

VILLAGE OF WESLEY CHAPEL
SPECIAL COUNCIL MEETING MINUTES
WESLEY CHAPEL TOWN HALL
6490 Weddington Road, Wesley Chapel, NC 28104
August 17, 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 Tim Gauss

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: 1:05*

Board of Education member Kathy Heintel gave an update on the realignment process and Student Realignment Citizens Advisory Committee. They have hired two consultants and expect recommendations going to the School Board in January 2018. Information is available on the website including public meetings dates. Improvements in transportation efficiency include a bus tracking app which is on the website so parents can tell where the school buses are. Bond projects are also moving along.

Amanda Fuller spoke about the agenda item “calling for a public hearing on zoning ordinance text change re: development project at the corner of Rt 84/Wesley Chapel Road”. She noted a zoning ordinance text change has not been received, only requests to amend the Future Land Use Plan map and text. She noted the incorrect verbiage indicated rushing and recommended slowing down, and not giving preferential treatment to one developer. Planning Board has not yet heard this and it should be heard in the proper order.

3. Deletions and Adoption of Agenda *Time Stamp 8:46*

Council Member Como requested moving items h, l and o from the consent agenda and removing item 13. Council Member Rodriguez requested moving item f from consent to discussion. Mayor Pro Tem Kenary requested moving item g from consent to discussion. Council Member Como motioned to approve the agenda as amended. Council Member Kaperonis seconded the motion.

The motion was voted on with two yeas (Como and Kaperonis) and two nays (Kenary and Rodriguez), and the Mayor broke the tie by voting no, so it failed.

Council Member Como stated per Robert’s Rules of Order anyone can pull items from the consent agenda. Council Member Como explained he wanted to remove item 13 because we have a specific procedure, and asked Tim Gauss to explain that. Tim Gauss stated we have a

Future Land Use Plan map and text amendment going to Planning Board in August; we don't have a request for a zoning ordinance amendment. It had been on the Planning Board's agenda for July, but was pulled from the agenda because it was received late. Council Member Como added that Council has a two week rule to put things on our agenda, and this did not meet that rule. Mayor Kapfhammer said we don't always meet the two week rule.

Council Member Como motioned to remove items h, l and o from the consent agenda. Council Member Kaperonis seconded the motion.

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

Mayor Pro Tem Kenary stated she was against removing item l because the Council directive was to move forward on the project and this must be done before moving forward. We will still get three bids for the actual project, it is just to eliminate getting three prices on the engineering services. Council Member Como said he wanted item l elsewhere on the agenda so it can be discussed. The item was moved to new business.

Council Member Como said he wanted to remove item 13 from the agenda because it was not within the two week rule nor in the normal procedure that we treat all developers the same. The Mayor said this is a substantive change, and we will follow the process, but this is in addition to the normal meetings, and the objective is to let the public give as much input as possible.

Council Member Como motioned to remove item 13 from the agenda. There being no second, the motion died.

Mayor Pro Tem Kenary motioned to move items f and g to new business. Council Member Rodriguez seconded the motion.

The motion passed 3-1 with Como voting nay.

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

The motion passed 3-1 with Como voting nay.

4. Consider Approval of Consent Agenda *Time Stamp 29:00*
 - a. Approve the minutes of June 12, 2017 Council meeting
 - b. Approve the previous month planner's and code enforcement reports
 - c. Approve the previous month finance report
 - d. Call for public hearings on zoning and subdivision ordinance text changes for walls for September 11, 2017 at 7 pm at town hall
 - e. Call for public hearings on zoning and subdivision ordinances for invasive species for September 11, 2017 at 7 pm at town hall
 - f. Re-appoint Planning Board Members - Moved to New Business
 - g. Call for public hearing on annexed lot zoning - Moved to New Business
 - h. Subdivision Map Expenditure - Moved to New Business
 - i. Consent to assignment of contract with US Infrastructure which is merging with LaBella Associates, D.P.C. and approve updated fee schedule

- j. Approval of process for abandonment of the portion of Hawfield Road that lies within the corporate limits of Wesley Chapel
- k. Approve new date for Stonegate fireworks on September 2, 2017 (rain date September 3) due to weather delays
- l. Resolution 2017-10 - Moved to Item 10
- m. Proclamation for Patriot Day and National Day of Service & Remembrance
- n. Proclamation for Alzheimer’s Disease Awareness Day
- o. Candella Bonds - Moved to New Business

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

The motion passed unanimously.

July 31, 2017 Balance Sheet

ASSETS	
Current Assets	
Checking/Savings	
Fifth Third Bank checking	212,514.57
Fifth Third Maxsaver	308,707.22
NCCMT Government Portfolio	300,442.72
BB&T Money Market	507,879.80
Cash Change Fund	50.00
Total Checking/Savings	1,329,594.31
Total Accounts Receivable	8,216.61
Other Current Assets	
Property Tax Rec.	782.00
Allow. for Doubtful Accounts	-543.00
Prepaid Exp.	276.00
Elec,PNG,Video,Telecom Rec.	72,000.00
State Sales Tax A/R	6,944.74
Total Sales Taxes to be Received	637.43
Total Other Current Assets	80,097.17
Total Current Assets	1,417,908.09
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	<u>757,750.00</u>
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	
Contr to PenPlan CY Def Outflow	<u>5,534.00</u>
TOTAL ASSETS	<u><u>4,152,999.11</u></u>
LIABILITIES & Fund Balance	
Other Current Liabilities	
Due to Union County Schools	0.84
Escrow from Developers	196,090.00
Net pension liability	2,155.00
Deferred Revenue	239.20
Pension deferrals Inflows	<u>10,882.00</u>
Total Other Current Liabilities	209,367.04
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 for Sidewalk	24,000.00
Fund Balance Assigned for NNO	313.40
Fund Balance	942,314.14
Excess of Rev. over Exp.	<u>-47,870.27</u>
Total Fund Balance	<u>3,943,632.07</u>
TOTAL LIABILITIES & Fund Balance	<u><u>4,152,999.11</u></u>

July 2017 Budget Report

	<u>Jul '17</u>	<u>Budget</u>	<u>% of Budget</u>
General Fund			
Income			
Appropriated Fund Balance	0.00	131,562.00	0.0%
Property Tax Income			
Current Year Property Tax	0.00	146,243.00	0.0%
Utility Ad Valorem	0.00	1,960.00	0.0%
Vehicle Registration	0.00	14,604.00	0.0%
Delinquent Property Tax	0.00	300.00	0.0%

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Interest/Ad Fee on Taxes	0.00	250.00	0.0%
Total Property Tax Income	0.00	163,357.00	0.0%
Fees and Licenses			
Privilege Licenses	285.00	270.00	105.56%
Zoning Permit	850.00	25,000.00	3.4%
Engineering Fees Reimbursement	6,230.61	57,000.00	10.93%
Annexation Exp Reimbursed	0.00	100.00	0.0%
Misc. Fees	0.00	800.00	0.0%
Total Fees and Licenses	7,365.61	83,170.00	8.86%
Interest Earned	13.10	800.00	1.64%
Revenue Sharing			
Sales & Use Taxes	0.00	48,000.00	0.0%
Sales Tax on Telecom. Services	0.00	8,200.00	0.0%
Sales Tax on Video Programming	0.00	96,000.00	0.0%
Sales Tax on Electricity	0.00	201,000.00	0.0%
Sales Tax on Piped Natural Gas	0.00	15,000.00	0.0%
Alcoholic Beverage Tax	0.00	36,500.00	0.0%
Total Revenue Sharing	0.00	404,700.00	0.0%
Total Income	7,378.71	783,589.00	0.94%
Expense			
Total Town Hall Operating Expense	1,871.05	24,400.00	7.67%
Total Operating Expenditures	21,083.18	89,450.00	23.57%
Total Planning & Zoning	35.91	112,732.00	0.03%
Total Gen. Govt. Salaries	7,059.58	133,798.00	5.28%
Total Professional Fees	0.00	88,400.00	0.0%
Total Capital Outlay	0.00	57,000.00	0.0%
Total Public Services / Safety Parks & Recreation	22,014.50	91,393.00	24.09%
Total Park Maint. Supplies& Mat.	0.00	600.00	0.0%
Total Park Maint. Services	3,184.76	69,816.00	4.56%
Total P&R Capital Outlay	0.00	116,000.00	0.0%
Total Parks & Recreation	3,184.76	186,416.00	1.71%
Total Expense	55,248.98	783,589.00	7.05%
Net Excess of Rev. over Exp.	-47,870.27	0.00	100.0%

**Village of Wesley Chapel, NC - Proclamation for
Patriot Day and National Day of Service and Remembrance**

WHEREAS, Congress has designated September 11 as Patriot Day and National Day of Service and Remembrance; and

WHEREAS, the Village of Wesley Chapel wishes to remember and honor those individuals who lost their lives sixteen years ago in the terrorist attacks on our nation; and

WHEREAS, we must never take for granted the freedoms we enjoy and we must honor those first responders who selflessly and without hesitation answered the calls for help and tirelessly sought to save any and every life they could, and in exchange sacrificing themselves for complete strangers; and

WHEREAS, we must resolve to stand together as a nation and as a Village and show solidarity as we did in the aftermath of those attacks on our cities; and

WHEREAS, the Village calls on its citizens to resolve to give of themselves with selfless acts of kindness and charitable service to others on this day, honoring the memories of those lost in the senseless attacks on September 11; and

WHEREAS, the Village requests its citizens observe a moment of silence at 8:46 AM to reflect upon those who perished this day and those who live with the pain of surviving without their loved ones; and

WHEREAS, the Village of Wesley Chapel in accordance with the proclamation of the President of the United States of America, will fly the flag at half-staff and invite Village citizens to observe the same respectful observance and accordingly honor those we lost.

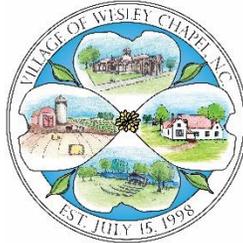
NOW, THEREFORE, I, David Kapfhammer PhD, Mayor of Wesley Chapel, NC, do hereby proclaim September 11, 2017 as Patriot Day and National Day of Service and Remembrance. I encourage our citizens to participate in Community Service to honor those lost and to respectfully observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I set my hand, and affix the seal of the Village of Wesley Chapel, this 17th day of August, 2017.

Dr. David Kapfhammer, PhD, Mayor

Village of Wesley Chapel, NC

Proclamation for Alzheimer's Disease Awareness Day



WHEREAS: Alzheimer's disease is a progressive degenerative disease of the brain causing deterioration in memory and thinking, as well as judgment and reasoning ability; it also affects behavior, emotions and the ability to perform self-care; and

WHEREAS: according to the Center for Disease Control and Prevention, Alzheimer's is the sixth leading cause of death for older adults and approximately 5 million people in the United States are living with Alzheimer's; and

WHEREAS: according to the N.C. Department of Health and Human Services, Alzheimer's is the fifth leading cause of death of citizens 65 and older; and

WHEREAS: Alzheimer's is the most common form of dementia; and

WHEREAS: according to the Alzheimer's Reading Room, 1,232 Americans are diagnosed daily and by 2050 over 13 million Americans could have the disease; and

WHEREAS: Alzheimer's disease costs the United States \$100 billion per year in diagnosis, extended care, family caregiver illness and lost wages according to the National Institute on Aging; and

WHEREAS: neither Medicare nor most private health insurance covers the long term services and support most people with dementia need; and

WHEREAS: the Village of Wesley Chapel offers its support to those living with Alzheimer's disease and those who care and provide for them, support the researchers who are seeking a cause and cure, and recognize the educational programs and support services provided by N.C. Alzheimer's organizations;

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 September 15th, 2017 as ALZHEIMER'S DISEASE AWARENESS DAY 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 17th day of August, 2017.

Signed _____

Mayor Dr. David Kapfhammer, PhD

SEAL Attest _____

Cheryl Bennett, Village Clerk

5. Planning Board Report *Time Stamp 29:43*

Planning Board Chair John Souza reported at their last meeting they approved preliminary plat of Heritage by a 5-0 vote, with a condition that the connecting trails be pit gravel, not mulch since they felt mulch degrades quickly and noted our park has pit gravel trails. They looked at the small area of tree save area that was swapped, and documentation that DOT would not approve the shadow lane. The thread trail will be paved. Council Member Rodriguez said a lot of gravel is washed out in our park, and Mayor Pro Tem Kenary asked if it is consistent with Indian Trail, Mr. Souza said right now they are using mulch trails in Indian Trail. In August the Board will elect a new vice chair, look at Future Land Use Plan map and text amendments, and a list of potential ordinance amendments as well as a calendar of when submittals need to be submitted by developers to get on Planning Board and Council agendas. Tim Gauss added that he wants to get Planning Board priorities for ordinance amendments, and the Planning Board Chair will bring the list to Council next month.

6. Deputy Report *Time Stamp 36:20*

Deputy Brandon Wicker reported on incidents during the month. There were a couple of car break-ins and six breaking and enterings. Mayor Pro Tem Kenary asked about the incident on Waxhaw-Indian Trail Road, it was a family incident; also another domestic case up the road was not in our city limits. Deputy Wicker thought the roundabout tentatively will open September 1st.

7. Report from Finance Officer *Time Stamp 41:50*

Finance Officer Bennett reported that both June and July reports were submitted; the June reports are still preliminary pending audit adjustments, and at this point reflect about a \$194,000 surplus for 2016/17. During the first month of the fiscal year (July), as is typical, we have more expenditures than revenues and are in the red for the year. Mayor Pro Tem Kenary asked about the check to Queen City Timing; the contract was just returned by them to us, and the check and contract are ready for the Mayor to sign tonight.

Old Business

8. Discussion on Hwy. 84 Redesign – meeting with NCDOT team *Time Stamp 44:00*

Mayor Kapfhammer stated he had about four or five questions from Council; the DOT staff would be coming all the way from Raleigh, and asked is it worth their time to come down or do an alternative such as a webinar. Mayor Pro Tem Kenary noted two items are the idea of

planting trees, and the other is the roundabout that just showed up; also the right turn lane into Walgreens is now eliminated. Council Member Como wanted to confirm we haven't missed the window to make changes noting the engineering firm makes recommendations but DOT makes the decisions. Another item to discuss is the intersection of Hwy. 84 and Waxhaw-Indian Trail Road. The Mayor will pursue a special meeting, and include Crossroads Church, WCWAA and Southbrook Church.

9. Call for public hearing on zoning ordinance text changes re: barns for September 11, 2017 at 7 pm at Town Hall *Time Stamp 51:36*

Mayor Pro Tem Kenary motioned to call for the public hearing on zoning ordinance text changes re: barns for September 11, 2017 at 7 pm. There was no immediate second, and John Souza explained this is to expand homeowners' ability to build barns, currently you cannot put a barn in front of a house or on a parcel that does not have a house. The survey favored agriculture, and this is just a public hearing to give the opportunity to look at it. Council Member Rodriguez had concerns if the structure were later not used for agriculture, and might turn into a storage or repair location. Council Member Kaperonis seconded the motion.

The motion passed unanimously.

10. A. (Item 1 from Consent Agenda) Approve Resolution 2017-10 for exemption from the provisions of NC GS 143-64.31 regarding contracting professional services – town hall land *Time Stamp 58:08*

Mayor Pro Tem Kenary motioned to approve Resolution 2017-10 for exemption from the provisions of NC GS 143-64.31. Council Member Rodriguez seconded the motion. Council Member Como said this was not standard procedure, and we are exempting ourselves when using tax dollars. Attorney Sistrunk noted we would still have to bid out the work, this statute refers only to public bodies. Council Member Como asked how we know this is a good price. Mayor Pro Tem Kenary noted USI is our engineer and is familiar with our land, we have done a resolution to exempt ourselves before with the park and town hall. Council Member Como felt it doesn't hurt to get bids, and Mayor Pro Tem Kenary felt it delays the process that Council approved her to move forward with and Council has moved funds for.

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

Attorney Sistrunk noted this refers to a request for qualifications, not bids, so someone would have to write up the qualifications you are looking for.

Mayor Pro Tem Kenary motioned for Council Member Como to go through the process and have it for submittal for the September 11th meeting with the bids. Council Member Rodriguez seconded the motion.

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

Mayor Pro Tem Kenary motioned that if this fails to happen that we move forward with the Resolution to exempt ourselves. Council Member Rodriguez seconded the motion.

The Village Administrator reviewed the timeline in order to do the RFQ process, and it was noted that three weeks is too short. A special meeting will be pursued for the week of September 25, 2017 and the deadline for Council Member Como to go through the process moved to Friday September 22, 2017. Mayor Pro Tem Kenary amended her motion to make it due by that week. Council Member Rodriguez seconded the amended motion.

The amended motion passed unanimously.

B. Town Hall Land: Motion to accept USI Proposal for \$39,973; Motion to Amend Budget to use \$15,00 from Fund Balance or Fee in Lieu for Town Land Improvements, and Move Forward with Project *Time Stamp 1:13:50*

Mayor Pro Tem Kenary motioned to table this item. Council Member Como seconded the motion.

The motion passed unanimously.

11. Hampton Meadows – A. Current Violations, B. Update on Violations, C. Housing Ordinances *Time Stamp 1:14:05*

Mayor Pro Tem Kenary noted in March we had a meeting with our code enforcement officer on several properties. She went out and took photos, and found some very concerning situations. The ordinance gives directives to the code enforcement officer, and she did not see from his reports that he has made inspections, and the reports don't give much information. It did not appear we are getting the services we are paying for. Council direction was to see if N-Focus has someone else to do code enforcement, or else advertise for a code enforcement officer. Mayor Pro Tem Kenary motioned to contact N-Focus to replace John Ganus as our code enforcement officer. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

12. Consider Planning Board recommendation that their salary be increased to \$100 per meeting *Time Stamp tape 1:22:07*

Mayor Pro Tem Kenary motioned to recuse herself from the discussion and vote since her husband is on Planning Board. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

The survey of other towns' payments to planning board members was reviewed, which ranged from zero in Indian Trail to \$25 in Waxhaw, to \$50 in Weddington (and \$125 for the Chair), to \$75 in Marvin. Our current rate is \$42 per monthly meeting if attended. After some discussion, Council Member Kaperonis motioned to pay members \$100 per month, and the chair \$125 per month, based on their attendance at the monthly meeting. Council Member Como seconded the motion.

The motion passed unanimously with three votes.

New Business

13. Call for public hearing on zoning ordinance text change re: development project at the corner of Rt. 84/Wesley Chapel Road *Time Stamp 1:31:45*

Mayor Kapfhammer wanted to know how public sentiment goes, and felt it makes sense to supplement the regular process and also give the applicant a chance to hear how the public feels now. Council Member Rodriguez motioned to have a public input meeting for the property at Highway 84 and Wesley Chapel Road. Council Member Kaperonis seconded the motion. Council Member Como asked the planner how many input hearings will be held; Mr. Gauss said for Future Land Use Plan there is between Planning Board and Council at least two public meetings and this would be in addition. Council Member Rodriguez said things are going to change, this is a potential opportunity, and he wanted to dispel things like apartments are being proposed which is untrue, and added we are encouraged to meet with developers; landowners could propose to de-annex and then we would have no input. He felt this would be an opportunity for public input, and for developers to hear opportunities. Council Member Como noted we already have a traffic problem there, and this will make it worse. Council Member Rodriguez said the developer will have ideas to make traffic better. Council Member Rodriguez amended his motion that this is a public input meeting and does not take the place of the normal process meetings. Council Member Kaperonis seconded the motion.

The motion passed 3-1 with Como voting nay.

Mayor Pro Tem Kenary said the process needs to be addressed, public input should come first before the Planning Board or Council hears a project. Council Member Rodriguez said developers put out money, this gives them a chance to get the pulse.

Later during item 17, the date for the meeting was discussed. Council Member Como motioned that it will be at the next regular Council meeting. Mayor Pro Tem Kenary seconded the motion.

The motion passed unanimously.

Dennis Moser asked how much time he would have to present, and Mayor Kapfhammer said 30 minutes.

14. Consider Approval of final Plat of Phase 1 of the Courtyards Subdivision *Time Stamp 1:44:07*

Council Member Rodriguez motioned to approve final plat of phase 1 of the Courtyards subdivision. Council Member Como seconded the motion.

The motion passed 3-1 with Como voting nay.

Mayor Pro Tem Kenary asked about the purpose and ramifications of the annual census; Frank Cantrell, Epcon's engineer, said the target is age 55 and over, the ramification is zoning, and future plats and zoning would be affected.

The motion passed unanimously.

15. Consider Approval of Preliminary Plat of Heritage Subdivision *Time Stamp 1:46:00*
Council Member Como motioned to approve the preliminary plat of the Heritage Subdivision. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

16. Consider Approval of Landscaping Performance Bond for Five Stones Church *Time Stamp 1:47:11*

Council Member Como motioned to approve the landscaping performance bond for Five Stones Church. Mayor Pro Tem Kenary seconded the motion.

The motion passed unanimously.

17. Appoint Tim Gauss as Zoning and Subdivision Administrator and Susan Closner and Cheryl Bennett as Deputy Zoning Administrators *Time Stamp 1:47:36*

Council Member Como motioned to approve this item as written. Council Member Kaperonis seconded the motion. Council Member Como clarified that this does not affect the salary or title for Cheryl Bennett. Attorney Sistrunk explained there had been some emails in June, in a practical case there are some times when Tim is not here and it is acceptable to have a deputy. Council Member Rodriguez did not want to appoint Ms. Bennett, and wanted to have Tim and Susan have the responsibilities. Council Member Rodriguez and Kaperonis noted they understood she has already occasionally issued permits. Mayor Pro Tem Kenary said we used to have just one person, Bill, but now we have two individuals to do these jobs, and their days of work do not overlap. Tim Gauss said the idea of having both Cheryl and Susan appointed, for times when he is not here, allows for coverage. Council Member Rodriguez asked what certifications are necessary. Mr. Gauss said Cheryl Bennett had the knowledge and experience here. He added Susan is doing the permits, and he is working on other items. Council Member Rodriguez wanted to hold off on this and see how things work. Council Member Como asked for Ms. Bennett's input, and she said her objective is to give citizens the best customer service we can, and if someone walks in with a simple bathroom upfit, it does not make sense to make them wait, another example was a temporary sign permit today; she has been issuing simple permits for three or four years.

The motion was voted on with two yeas (Como and Kaperonis), and two nays (Kenary and Rodriguez). Mayor Kapfhammer broke the tie by voting yes, and the motion passed 3-2.

Council asked for legal advice regarding Ms. Bennett to have signed permits.

Mayor Pro Tem Kenary motioned to go into closed session per NC GS 143-318.11(a) (3) to get legal advice from the attorney. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

Council, Clerk and the Attorney went into closed session. Legal advice was given to council.

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

The motion passed unanimously.

Mayor Pro Tem Kenary motioned to reconsider the previous vote on zoning administrators and re-vote on the motion as stated, to appoint Tim Gauss Zoning and Subdivision Administrator, and Susan Closner and Cheryl Bennett Deputy Zoning Administrators. Council Member Kaperonis seconded the motion.

The motion passed 3-1 with Rodriguez voting nay.

18. Budget Amendment of \$700 from Contingency to Park Events – Sanitation \$300 and Services \$400, and approve paying for Fall Bash portajohns and sinks for \$300 and advertisement for \$400 *Time Stamp 2:05:37*

Council Member Como motioned to approve the budget amendment of \$700 from Contingency to Park Events – Sanitation \$300 and to Services \$400, and approve paying for Fall Bash portajohns and sinks for \$300 and advertisement for \$400. Council Member Kaperonis seconded the motion. Council Member Como noted in the past we have had three events at the park, and the Finance Officer said this is not out of line with what we spent at former events. Council Member Rodriguez said he likes the events, but there is a history with Wesley Chapel Friends of Parks and Rec, and were very disparaging to Cheryl on Facebook, and gave very little recognition to us on past events. He preferred we send one check directly to Friends of Parks and they can disperse the funds. We also haven't received the check from them for the amphitheater that Sondra Bradford had mentioned. He preferred we have an Events Committee that does events. Mayor Pro Tem Kenary noted at the budget meeting we removed amounts from event accounts, and she said they are a non-profit organization who asked for dates to use the park, somewhere it has become a standard and almost threatening that we have to pay for items requested for events. They are not part of our government entity. Their event prominently highlights Southbrook Church, and it's not our obligation to fund every non-profits' events. They shouldn't ask us to funnel funds through our accounts. Council Member Como noted this \$700 is for an event where thousands of people come out, we keep failing to produce successful events.

The motion failed, with one yea (Como), and three nays (Kaperonis, Kenary and Rodriguez).

Council Member Como motioned to approve donating \$700 to Partners for Parks for the fall bash, and move the \$700 to a Park Donations account from Contingency. Council Member Kaperonis seconded the motion.

The motion passed unanimously.

19. Budget Amendment of \$3,235 from Contingency to Professional Services – Urban Forester and Enter Contract for Urban Forester \$3,235 *Time Stamp 2:20:18*

Mayor Pro Tem Kenary motioned to approve a budget amendment of \$3,235 from Contingency to Professional Services – Urban Forester and enter the urban forester contract with the County for \$3,235. Council Member Rodriguez seconded the motion. It was noted that Union Power can only look at trees on land where their lines are.

The motion passed unanimously.

20. (Item f from Consent Agenda) Re-appoint members to new terms on Planning Board:

David Boyce, Sandra Ells and Alternate Amanda Fuller *Time Stamp 2:27:21*

Council Member Rodriguez motioned to appoint David Boyce and Sandra Ells to new terms on Planning Board, and Amanda Fuller to a new term as alternate on Planning Board, contingent that if Ms. Fuller is elected to Council that she would then resign her seat from Planning Board. Council Member Kaperonis seconded the motion.

The motion passed unanimously.

21. (Item g from Consent Agenda) Call for public hearings for annexed lot 06048418 on September 11, 2017 at 7 pm at town hall to (1) amend the Future Land Use Plan to apply the “low-density residential” land use category and (2) apply RUC zoning. *Time Stamp 2:29:06*

Mayor Pro Tem Kenary commented on concerns with RUC zoning, that it should either be uniformly applied in the town or it should go away. Planning and Zoning Administrator Gauss explained you need to establish zoning on an annexed lot within 60 days of annexation, or the lot will have no zoning. A brief explanation was given by the Clerk of how the Village had annexed many lots over the course of a couple of years until she brought to the attention of the Zoning Administrator that we needed to apply zoning, and at that time RUC zoning was applied to the lots that had been annexed over those couple of years. Mayor Pro Tem Kenary motioned to call for public hearings for annexed lot 06048418 on September 11, 2017 at 7 pm at town hall to (1) amend the Future Land Use Plan to apply the “low-density residential” land use category and (2) apply RUC zoning. Council Member Como seconded the motion. The motion passed unanimously.

22. (Item h from Consent Agenda) Approve expenditure for subdivision map of up to \$600
Time Stamp 2:38:16

Planning and Zoning Administrator Gauss explained the cost is to create the digital layers for a map of subdivisions. Mayor Pro Tem Kenary motioned to spend up to \$600 for a subdivision map. Council Member Rodriguez seconded the motion. The motion passed 3-1 with Como voting nay.

23. (Item o from Consent Agenda) Candella Bonds – approve reduction of Phase I roadway performance bonds \$876,054 to \$25,000, release of Phase I street maintenance bond \$20,605, release of Phase 3 roadway performance bonds \$1,615,747, release of Phase 1 water and sewer bond \$254,873 and release of Phase 2 water and sewer bond \$221,686
Time Stamp 2:24:21

Brian Collins from Meritage Homes said 30-90 days after the last home closing they will turn the HOA over to the homeowners. They still have about five homes under construction. The Village engineer recommended we hold \$25,000 bond for sidewalks. Tim Gauss noted the engineer’s letter states as these are public streets but privately maintained she recommends the bonds not be released until the developer has given ownership and responsibility of the roads and sidewalks to an established HOA. The HOA board is currently run by Meritage. Mr. Collins said they will put the topcoat on before they turn over the roads. The lots under construction are not all in Phase 1, they are also in Phase 2 and Phase 3. Tim Gauss suggested we keep \$100,000 of bonds to cover any needed repairs.

Mayor Pro Tem Kenary motioned to approve the reduction of Phase I roadway performance bonds \$876,054 to \$100,000, release of Phase I street maintenance bond \$20,605, release of Phase 3 roadway performance bonds \$1,615,747, release of Phase 1 water and sewer bond \$254,873 and release of Phase 2 water and sewer bond \$221,686 with the understanding that the money held can be applied to any needed repairs across all the phases. Council Member Como seconded the motion.

The motion passed unanimously.

Ending Items

24. Council Comments *Time Stamp 2:53:39*

Council Member Kaperonis said it was good to be back here and we have three more meetings with this Council.

Council Member Como asked Bill Rodriguez about a rumor that he was moving, and his reply was that it was false. Council Member Como reported he had complaints from residents that Sun Valley is using the park for cross country training as is Cuthbertson, each bringing approximately 45 kids, and there were problems with parking and trash for regular visitors. He noted we have a policy that says no organized sports at the park, and we should communicate with the schools. People have said they have to park at Southbrook and walk across Hwy. 84 to walk at the park. Mayor Pro Tem Kenary said it is the Sun Valley Middle School, her daughter practices at the park, and there is never a problem parking because she attended the practices. She added that people have enjoyed the park who didn't previously know about it.

Council Member Rodriguez said his agenda items have not made the last couple agendas and he hoped they would be on.

Mayor Kapfhammer reported Eddie Horne wants to re-apply for his property at New Town Road and Waxhaw-Indian Trail Road; the Mayor encouraged him to look at the survey and Mr. Horne came back with a farmers' market idea; he was encouraged to talk with the Planner, Planning Board Chair and Mayor. The Mayor noted his email address has had bogus emails going out, if it doesn't look right, it is probably a phishing attempt. He changed his password and encouraged others to do so.

Mayor Pro Tem Kenary noted we received a thank you card from the Friends of the Union County Animal Shelter for the donation.

25. Adjournment *Time Stamp 3:03:050*

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

The motion passed unanimously.

The meeting ended at approximately 10:19 pm.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Dr. David Kapfhammer