May 2017 Budget Report

	<u>May 17</u>	<u>Jul '16 - May 17</u>	<u>Budget</u>	<u>% of Budget</u>
General Fund				
Income				
Transfer from Capital Projects	0.00	22,482.11	0.00	100%
Appropriated Fund Balance	0.00	0.00	7,214.00	0%
Property Tax Income				
Current Year Property Tax	179.91	143,182.78	141,147.00	101%
Utility Ad Valorem	0.00	1,980.33	1,888.00	105%
Vehicle Registration	1,307.73	12,616.71	12,848.00	98%
Delinquent Property Tax	0.11	210.27	800.00	26%
Interest/Ad Fee on Taxes	15.58	284.68	300.00	95%
Total Property Tax Income	<u>1,503.33</u>	<u>158,274.77</u>	<u>156,983.00</u>	<u>101%</u>
Fees and Licenses				
Privilege Licenses	0.00	300.00	200.00	150%
Zoning Permit	2,025.00	65,710.00	15,000.00	438%
Engineering Fees				
Reimbursement	5,284.34	50,539.50	57,000.00	89%
Annexation Exp Reimbursed	0.00	30.00	100.00	30%
Misc. Fees	200.00	1,832.33	776.00	236%
Total Fees and Licenses	<u>7,509.34</u>	<u>118,411.83</u>	<u>73,076.00</u>	<u>162%</u>
Interest Earned	154.25	662.22	500.00	132%
Revenue Sharing				
Sales & Use Taxes	3,607.43	31,366.40	47,000.00	67%
Sales Tax on Telecom. Services	0.00	4,305.77	8,100.00	53%
Sales Tax on Video Programming	0.00	48,889.06	89,500.00	55%
Sales Tax on Electricity	0.00	100,652.13	208,000.00	48%
Sales Tax on Piped Natural Gas	0.00	3,890.93	20,000.00	19%
Alcoholic Beverage Tax	38,187.22	38,187.22	37,900.00	101%
Total Revenue Sharing	<u>41,794.65</u>	<u>227,291.51</u>	<u>410,500.00</u>	<u>55%</u>
Total Income	<u>50,961.57</u>	<u>527,122.44</u>	<u>648,273.00</u>	<u>81%</u>
Expense				
Total Town Hall Operating Expense	1,355.28	22,192.58	28,800.00	77%
Total Operating Expenditures	458.88	36,199.44	61,106.00	59%

Total Planning & Zoning	7,021.79	65,877.90	87,503.00	75%
Total Gen. Govt. Salaries	9,420.97	109,589.42	133,704.00	82%
Total Professional Fees	5,890.05	71,872.14	87,500.00	82%
Total Capital Outlay	0.00	1,401.19	26,514.00	5%
Total Public Services / Safety	0.00	86,310.88	93,472.00	92%
Parks & Recreation				
Total Recreation Events	666.00	3,299.76	7,300.00	45%
Total Park Maint. Supplies& Mat.	0.00	406.09	1,000.00	41%
Total Park Maint. Services	3,151.67	47,709.33	55,374.00	86%
Total P&R Capital Outlay	0.00	0.00	66,000.00	0%
Total Parks & Recreation	3,817.67	51,415.18	129,674.00	40%
Total Expense	27,964.64	444,858.73	648,273.00	69%
Net Excess of Rev. over Exp.	22,996.93	82,263.71	0.00	100%

5. Planning Board Report; recommendation that Planning Board members' salary be increased to \$100 per meeting *Time Stamp 30:30*

Planning Board Chair John Souza reported at the last meeting they recommended approval 3-2 of the Ridge preliminary plat; primary concerns were traffic congestion coming out, and that there was no shadow lane for left turns out (which DOT said couldn't be done). The wall on Highway 84 was discussed, originally proposed as running the entire length, the developer showed some pictures of a shorter wall, the final wall plan will come to Planning Board for approval per the code. After some discussion that buffers can be reduced if you have a wall, but not for berms, Council Member Como motioned to task the planner and Planning Board to investigate text for reducing the buffer for a berm. Council Member Kaperonis seconded the motion.

The motion passed unanimously.

John Souza reported clear cutting trees was tabled at the last meeting and asked if Council still wanted them to go forward with it. Mayor Pro Tem Kenary felt it was directed at developers, deforestation happens and owners earn money from it, she felt regulations would be a punishment and it was a governmental overreach; Council Member Rodriguez said he was against regulations, as was Mr. Souza. Council Member Como asked if they wanted to get rid of the tree-save ordinance altogether and said there is a difference in cutting a tree in your yard and clear cutting; Council Member Kaperonis felt it is overreaching. Council consensus was to table it for the time being.

Chair Souza reported Planning Board motioned to recommend their salaries be increased to \$100 per meeting. Mayor Kapfhammer reported on amounts of Planning Board salary in nearby towns which ranged from zero, to \$25, to \$75, to \$125 for the chair and \$50 for members. Mayor Pro Tem Kenary noted since her husband is on Planning Board she would recuse herself. This item was tabled to July.

6. Youth Council Recommendation *Time Stamp 55:48*

Co-chair Justin Melhorn reported on the Youth Council recommendations. Mayor Pro Tem Kenary motioned that based on the recommendations, we contract with Queen City Timing, the 5K be held on Jan. 20th or 27th based on Queen City's availability, and the race benefit Levine Children's Hospital. Council Member Kaperonis seconded the motion.

The motion passed 3-1 with Como voting nay.

7. Report from Finance Officer *Time Stamp 1:03:43*

Finance Officer Bennett reported that during May a budget transfer was made to move \$130 from Seasonal Decorations to Annexation Expense. The donations discussed last month were made, Union County Animal Control called and said they have a friends group who receives the checks, the South Charlotte Kennels turned out to be South Charlotte Dog Rescue and they are actually in Waxhaw. We received the fee for Epcon Phase I plat in the amount of \$1,175. We received the annual alcoholic beverage tax which came in right on budget; State shared revenues are also coming in on target. We had a repair to the thermostat here, and the gate at the park, both were less than \$100 each. The fountain repair should just be the cost of shipping it.

8. Public Hearing on 2017/18 Budget *Time Stamp 1:07:00*

The public hearing was opened.

Pam King spoke, and noted no funds were budgeted for events, although the October Fall Bash has already been approved, and there will likely be the Pig in the Park event in May, each of which normally get \$700 funding. She suggested planning early and budgeting for the farmers' market for the summer of 2018, and it might be held at the park. She noted this year's budget has \$2,000 for tree removal, but \$15,000 next year. She did not like the idea of a large contingency amount, and suggested applying for grants for picnic shelters.

Mayor Pro Tem Jeannine Kenary spoke that some grants are available, the PARTF process begins in August. The amphitheater cover was in the original PARTF grant application, but items were later taken out. She noted the budget includes funding for an amphitheater cover, lights and sound system, and picnic shelters and wants the town hall land funds to be appropriated. She noted these items are long overdue to be completed.

The public hearing was closed.

9. Presentation by Wil Ortiz from Union Power Cooperative *Time Stamp 1:13:44*

Mr. Wil Ortiz, who does vegetation management for Union Power spoke that he is willing to review developer plans for trees and shrubs near power lines in areas that are covered by Union Power. He showed examples of inappropriate trees and the resulting effects of topping as well as V cutting trees. He noted a medium tree should have a minimum of thirty feet setback from power lines, and a large tree forty feet. Smaller trees and shrubs can safely go under lines. He suggested partnering where he can provide input on builder plans. Union Power has a program where they will remove and replace inappropriate trees at no cost. Mr. Ortiz reviewed our list of acceptable plants and highlighted large maturing trees that are not acceptable in right of ways, noted suitable small maturing trees that are acceptable, and also highlighted those that are highly invasive. Crepe myrtles have a lot of varieties, some are dwarf but others very large. Bill Duston noted we could have a text change that would require review by Union Power for areas

in their jurisdiction or write the specific text for all subdivisions. Mr. Ortiz was thanked for his valuable information.

Council tasked the new planner and Planning Board to work on this; Mr. Duston will let the new planner know.

Mayor Pro Tem Kenary motioned to amend the agenda to do the item for the Ridge next. Council Member Kaperonis seconded the motion.

The motion passed unanimously.

A short break was held.

10. Consider preliminary plat approval for the Ridge *Time Stamp tape 2 - 0:14*
Bill Duston reviewed the changes made based on agency review comments. Two cul-de-sacs have been slightly enlarged and reconfigured, the eastern stormwater detention pond was slightly shifted inward and caused a rotation of the entire eastern portion of the development of about fifteen feet, the sewer easement was relocated and now exits the development away from lots in Price Mill, Union County Public Works required a sewer easement be extended to NC 84, retaining walls varying in height from 5 – 12 feet are shown, one less heritage tree will be removed, some of the tree save area was taken up by the utility easement and an equal amount was added, fewer mitigation trees are required, but the developer plans to keep the original amount and plant thirty mitigation trees on common area behind the retaining wall, and the wall along NC 84 was originally shown as running the entire length of the tract, and is now presented as extending sixty feet along either side of the ingress/egress street. Letters of approval have been received from the relevant agencies. Right of way is included for future widening of NC 84.

Planning Board discussed the requested left lane out, they had Mr. Duston send DOT an email and got confirmation from DOT that they would not approve the lane. Planning Board delayed approval to their second meeting regarding four items; per code they have up to their second scheduled meeting to make a decision. The Planning Board on a 3-2 vote recommended approval of the preliminary plat subject to (1) the Village receive a response from NC DOT as to why they would not allow for an acceleration lane on NC 84 for motorists existing the development, and (2) the Planning Board have final review and approval of the wall to be placed along NC 84 and that wall be akin to that which was included in the renderings provided by the developer. Staff recommendation is for approval.

Developer Mel Graham stated a development on Rea Road has an identical wall as is proposed; and said the extra lane on NC 84 was never on the plans and DOT will not approve it. Planning Board Chair Souza said the easement on the Price Mill land was shown at an incorrect width at the first meeting, and they wanted clarity on the easement. They also wanted clarity from DOT because we did not have any documentation.

Mayor Pro Tem Kenary motioned to approve the preliminary plat of the Ridge as presented and approved by Planning Board. Council Member Como seconded the motion.

The motion passed unanimously.

11. Closed Session per NC GS 143-318.11(a)(5) To consider COLA/Merit Raises *Time Stamp tape 2 – 24:49*

Mayor Pro Tem Kenary motioned to go into closed session. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

Council discussed whether or not to give COLA/merit raises to their employee.

Council Member Rodriguez motioned to leave closed session. Council Member Kaperonis seconded the motion.

The motion passed unanimously.

12. Any Actions Resulting from Closed Session *Time Stamp tape 2 – 36:31*

Council Member Rodriguez motioned to deny any COLA/merit raise. Council Member Como seconded the motion.

The motion passed 3-1 with Kaperonis voting nay.

Old Business

13. Discussion of the Park *Time Stamp tape 2 – 37:29*

Mayor Pro Tem Kenary motioned to re-appropriate the \$50,000 for the amphitheater and \$16,000 for the lighting and sound systems in the 2017/18 budget. Council Member Rodriguez seconded the motion. Two items were discussed – the possibility of grants to offset the costs, and that there is no single owner of the project to move it forward.

The motion passed unanimously.

Mayor Pro Tem Kenary noted she got two bids to fix the overflow area at the park maintenance entrance. She added we need to put matting on the dam to prevent weeds and erosion, and volunteered to take ownership of both items if Council supports. She will also merge the old and new Lucas contracts and write a bid proposal; if Council supports, which they did. Council Member Como was asked to work on the contracts, but he did not want to, he said he used to help and got slammed for it.

Mayor Pro Tem Kenary motioned that she was tasked with getting bids for the dam (to put grass on, clearing it, and getting the leaves off), and the area where the rip rap is to be replaced. Council Member Rodriguez seconded the motion.

The motion passed 3-1 with Como voting nay.

Council Member Como felt it was already or should be in the landscape or pond contracts. If a Council member has an item they want included in the contract, email it to the Mayor Pro Tem.

Council Member Como questioned the \$5,000 in the 2017/18 budget for dam inspection and borings; he felt it is a low risk dam and we just need to get rid of the stump. He also suggested support for the park events; Mayor Kapfhammer asked him to bring it to Council next month. Mayor Pro Tem Kenary said we do not have a dam report on the integrity of the dam.

14. Town Hall Land *Time Stamp tape 2 – 1:18:57*

Mayor Pro Tem Kenary noted we have \$25,000 set aside for the town hall land; she talked to the planner and we can move dirt, plant grass and trees and it doesn't require a CUP unless we put in

a trail or benches. Mayor Pro Tem Kenary motioned to appropriate \$25,000 in the 2017/18 budget to landscape the town hall land. She has a preliminary number from Lucas; the largest part is irrigation, and the ideal time is in the fall. It would take about one week and needs DENR approval. Council Member Rodriguez seconded the motion.

The motion passed 3-1 with Como voting nay.

Mayor Pro Tem Kenary noted there is a temporary detention pond of Aston's that is a foot over on our land. She motioned to task the planner to work with Aston to move it at least ten feet off our land. Council Member Rodriguez seconded the motion.

The motion passed 3-1 with Como voting nay.

15. Consider approval of Budget Ordinance 2017-04 for 2017/18 budget *Time Stamp tape 2 – 1:31:38*

Mayor Pro Tem Kenary motioned to approve the amended Ordinance 2017-04, incorporated herein, and 2017/18 budget. Council Member Rodriguez seconded the motion.

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

Village of Wesley Chapel
2017/2018 Budget
Ordinance 2017-04

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, 2017, and ending June 30, 2018, in accordance with the chart of accounts heretofore established for this Village:

General Government Expenditures

Town Hall & Operating Expenditures	\$	83,850
Salaries		133,798
Capital Outlay		57,000
Planning & Zoning		112,732
Professional Fees		88,400
Parks and Recreation		186,416
Public Safety		91,393
Contingency		30,000
Total	\$	783,589

Section 2: It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2017, and ending June 30, 2018:

General Government Revenues

Appropriated Fund Balance	\$	131,562
Property Tax Income		163,357
Revenue Sharing Income		404,700
Fees and Licenses		83,170
Interest		800
Total	\$	783,589

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, 2017.

This rate is based on a total valuation of real and personal property for the purposes of taxation of \$895,272,173 and an estimated rate of collection of 99%; public service property with a value of \$11,999,000 and an estimated rate of collection of 99% and a valuation of motor vehicles of \$89,401,429 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 12th day of June, 2017.

Village Clerk Cheryl Bennett

Mayor Dr. David Kapfhammer PhD

New Business

16. Public Notification to Also Include Residents as Well as Property Owners *Time Stamp tape 2 – 1:36:44*

Council Member Como proposed this to go the extra mile to notify residents if there is an absentee owner. Mayor Kapfhammer said he ran it by the planner who said it could be done, and was not a problem.

Council Member Rodriguez motioned to also include tenants as well as property owners for notifications. Council Member Como seconded the motion. Mayor Pro Tem Kenary felt the owner should let the renter know. Council Member Kaperonis noted this will not occur a lot.

The motion passed unanimously.

17. Hiring Administrative Assistant / Finance Officer and Advertise *Time Stamp tape 2 – 1:42:47*

Council Member Rodriguez wanted to see the ad go out to more than where it was already sent (Sunshine list, Clerks list serv, website and the E-J). The role was discussed. With two new people coming on board, we will pull the ad and first see how they settle in over the next four to six months; also there is an election coming up. Mayor Pro Tem Kenary motioned to task staff to create an application form. Council Member Rodriguez seconded the motion, then rescinded the second. Mayor Pro Tem Kenary amended the motion to request the application by created by the August meeting. The Mayor will work with the Clerk to create the application form.

Council Member Rodriguez seconded the motion.

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

The cleaning contract was addressed. Mayor Pro Tem Kenary motioned to approve the Coverall cleaning contract contingent on Council chambers being included for regular service. Council Member Kaperonis seconded the motion.

The motion passed unanimously.

Ending Items

18. Council Comments *Time Stamp tape 2 -2:02:55*

Council Member Rodriguez stated he wants to see us get things done; if someone else has a better price we could set a time limit or go with the original price. In his pursuit to update the office, he said he spoke to the attorney and wants to review pay stubs, and wanted to let Council know.

Council Member Como had no comments.

Mayor Pro Tem Kenary has been in touch with the Boy Scouts, they told her it is important to have relationships with municipalities, we are not blacklisted, and she will have better information next month to foster positive change.

Mayor Kapfhammer noted there is a meeting on Tuesday June 20th on the Highway 84 widening project. Our new planner and zoning administrator start next week; let them have time to work on the transition without Council sidetracking them.

19. Adjournment *Time Stamp tape 2 – 2:18:50*

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

The motion passed unanimously.

The meeting ended at approximately 11:30 pm.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Dr. David Kapfhammer