

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
WESLEY CHAPEL TOWN HALL
6490 Weddington Road, Wesley Chapel, NC 28104
September 11, 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: 2:02*

Dan Barry spoke regarding Siler Presbyterian Church's petition to be designated an historic landmark, and noted they have worked with NC DOT for a long time on the road widening, and had heard they were granted a request to move the centerline south.

Earl McCoy noted he helped incorporate the town, and questioned why the ordinances were not being enforced regarding a granite countertop business operating from a home. He noted the Code Enforcement Officer said it would be closed August 1st, but is still operating.

Barbara Moore, President of the Union County Historic Preservation Commission, noted they had a 1998 book showing nine historic properties in the area, and now only three exist. They worked for twenty years to get Siler declared historic. A petition from the Church was processed, and an outside person was hired to review the property, and they were awed by the architectural details which date back to 1917. She got a favorable response from the Department of Natural and Cultural Resources, and we need to preserve this property.

3. Deletions and Adoption of Agenda *Time Stamp 8:41*

Council Members requested to amend the agenda and move items a, b, c, f, g and h from the consent agenda to elsewhere on the agenda, to add a review of the Candella Bond release/reduction item from last month, and to add a closed session to get legal advice. Mayor Pro Tem Kenary motioned to approve the agenda as amended. Council Member Como seconded the motion.

The motion passed unanimously.

4. Consider Approval of Consent Agenda *Time Stamp 13:50*

- a., b., c., f., g., h. Removed from consent agenda
- d. Proclamation for Constitution Week

- e. Appoint John Souza as Chairman of Planning Board for year ending June 30, 2018
- i. Proclamation for National Suicide Prevention Week

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

The motion passed unanimously.

Village of Wesley Chapel, NC
Proclamation for Constitution Week



WHEREAS: The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

WHEREAS: September 17, 2017, marks the two hundred thirtieth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE I, Dr. David Kapfhammer, PhD by virtue of the authority vested in me as Mayor of the Village of Wesley Chapel in North Carolina, do hereby proclaim the week of September 17 through 23, 2017 as

CONSTITUTION WEEK

and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Village of Wesley Chapel, NC to be affixed this 11th day of September of the year of our Lord two thousand seventeen.

Signed _____ SEAL Attest _____

Mayor Dr. David Kapfhammer, PhD

Clerk Cheryl Bennett

***Village of Wesley Chapel, NC
Proclamation for National Suicide Prevention Week***

WHEREAS, suicide is the 10th leading cause of death in the United States and the 2nd leading cause of death among individuals between the ages of 10 to 34; and

WHEREAS, in the United States, one person completes suicide every 12.3 minutes, resulting in more than 44,000 suicides each year (Centers for Disease Control; 2015 data); and

WHEREAS, suicide is the only leading cause of death in the United States that has increased every year for the past decade; and

WHEREAS, it is estimated that there are over 1.1 million suicide attempts each year; and

WHEREAS, in 2015, North Carolina experienced 1,406 deaths by suicide; and

WHEREAS, over 90% of the people who die by suicide have a diagnosable and treatable mental health condition, although often that condition is not recognized or treated; and

WHEREAS, suicide results in an estimated \$51 billion in combined medical and work loss costs nationally (Centers for Disease Control; 2015 data); and

WHEREAS, suicide results in an estimated \$1.39 million in combined medical and work loss costs in North Carolina annually (Centers for Disease Control; 2015 data); and

WHEREAS, the stigma associated with mental health conditions and suicidality works against suicide prevention by discouraging persons at risk for suicide from seeking life-saving help and further traumatizes survivors of suicide loss and people with lived experience of suicide; and

WHEREAS, organizations such as The American Foundation for Suicide Prevention envision a world without suicide, and are dedicated to saving lives and bringing hope to those affected by suicide, through research, education, advocacy and resources:

NOW, THEREFORE, I, Dr. David Kapfhammer, Mayor of Wesley Chapel, do hereby proclaim September 10-16, 2017, as

“NATIONAL SUICIDE PREVENTION WEEK”

in Wesley Chapel, NC, and commend its observance to all citizens.

WITNESS MY HAND and the official Seal this 11th day of September, 2017.

Mayor Dr. David Kapfhammer, PhD

4A. Closed session to receive legal advice per NC GS 143-318.11(a)(3) *Time Stamp 14:00*

Council Member Como motioned to go into closed session to receive legal advice; Mayor Pro Tem Kenary seconded the motion.

The motion passed unanimously.

The Council received legal advice from attorney Sistrunk.

Mayor Pro Tem Kenary motioned to clarify that the closed session was per NC GS 143-318.11(a) (3). Council Member Rodriguez seconded the motion.

The motion passed unanimously.

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

The motion passed unanimously.

5. Planning Board Report and Approve the Previous Month Planner's and Code Enforcement Reports *Time Stamp 15:54*

Planning Board Chair John Souza reported at their last meeting they voted member Sandra Ells as vice chair, listened to the Moser presentation, and decided to wait until after the information session to make a decision on it at their next meeting; also a lot of ordinance amendments are forthcoming.

Council Member Rodriguez said Planning Board member Chuck Adams said at that meeting there were 8 surveys that preferred residential, and asked Mr. Souza if he had them, Mr. Souza said he would look for them; then Council Member Rodriguez asked the clerk if she had them, and she suggested he speak with Mr. Adams. The last survey is on the website. Council Member Rodriguez requested the clerk research the surveys.

Council Member Rodriguez asked Mr. Souza and then Tim Gauss if they had provided the plat map to Ms. Fuller; both replied they had not. He then asked the Clerk if she provided it, she said no, and she was asked who sent it, and she said it was requested by a Planning Board Member and Susan Closner had sent it in reply to that request.

Tim Gauss noted last month Council approved the Heritage development preliminary plat. Planning Board had approved it with the slight change of making the trails pit gravel instead of mulch, and Council did not mention this in their approval; Council clarified that they did intend the approval to include the trails being pit gravel.

Council Member Rodriguez asked the planner to include more specific information in his monthly report.

Mayor Pro Tem Kenary asked about Zoning Ordinance Article 12.1.4 which requires Planning Board to review an application in 30 days, but Zoning Administrator Tim Gaus explained this applies to zoning map and text amendments, not to Future Land Use Plan map and text amendments.

6. Youth Council Committee Report *Time Stamp 27:04*

Chair Sophia Maupin and Vice Chair Justin Melhorn reported they are planning for the 5K in January. Ms. Maupin said the Youth Council's goal is to help the community and in order to do that they are focusing on events for the community. She passed out a revised committee charter which had been reviewed and changed to make that more apparent, along with changes to other items such as number of members. Mayor Pro Tem Kenary motioned to adopt the changes to the charter. Council Member Rodriguez seconded the motion. Council Member Como noted this was just received, and they had not had time to review it. It can be put on the October agenda.

The motion was voted on with one yea (Kenary) and 3 nays (Como, Kaperonis, and Rodriguez) and failed.

Mayor Pro Tem Kenary motioned to task Cheryl Bennett to work directly with the Youth Council to get documentation and complete the forms and permits for the 5K and other events, including road closure forms, and off duty deputy requests. Council Member Rodriguez seconded the motion.

The motion passed 3-1 with Como voting nay saying the council liaison should do that.

The Clerk asked if she should attend the Youth Council meetings to get the information for the forms, noting she had difficulty in obtaining information from the members last year, but she was told not to attend their meetings.

7. Deputy Report *Time Stamp 35:50*

Deputy Wicker noted there had been a couple of car break-ins and reminded citizens to lock their cars. There were a couple of larcenies at Target, but less than usual. He noted there are more cases with speeding lately.

8. Report from Finance Officer; Approve Previous Month Finance Report and Accept Tax Settlement from 2016-17 and Issue Charge to Collect 2017-18 Tax to Union County Tax Office *Time Stamp 41:50*

Finance Officer Bennett reported that we brought in almost \$8,000 in August and spent \$29,000; and are in the red over \$68,000 for the year. Tax money is just starting to come in but will pick up soon. We had Helms Heating and Air out and had to purchase a new blower motor and sensor.

She explained each year Union County gives us a settlement of taxes collected for the prior year, and ask for a charge to collect the current year taxes. We pay 1.5% of taxes collected, which is shown under tax collection fee, for example in August we paid \$47.

The Finance Officer was asked to review fund balance amounts. We have \$2,617,520 invested in fixed assets and \$196,090 that is non-spendable (it represents an escrow payment from a

developer for a future improvement). \$131,500 is restricted for park and rec fee in lieu. We had \$25,000 assigned for town hall land but that is now budgeted this year, so if it is spent, it will be taken out of that fund balance assignment. We have \$24,000 assigned for the Highway 84 sidewalks, during this year we also budgeted \$8,000 so we will have \$32,000. We still have \$313 assigned for National Night Out, so until we spend it, it will sit in fund balance. Unassigned fund balance is \$921, 776, and of that \$131,562 was budgeted in the 2017/18 budget.

Council Member Como motioned to accept the Union County tax settlement for 2016/17 and the charge to collect 2017/18 tax. Mayor Pro Tem Kenary seconded the motion.

The motion passed unanimously.

August 31, 2017 Balance Sheet

ASSETS

Current Assets

Checking/Savings

Fifth Third Bank checking	229,647.11
Fifth Third Maxsaver	308,720.32
NCCMT Government Portfolio	300,656.05
BB&T Money Market	507,922.94
Cash Change Fund	50.00

Total Checking/Savings 1,346,996.42

Accounts Receivable

Misc. Fees Receivable	6,284.36
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Total Accounts Receivable 6,284.36

Other Current Assets

Property Tax Rec.	823.00
Allow. for Doubtful Accounts	-482.00
Elec,PNG,Video,Telecom Rec.	72,000.00
State Sales Tax A/R	4,013.05
Sales Taxes to be Received	
Mecklenburg	180.49
Union	472.75

Total Sales Taxes to be Received 653.24

Total Other Current Assets 77,007.29

Total Current Assets 1,430,288.07

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

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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	40,939.00
Town Hall Driveway/Irrigation	48,892.00
Accumulated Deprec.	<u>-405,352.98</u>
Total Fixed Assets	2,617,520.02
Other Assets	
Def Outflow Contr to PenPlan CY	11,945.00
Employer deferred outflow	<u>-140.00</u>
Total Other Assets	<u>11,805.00</u>
TOTAL ASSETS	<u><u>4,059,613.09</u></u>
LIABILITIES & Fund Balance	
Other Current Liabilities	
Due to Union County Schools	0.84
Escrow from Developers	196,090.00
Deferred Revenue	<u>341.20</u>
Total Other Current Liabilities	<u>196,432.04</u>
Long Term Liabilities	
Net pension liability	8,916.00
Deferred inflows Pension	<u>6,810.00</u>
Total Long Term Liabilities	<u>15,726.00</u>
Total Liabilities	212,158.04
Fund Balance	
Fund Bal. inv. in Fixed Assets	2,617,520.02
Fund Bal. non-spendable	196,090.00
FB Restrict for P&R fee in lieu	131,500.78
Fund Bal assigned TH land	25,000.00
Fund Bal. Assigned for Sidewalk	24,000.00
Fund Balance Assigned for NNO	313.40
Fund Balance	921,776.14
Excess of Rev. over Exp.	<u>-68,745.29</u>
Total Fund Balance	<u>3,847,455.05</u>
TOTAL LIABILITIES & Fund Balance	<u><u>4,059,613.09</u></u>

August 2017 Budget Report

	<u>Aug 17</u>	<u>Jul - Aug 17</u>	<u>Budget</u>	<u>% of Budget</u>
General Fund				
Income				
Appropriated Fund Balance	0.00	0.00	131,562.00	0%
Property Tax Income				
Current Year Property Tax	740.39	740.39	146,243.00	1%
Utility Ad Valorem	0.00	0.00	1,960.00	0%
Vehicle Registration	1,370.70	1,370.70	14,604.00	9%
Delinquent Property Tax	0.00	0.00	300.00	0%
Interest/Ad Fee on Taxes	16.62	16.62	250.00	7%
Total Property Tax Income	2,127.71	2,127.71	163,357.00	1%
Fees and Licenses				
Privilege Licenses	0.00	285.00	270.00	106%
Zoning Permit	1,550.00	2,400.00	25,000.00	10%
Engineering Fees Reimbursement	4,178.75	10,409.36	57,000.00	18%
Annexation Exp Reimbursed	30.00	30.00	100.00	30%
Misc. Fees	100.00	100.00	800.00	13%
Total Fees and Licenses	5,858.75	13,224.36	83,170.00	16%
Interest Earned	13.10	282.67	800.00	35%
Revenue Sharing				
Sales & Use Taxes	0.00	0.00	48,000.00	0%
Sales Tax on Telecom. Services	0.00	0.00	8,200.00	0%
Sales Tax on Video Programming	0.00	0.00	96,000.00	0%
Sales Tax on Electricity	0.00	0.00	201,000.00	0%
Sales Tax on Piped Natural Gas	0.00	0.00	15,000.00	0%
Alcoholic Beverage Tax	0.00	0.00	36,500.00	0%
Total Revenue Sharing	0.00	0.00	404,700.00	0%
Total Income	7,999.56	15,634.74	783,589.00	2%
Expense				
Total Town Hall Operating Expense	3,333.65	5,204.70	24,400.00	21%
Total Operating Expenditures	1,756.78	22,839.96	85,515.00	27%
Total Planning & Zoning	8,660.73	8,696.64	112,732.00	8%
Total Gen. Govt. Salaries	7,059.58	14,119.16	133,798.00	11%
Total Professional Fees	4,427.50	4,427.50	91,635.00	5%
Total Capital Outlay	0.00	0.00	57,000.00	0%
Total Public Services / Safety	0.00	22,014.50	91,393.00	24%
Parks & Recreation				
Recreation Events				
P&R Donations	700.00	700.00	700.00	100%

Total Park Maint. Supplies& Mat.	0.00	0.00	600.00	0%
Total Park Maint. Services	3,192.81	6,377.57	69,816.00	9%
Total P&R Capital Outlay	0.00	0.00	116,000.00	0%
Total Parks & Recreation	3,892.81	7,077.57	187,116.00	4%
Total Expense	29,131.05	84,380.03	783,589.00	11%
Net Excess of Rev. over Exp.	-21,131.49	-68,745.29	0.00	100%

9. Public Input Session for Proposed Commercial Development *Time Stamp 46:30*
 Mayor Kapfhammer stated this is an opportunity for dialog on proposed commercial development, it doesn't replace any public hearings in the usual process. This proposal is very different from what was planned for that area, so council members asked for a meeting to discuss it. The applicant is given 30 minutes to present, then there will be questions between council and the applicant, then citizens who have signed up to speak may do so during the next 30 minutes and provide comments to council with time limits for speakers being three minutes each. If you want more information make an appointment with our planner, or planning board chair, meet with the applicant at their offices, or contact mayor or council members.

Tim Gauss, Village Planner, noted this public input session is regarding possible development at the northwest corner of NC 84 and Potter Road. No specific application has been made to the town, and any images are development ideas, and have no legal standing. The applicant has submitted for a Future Land Use Plan map and text amendment to accommodate future commercial uses at the corner. No site plan has been submitted. Planning Board considered the requested amendments at their August meeting, and continued their review to the September meeting. There will be a community meeting and a public hearing before it comes to Council.

John Ross from Eagle Engineering, introduced the Moser team including Katie Smits, Mackenzie Moser, Dennis Moser and Cody Turner. Mr. Ross said they are requesting an amendment to the Future Land Use Plan map and text to provide a framework for a conditional re-zoning request. Currently Goal 2 of Policy 1 of the Future Land Use Plan is to prevent strip development from occurring, by limiting new non-residential development to designated strategic locations, and policy 1 states: "The village's commercial, governmental and institutional hub, located at the intersection of NC 84 and Waxhaw-Indian Trail Road, should be supported and encouraged to finish build-out." Mr. Ross said they agree with the goal and feel this is the logical location for a mixed use, pedestrian friendly, walkable, commercial development, it will not be a strip center. The proposed development is 32 acres, bounded to the north by Potter Road, to the east by Wesley Chapel Road, and Highway 84 to the south. It is adjacent to a proposed traffic circle and enhanced right turn roadway improvements that should be completed by NC DOT by 2019. Also they would need a Traffic Impact Analysis Study. They are proposing 19.4 acres of commercial, and 12.6 acres of a lake/park to be donated to the Village. He showed a vision of primary access from Wesley Chapel Road to a main street, and secondary access to Hwy. 84 and Potter Road.

Katie Smits, Marketing Director for the Moser Group, presented a PowerPoint, showing their intent to provide a focal point and entertainment district. Potential uses included a café, barber shop, creamery/gelato, boutique/specialty shops, select office space, bed and breakfast on upper level, spa, high end restaurant opportunity, convenience store with Dunkin' Donuts inside, grocery store, farmer's market, street visions, street artwork, clock tower, stage, and patio seating on main street. Their concept was to make the development appear as if it were 100 years ago. The concept of a public park to be donated to the town potentially includes a walking trail, bridge, benches and dock. She mentioned various events that could be held there, including some seasonal events.

Council then asked questions. Council Member Como said if you get these changes, you are not required to build what you showed us; John Ross agreed, noting it would be a conditional zoning process. A traffic study has not been done for this proposal. Mr. Ross was asked about the parcels owned by Mr. Efird and another person; Mr. Ross stated the property owners had signed the petition. Council Member Como noted we had a call from one property owner who said they are not selling; he then asked if they were aware that the dam is a high risk dam, and wouldn't development put more stress on the dam. Mr. Ross said there would be some reconstructive activities at the dam.

Council Member Kaperonis said the proposal is interesting, and he liked the concept from a family aspect. He asked for confirmation there would be no construction until completion of the roundabout and right turn lane at Potter and Wesley Chapel Roads.

Council Member Rodriguez said he liked the idea of the old town, and asked if they would agree to conditional zoning, Mr. Moser said yes. Council Member Rodriguez said the Aston Properties development was a bad deal by a prior council, our hands are tied and it is not under Dennis' control. The dam was at least \$300,000 to repair and he asked Mr. Ross if they would pay for that, and Mr. Ross said yes. Council Member Rodriguez said he had been to Dennis' office, and it has an old time feel and is cool. He added we have not had any commercial building here in six years. Mr. Ross said with the conditional zoning process they would offer a statement of architectural integrity.

Mayor Pro Tem Kenary said her biggest fear is will it really happen and how can we hold them to it. With the Aston debacle and their vision book she asked for confirmation from Tim Gauss regarding that we have conditional zoning for a business application, or would it allow for any use by right in B-2. Mr. Gauss said there are a lot of ways to get zoning, conditional zoning is one way, and general use zoning is a free range of uses. Council Member Rodriguez asked if there could be a downtown overlay, so it is not allowed on every corner. Mr. Gauss said it is difficult to do at a major intersection like this, when traffic builds up, it makes low density residential less likely. Regarding a downtown overlay district, it is a possibility.

Mayor Kapfhammer said options are you can go in a quasi-judicial manner, or more likely lots of dialog with Planning Board, Planner, Council and developer. There was talk of back room deals, but the conversations were to convey ideas from citizens.

Speakers were then given three minutes each.

1. Cathi Higgins lives in Sheridan and travels the intersection daily. She asked we not judge the project by what Dennis Moser says, but by what he has done; ask him what slides are from developments he has done, and she provided pages from his portfolio on his website of what he has done. She noted if he doesn't get businesses for what he proposes, he can come back for an amendment. She said his Indian Trail shopping center is an embarrassment of entrances lined with car tire and oil change businesses, with a McDonalds right next to a funeral home across the street from a Bojangles. She added his proposal shows a Wesley Chapel Inn but after citizen protest he was not able to get a hotel at Sun Valley. She urged keeping current zoning to keep property values up, and noted you would not want a sign announcing Taco Bell like they now have in Sun Valley. The map she handed out shows 55 acres owned by other developers at the intersection, and noted it would be a domino effect. She said here at town hall is the real downtown Wesley Chapel, and urged denial.
2. Gayla Adams from Wesley Woods, said she was present when Aston presented their vision showing pretty pictures of cafes, tree lined boulevards, and a main street leading to a governmental center and a gathering space, and fourteen years later see what we have. She noted the 2008 master plan included a retail hub at Waxhaw-Indian Trail Road and Highway 84, designated Downtown Wesley Chapel. There are factual reasons why this is not in the best interest of Wesley Chapel – there is not infrastructure now in place or planned for the future, the traffic generated by the construction of the roundabout is just a preview of what will happen with commercial construction, and Wesley Chapel Elementary School is across the street. On August 14th she sent an email to the Mayor and Council asking for the rationale of entertaining additional commercial development and did not receive a single response. “Change is coming” is not a factual reason to consider adding this much commercial development when there is still this much space to fill out here. The magnitude of this project will change the face of Wesley Chapel for years to come. It being an election year is not a reason to rush this through. It is a residential area and should remain so. For Wesley Chapel to remain a great place to live and raise a family we need to trust our elected officials to put the citizens first.
3. Jan Smith who lives on Wesley Chapel Road noted they must plan their life on when they can leave their home due to traffic. She said you don't build schools in a commercial area due to safety hazards; Sun Valley is the only place in Union County where this happens and it is the same developer; don't repeat that. We are a residential community and want to remain so. Who benefits, but the developer. He knocked down hundred year old trees for this. Put a double roundabout on that land and leave everyone else alone.
4. Leslie Harty from Potters Trace noted traffic gets worse and worse, in 2002 we went to the store at Hwy. 16, and now it takes longer to get to the store and between 4:30 and 6 pm you get stuck in traffic right in front of this building, even before the roundabout detour. She felt Moser was leading us on when proposing the senior housing on Hwy. 84 and felt we are being lead on again. She was against the change 1,000%.

5. Bob Smith who lives on Wesley Chapel Road said when he moved here in 1983 they had a covenant that there must be a majority vote to change zoning in Foxfire Estates, and no one came to him to vote to change the zoning, and asked it be looked into. Three of the lots are in Foxfire Estates.
6. Lori Bailey from Heather Glen spoke against the proposal and land use changes for this intersection, and noted residents have consistently stated preferences to keep commercial to the town hall area. Changing the designation for that area is not in accord with our Land Use Plan. Developers make money by developing land, and when that development is consistent with the Land Use Plan it is positive for the community. When forcing things that are not in accordance with the desires of the residents it is not in the best interest of the citizens. When Mr. Moser says it will increase property values, he says that to appease us, and there are concerns. There is more than adequate designated commercial space in fact many tenants have come and gone. She did not want to live in an area where businesses and customers are coming from outside Wesley Chapel, and don't want to deal with the congestion; there are safety concerns. Calling a road main street does not create a main street. If it is not convenient, such as at Sun Valley, she will shop elsewhere.
7. Joan Beaulieu from Heather Glen noted we did many surveys over the years, and we wanted commercial in one place, here. We have all said we don't want it, and now we are not asking public opinion. Years ago Moser wanted us to buy land there for a town hall and we did not want town hall there, instead we were given land here. We were offered the lake before and did not find it viable. We have all the types of stores he showed nearby. Traffic is crazy. Also the trees being clear cut tells me something about the person.
8. Sherry Killion from Heather Glen talked about infrastructure concerns; the roads are tapped out. You can get from Charlotte to Wesley Chapel faster than you can get from the line at the entrance to her subdivision to her home. This would magnify that. Mr. Moser is successful at manipulating area towns' zoning plans and land restrictions; their website shows lots to be sold contingent on commercial re-zoning. This property is on their website for sale for \$3 million, contingent on re-zoning; once this zoning change is given, as history dictates, he will turn around and flip it to the next investor. It would also set a precedent for two opposite corners owned by investment groups. Is this what we want for these three corners, for the safety of our children and our community? After attending the August Planning Board meeting where the discussion became heated after careful probing with questions from Planning Board and citizens; she respectfully asked Moser to stop threatening our Council and Planning Board members with legal recourse for simply presenting information to our residents.
9. Jannett Mateoskey from Heather Glen noted if this goes through they could jump a fence to the business dumpster. She said she moved here for low density, if it changes she is

willing to sell. She doesn't want to watch trucks delivering to stores. Speaking on behalf of some who already left, she said the land behind her house is in a floodplain, adding parking and buildings will make a mess. We need to ensure homes are not negatively impacted.

10. Bill Love, from Price Mill said it is right across the street from him; he thought the downtown Wesley Chapel was here near town hall. He expressed safety concerns for gasoline tanks next to the elementary school that is an historic site. Convenience stores get robbed more often, and you wouldn't want guns near the school. He questioned the motivation and who benefits.
11. Randy Meadows from Price Mill noted no one but the Moser group is in favor of this. He moved here a year ago for the low density and large lot. A "downtown" is not on the edge of a town. He felt there would be an impact on auto insurance rates. He noted it takes him 25 minutes to get from the University area to Potter Road, and another 25 minutes to get to his home. He questioned why we are looking at this when the Land Use Plan gets reviewed every five years.
12. Jim Turner from Potters Trace who lived here since 2002 noted we don't need another downtown; his family came here to escape congestion and liked the rural feel and lack of traffic. When 485 was built there was a scandal because it was suggested a Charlotte planner chose the route based on business interests and a comment tonight by a board member that people find it suspicious if a council member meets with the developer, and it speaks to transparency; as long as the conference is shared with others, it is reasonable. This is another 32 acre development, for commercial uses we already have; how many drug stores do we need. Developers make promises and offer distractions from the negatives and the elemental shift in the character of the area. After the development is done, you find the negative effects.
13. Ty Jaiyeoba from Quintessa spoke as a resident and transportation planner. He lived in California and Atlanta and had experience with this type of thing, there is a huge cumulative effect on traffic. This would be a good plan somewhere else; it will not work well at this location, is not sustainable, and is not a smart development. He has seen the results of similar development where property values fall, residents move out and traffic and accidents increase. He recommended keeping the integrity of the land use plan.
14. Marie Hojnowski from Meadowmere said Wesley Chapel couldn't support two other grocery stores, and now you want to add another, we don't have the population to support these kind of stores. A bed and breakfast doesn't want to be in a noisy commercial area, but rather in a quiet area. NC DOT wouldn't provide a roundabout, who will pay for the improvements, and who will plan all these special events?

15. Aaron Jenkins from Price Mill spoke on the conviction of what Wesley Chapel was founded on and hopes to continue to be. He said he had not heard anyone say they need or want high density commercial. He was also confused why we were looking at it when the Land Use Plan is reviewed every five years, and was just reviewed in 2015. He read from the Land Use Plan goal 1, policy 2: “Commercial development beyond the Village’s commercial, governmental and institutional hub will only be allowed at areas designated on the Land Use Plan map. Commercial development will be limited to low density small-scale retail which provides neighborhood services, rural cottage industries and/or small-scale recreational opportunities.” He also read Goal 2: “To prevent strip development from occurring anywhere in Wesley Chapel by limiting new non-residential development to designated strategic locations.” He stated that area is anything but strategic, with the amount of traffic, safety issues, and this is not the desire of the village and its residents. A developer can draft a great plan on paper, but can leave a disaster; consider the vision of Wesley Chapel and the decision is simple.
16. Elliot Smith from Price Mill said he moved here to get away from this type of sprawl; and also had concerns about it being across the street from the elementary school and children’s safety; he said he hoped he didn’t need to move.
17. Stan Schwartz from Silver Creek thanked Council Member Como for addressing a number of his concerns, and addressed Council Member Rodriguez about the development here that is not completed. We were promised a town center, a downtown Wesley Chapel with an amphitheater, gathering places, pond and fountain and got exposed dirt not exposed brick. As Village council you cannot throw up your hands, you need to go back to the developer; if they cannot attract tenants here with a Target, they cannot attract tenants at this location. Also we have seen what happens from the Houston pictures when uncontrolled development and addition of impervious land happens in a flood prone area. Also the Village council will not directly benefit as the revenues from taxes and sales tax will go to the County and will not offset the expense for an additional deputy. Also by 2019 we will have construction from Highway 84 and the roundabout will end here and dump another lane of traffic down towards Potter Road which will compete with traffic generated from this.

Mayor Kapfhammer thanked the speakers, and noted they can engage Planning Board, planner and Council members in conversation. Council Member Como said he represents the people and asked by a show of hands who was in favor, (it was just Moser and Council Member Kaperonis), and who is opposed, (it was most all of the citizens in the room).

Public Hearings

10. Public Hearing to amend Zoning Ordinance with respect to walls; Vote to amend Zoning Ordinance with respect to walls *Time Stamp 2:27:32*

Planner Gauss said this issue came up recently; walls weren't regulated and there were no standards. Mayor Kapfhammer opened the public hearing. There being no speakers, he closed the public hearing.

Council Member Kaperonis motioned to approve Ordinance 2017-05 to adopt the Zoning Ordinance text amendment regarding walls. Council Member Como seconded the motion. Planning Board Chair Souza noted Planning Board was in favor of the amendment. Council Member Kaperonis asked about the wall on Potter Road as a safety issue; Tim Gauss said we don't currently have the authority to regulate walls, this will correct that, and require it be identified on a conditional zoning application; and that wall will be grandfathered in. Council Member Kenary said we have text on walls in Section 4.3, and did not think we need this amendment.

The motion failed with a vote of one yea (Como) and three nays.

There was some discussion; Tim Gauss noted at Section 10.8 zoning permits are not required for walls. The change is to require permits for walls greater than 30 inches in height. Council asked for clarification on the issue of walls.

11. Public Hearing to amend Subdivision Ordinance with respect to walls; Vote to amend Subdivision Ordinance with respect to walls *Time Stamp 2:43:03*

Mayor Kapfhammer opened the public hearing. There being no speakers the public hearing was closed. A vote on this ordinance was also tabled.

12. Public Hearing to amend Zoning Ordinance with respect to barns; Vote to amend Zoning Ordinance with respect to barns *Time Stamp 2:44:24*

Mayor Kapfhammer opened the public hearing.

Time Gauss noted this is to better accommodate barns and be a principal as well as accessory use and be in front yards as well as side and rear yard.

Planning Board Chair John Souza said he was in favor of this and brought it to you; this was to be more proactive regarding the rural and agricultural feel. The planner said you couldn't put a barn in front of your house or if there is no house. There are a lot of barns in the R-20 area off Jim Parker Road and if something happened could it continue. So he asked you add allowing the barns in R-20 also. We have had requests for barns, and denials. Sometimes you want the agricultural uses in the back of the property, and the barn in the front.

Tony Bridges from Midland, NC said his employer bought 21 acres at the end of Winding Lane, and wanted a barn. Seven acres is flood land, and he wants the barn in the front of the property and the house elsewhere on a high spot.

The public hearing was closed.

Council Member Como motioned to approve Ordinance 2017-07; Council Member Kaperonis seconded the motion. Council Member Kenary said she felt our ordinance allows for barns as is, and cited Article 2, definition of barns and felt it says barns are distinguished from accessory buildings, and the definition of agricultural uses includes agricultural accessory buildings, and

agricultural uses is in the Table of Uses. Planner Tim Gauss said the rationale is there are two terms, barns and agricultural uses; a barn is not a separate use in the Table of Uses so you would look to the closest use and a barn is an accessory building and use. The intent is to clear up the gray area. He added as Zoning Administrator he makes the interpretation legally. Planning Board also discussed allowing the use in R-20 and on three acre parcels. Council Member Como rescinded the motion, and Council Member Kaperonis rescinded the second. Mayor Pro Tem Kenary asked if there is a barn, then you can't build a house because you can only have one principal structure; Mr. Gauss said if you first have a barn, and then build a house, then the barn becomes accessory to the house.

Council Member Rodriguez motioned to approve Ordinance 2017-07, incorporated herein, to adopt Zoning Ordinance text amendment regarding barns and include allowing them in R-20 and R-20A and with a minimum tract of three acres. Council Member Como seconded the motion. The motion passed unanimously.

**VILLAGE OF WESLEY CHAPEL, NORTH CAROLINA
TO ADOPT ZONING ORDINANCE TEXT AMENDMENT REGARDING BARNs
Ord. 2017- 07**

THAT WHEREAS, the Planning Board has asked that text changes to the Village's Zoning Ordinance be made to better accommodate barns so as to enhance the rural residential nature of the Village; and

WHEREAS, a public hearing was conducted on the matter at the Village Council's September 11, 2017, meeting:

WHEREAS the following text amendments are to be made to the Village's Zoning Ordinance: (all new proposed text shown in **bold, underlined, and italicized** type, and text to be deleted being ~~struck out~~).

1. ARTICLE 2 Revise definition of barn:

Barn. ~~A structure that is customarily associated with agricultural uses, as defined herein, and as distinguished from accessory buildings.~~ **A structure associated with an agricultural use that is used for the housing and/or care of permitted livestock; or for the storage of feed, hay and other crops; or for the storage of farm equipment. A barn can be used as either a principal or accessory structure.**

2. Add Section 6.10.11 : Barns

A barn shall be allowed as a principal use, in the R-80, R-60, RA-40, R-40, RA-20 and R-20 zoning districts, on a tract that is at least three (3) acres or greater in size. Required minimum setbacks shall be as follows:

Front Yard: One-hundred (100) feet except one-hundred fifty (150) feet if the structure houses poultry or livestock.

Side Yard: Sixty (60) feet, except one-hundred fifty (150) feet if the structure houses poultry or livestock.

Rear Yard: Sixty (60) feet, except one-hundred fifty (150) feet if the structure houses poultry or livestock.

3. Amend Section 4.9 Accessory Uses and Structures

Minor uses or structures which are necessary to the operation or enjoyment of a permitted principal use, and are appropriate, incidental and subordinate to any such uses, shall be permitted in all districts with certain exceptions as described herein as an accessory use, subject to the following:

- 4.9.1** **Except as provided below**, accessory uses or structures, well houses, garages and swimming pools shall be located no closer than fifteen (15) feet to any side or rear lot line. Well houses shall be allowed in any yard and shall not be subject to setback requirements. Detached garages may be located in any side or rear yard.
- On any lot in the R-80, R-60, RA-40, R-40, RA-20 and R-40 zoning districts that is three (3) acres or greater in area, barns (as an accessory structure) shall be allowed in a front yard provided that the barn is provided with a minimum one-hundred (100) foot front setback, except one-hundred fifty (150) feet if the barn houses poultry or livestock. All other applicable side and rear yard setback requirements shall also apply.**

- 4. Amend Section 5 Table of Uses: add *Barns* as a Principal Use in the R-80, R-60, RA-40, R-40, RA-20 and R-20 districts as a Use by Right Subject to the Supplemental Regulations Contained in Section 6.10.11.**

5. Amend ARTICLE 5 ZONING DISTRICT REGULATIONS:

Section 5.1 R-80 Single-Family District

(Deleted 10.17.05)

5.1.1 *(Reserved 10.17.05)*

5.1.2 *(Reserved 10.17.05)*

5.1.3 Yard Regulations

a. Minimum Lot Area

1. Single-family dwellings - 80,000 square feet.
2. Cemeteries - 5 acres.
3. Churches - 3 acres.
4. Public and Private Schools - 10 acres.
5. Horse stables and riding academies - 5 acres.
6. Day care facilities - 3 acres.
7. Essential Services Class IV - none.
8. Libraries – 3 acres

9. Agricultural Uses – 5 Acres
 10. **Barns – 3 Acres**
 11. All other uses - 80,000 square feet.
- b. Minimum Front Yard Setback (except as provided in Article 7)**
1. All Essential Services Class II Uses - 300 feet; Natural Gas Substation – 75 feet from the edge of existing pavement to fence line. (*Amended 01.14.08*)
 2. Telephone repeater stations, transmitting facilities, and public utility substations - 200 feet.
 3. Single Family Dwellings - 65 feet.
 4. Essential Services Class IV - 10 feet.
 - 5. Barns (Principal Use)- See Section 6.10.11**
 - ~~5~~ **6.** All other uses - 75 feet.
- c. Minimum Lot Width**
1. Essential Services class IV – None
 2. All other uses – 150 feet as measured at the front yard setback.
- d. Minimum Side Yard Setback (*Revised 03.12.01, 02.19.2013*)**
1. Single-family dwellings and modular homes - 25 feet (if a buffer is provided at the side of the lot pursuant to Section 405.4 of the Subdivision Ordinance, the side yard setback shall be measured from the nearest edge of the buffer area).
 2. Churches, schools, governmental facilities, telephone repeater stations, libraries - 50 feet.
 3. All Essential Services Class II - 100 feet; Natural Gas Substation – 15 feet, and 75 feet on street side of corner lots. (*Amended 01.14.08*).
 4. Telephone repeater stations, transmitting facilities, and public utility substations - 75 feet.
 5. Essential Services Class IV - 10 feet.
 - 6. Barns (Principal Use)- See Section 6.10.11**
 - ~~6~~ **7.** All other uses - 25 feet.
- e. Minimum Rear Yard Setback (*Revised 03.12.01*)**
1. Single-family dwellings and modular homes - 60 feet. (If a buffer is provided at the rear of the lot pursuant to Section 405.4 of the Subdivision Ordinance, the rear yard setback shall be measured from the nearest edge of the buffer area).
 2. All Essential Services, Class II uses - 100 feet; Natural Gas Substation 15 feet. (*Amended 01.14.08*)
 3. a. Telephone repeater stations, transmitting facilities and public utility substations - 75 feet.

b. Essential Services Class IV - 10 feet.

4. Barns (Principal Use)- See Section 6.10.11

4 5. All other uses - 60 feet.

Section 5.2 R-60, Single-Family District

(Deleted 10.17.05)

5.2.1 *(Reserved 10.17.05)*

5.2.2 *(Reserved 10.17.05)*

5.2.3 Yard Regulations

a. Minimum Lot Area

1. Single-family dwellings - 60,000 square feet.
2. Cemeteries - 5 acres.
3. Churches - 3 acres.
4. Public and Private Schools - 10 acres.
5. Horse Stables and Riding Academies - 5 acres.
6. Day Care Facilities - 3 acres.
7. Essential Services Class IV - none.
8. Libraries – 3 acres.

9. Agricultural Uses– 5 acres

10. Barns – 3 acres

11. All other uses - 60,000 square feet.

b. Minimum Front Yard Setback (except as provided in Article 7)

1. All Essential Services Class II - 300 feet; Natural Gas Substation - 75 feet from the edge of existing pavement to fence line. *(Amended 01.14.08)*.
 2. Telephone repeater stations, transmitting facilities, and public utility stations - 200 feet.
 3. Single-family dwellings and modular homes - 60 feet. ***(Rev. 03.12.01)***
 4. Essential Services Class IV - 10 feet.
- 5. Barns (principal use)- See Section 6.10.11**
- 6.**All other uses - 75 feet.

c. Minimum Lot Width

1. One hundred twenty-five feet as measured at the front yard setback
2. Essential Services Class IV – none

d. Minimum Side Yard Setback - *(Revised 03.12.01, 02.19.2013)*

1. Single-family dwellings and modular homes - 25 feet. (If a buffer is provided at the side of the lot pursuant to Section 405.4 of the

Subdivision Ordinance, the side yard setback shall be measured from the nearest edge of the buffer area).

2. Churches, schools, governmental facilities, telephone repeater stations, libraries - 50 feet.
3. All Essential Services Class II - 100 feet; Natural Gas Substation – 15 feet and 75 feet on street side of corner lots. (*Amended 01.14.08*).
4. Telephone repeater stations, transmitting facilities, and public utility substations - 75 feet.
5. Essential Services Class IV - 10 feet.

6. Barns (principal use)- See Section 6.10.11

~~6~~ 7. All other uses - 25 feet.

e. Minimum Rear Yard Setback (*Revised 03.12.01*)

1. Single-family dwellings and modular homes - 60 feet. (If a buffer is provided at the rear of the lot pursuant to Section 405.4 of the Subdivision Ordinance, the rear yard setback shall be measured from the nearest edge of the buffer area).
2. All Essential Services Class II - 100 feet; Natural Gas Substation – 15 feet. (*Amended 01.14.08*).
3. Telephone repeater stations, transmitting facilities, and public utility substations - 75 feet.
4. Essential Services Class IV - 10 feet.

5. Barns (principal use)- See Section 6.10.11

~~5~~ 6. All other uses - 60 feet.

f. Maximum Building Height (except as permitted in Section 4.8)

1. All uses – 35 feet. See Section 2.2 (12)
2. Essential Services Class IV – 10 feet.

Section 5.3 R-40, RA-40 Single-Family Districts

(Deleted 10.17.05)

5.3.1 *(Reserved 10.17.05)*

5.3.2 *(Reserved 10.17.05)*

5.3.3 Yard Regulations.

a. Minimum Lot Area

1. Single-family dwellings - 40,000 square feet.
2. Churches - 3 acres.
3. Public and private schools - 10 acres.
4. Cemeteries - 5 acres.
5. Horse Stables and Riding Academies - 5 acres
6. Day Care Facilities - 3 acres.
7. Essential Services Class IV - none.
8. Libraries – 3 acres.

9. Agricultural Uses– 5 acres.
 10. **Barns (Principal Use) – 3 acres**
 11. All other uses - 40,000 square feet.
- b. Minimum Front Yard Setback (except as provided in Article 7)**
1. All Essential Services, Class II - 300 feet; Natural Gas Substation – 75 feet from the edge of existing pavement to fence line. (*Amended 01.14.08*).
 2. Telephone repeater stations and transmitting facilities, public utility substations - 200 feet.
 3. Single-family dwellings in the R-40 and RA-40 districts; manufactured homes in the RA-40 Zoning District - 50 feet. (***Rev.03.12.01, 11.11.2013***)
 4. Essential Services Class IV - 10 feet.
- 5. Barns (principal use)- See Section 6.10.11**
- 5 6.** All other uses - 75 feet.
- c. Minimum Lot Width**
1. Essential Services class IV – none
 2. All other uses – 120 feet as measured at the front yard setback
- d. Minimum Side Yard Setback (*Revised 02.19.2013*)**
1. Single-family dwellings, modular and manufactured homes in the RA-40 Zoning District - 15 feet. (If a buffer is provided at the side of the lot pursuant to Section 405.4 of the Subdivision Ordinance, the side yard setback shall be measured to the nearest edge of the buffer area). (***Revised 03.12.01***)
 2. Churches, schools, governmental facilities, libraries - 50 feet.
 3. All Essential Services Class II - 100 feet; Natural Gas Substation – 15 feet and 75 feet on street side of corner lots. (*Amended 01.14.08*).
 4. Telephone repeater stations, transmitting facilities, and public utility substation - 75 feet.
 5. Essential Services Class IV - 10 feet.
- 6. Barns (principal use)- See Section 6.10.11**
- 6 7.**All other uses - 15 feet.
- e. Minimum Rear Yard Setback (*Revised 03.12.01, 02.19.2013*)**
1. Single-family dwellings, modular and manufactured homes in the RA-40 Zoning District - 40 feet. (If a buffer is provided at the rear of the lot pursuant to Section 405.4 of the Subdivision Ordinance the rear yard setback shall be measured from the nearest edge of the buffer area).
 2. All Essential Services, Class III Uses - 100 feet.
 3. Telephone repeater stations, transmitting facilities, and public utility substations - 75 feet; Natural Gas Substation –

- 15 feet. (*Amended 01.14.08*).
 4. Essential Services Class IV - 10 feet.
 5. **Barns (principal use)- See Section 6.10.11**
 - 5 **6.** All other uses - 40 feet.
- f. **Maximum Building Height (except as permitted in Section 4.8)**
1. All uses – 35 feet. See Section 2.2 (12)
 2. Essential Services Class IV – 10 feet.

Section 5.4 R-20, RA-20 Single-Family Districts

(Deleted 10.17.05)

5.4.1 *(Reserved 10.17.05)*

5.4.2 *(Reserved 10.17.05)*

5.4.3 **Yard Regulations** (*Rev. 05.12.2016*)

a. Minimum Lot Area

1. Single-family dwellings - 20,000 square feet.
2. Churches - 3 acres.
3. Public and Private schools - 10 acres
4. Cemeteries - 5 acres.
5. Day Care Facilities - 3 acres.
6. Essential Services Class IV - none.
7. Libraries - 3 acres.
- 8. Barns – 3 acres**
9. All other uses - 20,000 square feet.

b. Minimum Front Yard Setback (except as provided in Article 7)

1. All Essential Services, Class II - 300 feet; Natural Gas Substation – 75 feet from the edge of existing pavement to fence line. (*Amended 01.14.08*).
2. Telephone repeater stations and transmitting facilities, public utility substations - 200 feet.
3. Single-family dwellings - 40 feet. (*Revised 03.12.01*)
4. Essential Services Class IV - 10 feet.
- 5. Barns (Principal Use) – See Section 6.10.11**
6. All other uses - 75 feet.

c. Minimum Lot Width

1. Essential Services Class IV -none.
2. All other uses - 100 feet as measured at the front yard setback.

d. Minimum Side Yard Setback

(Revised 03.12.01, 02.19.2013)

1. Single-family dwellings and modular homes - 15 feet. (If a buffer is provided at the side of the lot pursuant to Section 405.4 of the Subdivision Ordinance, the side yard setback shall be measured to the nearest edge of the buffer area).
2. Churches, schools, governmental facilities, libraries - 50 feet.

3. All Essential Services Class II - 100 feet; Natural Gas Substation 15 feet, and 75 feet on street side of corner lots. (*Amended 01.14.08*).
4. Telephone repeater stations, transmitting facilities, and public utility substation - 75 feet.
5. Essential Services Class IV - 10 feet
- 6. Barns (Principal Use) – See Section 6.10.11.**
7. All other uses - 15 feet

e. Minimum Rear Yard Setback

(Revised 03.12.01, 02.19.2013)

1. Single-family dwellings and modular homes - 30 feet. (If a buffer is provided at the rear of the lot pursuant to Section 405.4 of the Subdivision Ordinance the rear yard setback shall be measured from the nearest edge of the buffer area).
2. All Essential Services, Class III Uses – 100 feet.
3. Telephone repeater stations, transmitting facilities, and public utility substations – 75 feet; Natural Gas Substation – 15 feet. (*Amended 01.14.08*)
4. Essential Services Class IV – 10 feet.

5. Barns (Principal Use) – See Section 6.10.11

- 6.** All other uses – 40 feet

f. Maximum Building Height (except as permitted in Section 4.8)

1. All uses – 35 feet. See Section 2.2(12).
2. Essential Services Class IV – 10 feet.

Adopted this the 11th day of September, 2017.

Attest:

Cheryl Bennett, Village Clerk

Mayor David Kapfhammer PhD

Mayor Pro Tem Kenary requested the minutes reflect that she feels our ordinances are not consistent with the approval of this amendment.

13. Public Hearing to amend Zoning Ordinance with respect to invasive species; Vote to amend Zoning Ordinance with respect to invasive species *Time Stamp tape 3:13:26*

Mayor Kapfhammer opened the public hearing. There being no speakers, he closed the public hearing.

Mayor Pro Tem Kenary motioned to approve Ordinance 2017-08 to adopt Zoning Ordinance text amendment regarding invasive species, incorporated herein. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

**VILLAGE OF WESLEY CHAPEL, NORTH CAROLINA
TO ADOPT ZONING ORDINANCE TEXT AMENDMENT REGARDING INVASIVE
SPECIES
ORDINANCE 2017- 08**

THAT WHEREAS, Mr. Wil Ortiz, a Manager of Vegetation Management of Union Electric Coop, made a presentation to the Planning Board at its February 2017 meeting and indicated that there were a few species that appeared on the Village’s acceptable list of plant species that were invasive which the Village should not allow; and

WHEREAS, the Village of Wesley Chapel considers amending the Village’s Zoning Ordinance regulations to remove invasive species from the Village’s List of Acceptable Plant Species to be in the public interest;

WHEREAS, a public hearing was conducted on the matter at the Village Council’s September 11, 2017, meeting,

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

Article 17 - APPENDIX 1: LIST OF ACCEPTABLE PLANT SPECIES

Large Maturing Trees – no changes

Small Maturing Trees

<u>Botanical Name</u>	<u>Common Name</u>
Acer buergeranum	Trident maple
Acer campestre	Hedge maple
Acer ginnala	Amur maple
Acer griseum	Paperbark maple
Amelanchier arborea	Service berry
Betula platyphylla japonica	Japanese white birch
Carpinus betulus	European hornbeam
Carpinus carolinana	American hornbeam
Catalpa bignonioides	Southern catalpa
Cornus florida	Flowering dogwood
Cornus Kousa	Kousa dogwood
Cornus mas	Cornelian-cherry dogwood
Cercis candensis	Eastern redbud
Crataegus phaenopyrum	Washington hawthorne
Cupressus arizonica	Arizona cypress
Eleganus angustifolia	Russian olive
Eriobotrya japonica	Loquat
Halesia carolina	Carolina silver bell
Hammamelis mollis	Chinese witch-hazel Ilex

Fagus sylvatica	European beech
Fosteri	Foster holly
Ilex opaca	American holly
Ilex opaca hume	Hume holly
Ilex x attenuata 'Fosteri'	Foster hybrid holly
Ilex x attenuata savannah	Savannah holly
Kowlrwuteria bipinnata	Chinese flame tree
Koelreutraria paniculata	Golden raintree
Lagerstroemia indica	Crape myrtle
Magnolia soulangeana	Saucer magnolia
Magnolia stellata	Star magnolia
Malus floribunda	Flowering crabapple
Malus hybrida	Flowering crab apple
Morus alba	White mulberry
Morus alba 'Pendula'	Weeping white mulberry
Osmanthus americanus	Devilwood
Ostrya virginiana	Ironwood
Oxydendrum arboreum	Sourwood
Paulownia tomentosa	Empress tree
Prunus carolinana	Carolina cherry laurel
Prunus cerasifera 'Atropurpurea'	Pissard plum
Prunus cerasifera pissardii	Purpleleaf plum
Prunus cerasus	Sour cherry
Prunus serrulata kwanzan	Kwanzan cherry
Prunus subhirtella pendula	Weeping cherry
Prunus yedoensis	Yoshino cherry
Pyrus calleryana	Callery pear
Pyrus calleryana Bradfordi	Bradford pear
Pyrus calleryana 'Redspire'	Redspire pear
Pyrus calleryana 'Capital'	Capital pear
Quercus acuta	Japanese evergreen oak
Quercus glauca	Ring cupped oak
Ulmus parvifolia	Chinese elm
Viburnum rufidulum	Southern Blackhaw

Shrubs

<u>Botanical Name</u>	<u>Common Name</u>
Abelia grandiflora	Glossy Abelia
Aucuba japonica	Japanese Aucuba
Azalea hybrida	Glendale azalea
Azalea Indica	Indian azalea
Azalea Obtusum Kaempferi	Kaempferi azalea
Bambusa multiplex	Hedge bamboo
Berberis julianae	Wintergreen barberry
Berberis thunbergii	Japanese barberry
Camellia japonica	Camellia

Camellia sasanqua	Sasanqua camellia
Chaenomeles speciosa	Flowering quince
Cleyera japonica	Cleyera
Euonymus alatus	Winged euonymus
Euonymus japonicus	Evergreen euonymus
Eleagnus pungens	Eleagnus
Forsythia intermedia	Forsythia
Hammamelis virginiana	Witch-hazel
Hydrangea quercifolia	Oakleaf hydrangea
Ilex aquifolium	English holly
Ilex cornuta	Chinese holly
Ilex cornuta burfordi	Burford holly
Ilex cornuta burfordi nana	Dwarf burford holly
Ilex crenata 'convexa'	Convex japanese holly
Ilex crenata 'hetzi'	Hetzi japanese holly
Ilex crenata 'roundifolia'	Roundleaf japanese holly
Ilex 'Emily Brunner'	Emily brunner holly
Ilex glabra	Inkberry holly
Ilex latifolia	Lusterleaf holly
Ilex pernyi	Perny holly
Ilex vomitoria	Yaupon holly
Jumperus chinesis pfitzeriana	Pfitzer jumper
Jumperus chinesis hetzi	Hetzi jumper
Laurus nobilis	Laurel
Ligustrum japonicum	Japanese privet
Ligustrum lucidum	Glossy privet
Ligustrum vicaryi	Vicary goldern privet
Loropetalum chinense	Loropetalum
Mahonia lealei	Leatherleaf mahonia
Myrica cerifera	Wax myrtle
Nandina domestica	Nandina
Osmanthus fortunei	Fortune tea olive
Osmanthus fragrans	Fragrant tea olive
Osmanthus heterophyllus	Holly osmanthus
Osmanthus heterophyllus roundifolius	Curly leaf tea olive
Photinia fraseri	Fraser photinia
Photinia serrulata	Chinese photinia
Pieris floribunda	Mountain andromeda
Pieris japonica	Japanese andromeda
Pittosporum tobira	Pittosporum
Prunus laurocerasus	English laurel
Prunus laurocerasus angustifolia	Narrow leaf english laurel
Podocarpus macrophyllus maki	Podocarpus
Pyracantha coccinea	Scarlet firethorn
Raphiolepis umbellata	Yeddo-hawthorn
Spirea cantoniensis	Reves spirea

Spirea thunbergi
Spirea prunifolia plena
Spirea vanhouttei
Taxus cuspidata
Viburnum prunifolium
Viburnum rhytidophyllum
Viburnum tinus

Thunberg spirea
Bridalwreath spirea
Vanhoutte spirea
Japanese yew
Blackhaw viburnum
Leatherleaf viburnum
Laurestinus viburnum

Adopted this 11th day of September, 2017.

Attest:

Cheryl Bennett, Village Clerk

Mayor David Kapfhammer, PhD

14. Public hearing to amend Subdivision Ordinance with respect to invasive species; Vote to amend Subdivision Ordinance with respect to invasive species *Time Stamp 3:14:21*

Mayor Kapfhammer opened the public hearing. There being no speakers, the public hearing was closed.

Mayor Pro Tem Kenary motioned to approve Ordinance 2017-09, incorporated herein, to adopt Subdivision Ordinance text amendment regarding invasive species. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

**VILLAGE OF WESLEY CHAPEL, NORTH CAROLINA
TO ADOPT SUBDIVISION ORDINANCE TEXT AMENDMENT REGARDING
INVASIVE SPECIES
ORDINANCE 2017- 09**

THAT WHEREAS, Mr. Wil Ortiz, a Manager of Vegetation Management of Union Electric Coop, made a presentation to the Planning Board at its February 2017 meeting and indicated that there were a few species that appeared on the Village's acceptable list of plant species that were invasive which the Village should not allow; and

WHEREAS, the Village of Wesley Chapel considers amending the Village's Subdivision Ordinance regulations to remove invasive species from the Village's List of Acceptable Plant Species to be in the public interest;

WHEREAS, a public hearing was conducted on the matter at the Village Council's September 11, 2017, meeting,

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

APPENDIX 1: LIST OF ACCEPTABLE PLANT SPECIES

Large Maturing Trees – no changes

Small Maturing Trees

<u>Botanical Name</u>	<u>Common Name</u>
Acer buergeranum	Trident maple
Acer campestre	Hedge maple
Acer ginnala	Amur maple
Acer griseum	Paperbark maple
Amelanchier arborea	Service berry
Betula platyphylla japonica	Japanese white birch
Carpinus betulus	European hornbeam
Carpinus carolinana	American hornbeam
Catalpa bignonioides	Southern catalpa
Cornus florida	Flowering dogwood
Cornus Kousa	Kousa dogwood
Cornus mas	Cornelian-cherry dogwood
Cercis candensis	Eastern redbud
Crataegus phaenopyrum	Washington hawthorne
Cupressus arizonica	Arizona cypress
Elegans angustifolia	Russian olive
Eriobotrya japonica	Loquat
Halesia carolina	Carolina silver bell
Hammamelis mollis	Chinese witch-hazel Ilex
Fagus sylvatica	European beech
Fosteri	Foster holly
Ilex opaca	American holly
Ilex opaca hume	Hume holly
Ilex x attenuata ‘Fosteri’	Foster hybrid holly
Ilex x attenuata savannah	Savannah holly
Kowlrwuteria bipinnata	Chinese flame tree
Koelreutraria paniculata	Golden raintree
Lagerstroemia indica	Crape myrtle
Magnolia soulangeana	Saucer magnolia
Magnolia stellata	Star magnolia
Malus floribunda	Flowering crabapple
Malus hybrida	Flowering crab apple
Morus alba	White mulberry
Morus alba ‘Pendula’	Weeping white mulberry
Osmanthus americanus	Devilwood
Ostrya virginiana	Ironwood
Oxydendrum arboreum	Sourwood
Paulownia tomentosa	Empress tree
Prunus carolinana	Carolina cherry laurel
Prunus cerasifera ‘Atropurpurea’	Pissard plum
Prunus cerasifera pissardii	Purpleleaf plum

Prunus cerasus	Sour cherry
Prunus serrulata kwanzan	Kwanzan cherry
Prunus subhirtella pendula	Weeping cherry
Prunus yedoensis	Yoshino cherry
Pyrus calleryana	Callery pear
Pyrus calleryana Bradfordi	Bradford pear
Pyrus calleryana 'Redspire'	Redspire pear
Pyrus calleryana 'Capital'	Capital pear
Quercus acuta	Japanese evergreen oak
Quercus glauca	Ring cupped oak
Ulmus parvifolia	Chinese elm
Viburnum rufidulum	Southern Blackhaw

Shrubs

<u>Botanical Name</u>	<u>Common Name</u>
Abelia grandiflora	Glossy Abelia
Aucuba japonica	Japanese Aucuba
Azalea hybrida	Glendale azalea
Azalea Indica	Indian azalea
Azalea Obtusum Kaempferi	Kaempferi azalea
Bambusa multiplex	Hedge bamboo
Berberis julianae	Wintergreen barberry
Berberis thunbergii	Japanese barberry
Camellia japonica	Camellia
Camellia sasanqua	Sasanqua camellia
Chaenomeles speciosa	Flowering quince
Cleyera japonica	Cleyera
Euonymus alatus	Winged euonymus
Euonymus japonicus	Evergreen euonymus
Eleagnus pungens	Eleagnus
Forsythia intermedia	Forsythia
Hammamelis virginiana	Witch-hazel
Hydrangea quercifolia	Oakleaf hydrangea
Ilex aquifolium	English holly
Ilex cornuta	Chinese holly
Ilex cornuta burfordi	Burford holly
Ilex cornuta burfordi nana	Dwarf burford holly
Ilex crenata 'convexa'	Convex japanese holly
Ilex crenata 'hetzi'	Hetzi japanese holly
Ilex crenata 'roundifolia'	Roundleaf japanese holly
Ilex 'Emily Brunner'	Emily brunner holly
Ilex glabra	Inkberry holly
Ilex latifolia	Lusterleaf holly
Ilex pernyi	Perny holly
Ilex vomitoria	Yaupon holly
Jumperus chinesis pfizeriana	Pfizer jumper

Jumperus chinesis hetzi	Hetzi jumper
Laurus nobilis	Laurel
Ligustrum japonicum	Japanese privet
Ligustrum lucidum	Glossy privet
Ligustrum vicaryi	Vicary goldern privet
Loropetalum chinense	Loropetalum
Mahonia lealei	Leatherleaf mahonia
Myrica cerifera	Wax myrtle
Nandina domestica	Nandina
Osmanthus fortunei	Fortune tea olive
Osmanthus fragrans	Fragrant tea olive
Osmanthus heterophyllus	Holly osmanthus
Osmanthus heterophyllus roundifolius	Curly leaf tea olive
Photinia fraseri	Fraser photinia
Photinia serrulata	Chinese photinia
Pieris floribunda	Mountain andromeda
Pieris japonica	Japanese andromeda
Pittosporum tobira	Pittosporum
Prunus laurocerasus	English laurel
Prunus laurocerasus angustifolia	Narrow leaf english laurel
Podocarpus macrophyllus maki	Podocarpus
Pyracantha coccinea	Scarlet firethorn
Raphiolepis umbellata	Yeddo-hawthorn
Spirea cantoniensis	Reves spirea
Spirea thunbergi	Thunberg spirea
Spirea prunifolia plena	Bridalwreath spirea
Spirea vanhouttei	Vanhoutte spirea
Taxus cuspidata	Japanese yew
Viburnum prunifolium	Blackhaw viburnum
Viburnum rhytidophyllum	Leatherleaf viburnum
Viburnum tinus	Laurestinus viburnum

Adopted this 11th day of September, 2017.

Attest:

Cheryl Bennett, Village Clerk

Mayor David Kapfhammer, PhD

15. Public hearing to amend Future Land Use Plan map for annexed lot at 1023 Patricians Lane; Vote to amend Future Land Use Plan map for annexed lot at 1023 Patricians Lane
Time Stamp 3:15:10

Mayor Kapfhammer opened the public hearing. There being no public speakers, he closed the public hearing.

Council Member Rodriguez motioned to approve Ordinance 2017-10, incorporated herein, to adopt Future Land Use map amendment to apply low density residential land use designation to a recently annexed lot. Council Member Kaperonis seconded the motion.

The motion passed 3-1 with Kenary voting nay.

**Village of Wesley Chapel Ordinance 2017-10
TO ADOPT FUTURE LAND USE MAP AMENDMENT TO APPLY LOW DENSITY
RESIDENTIAL LAND USE DESIGNATION TO A RECENTLY ANNEXED LOT
Ord. 2017-10**

WHEREAS, earlier this year, the Village Council annexed Lot 06048418 into the corporate limits with an effective date of June 30, 2017; and

WHEREAS, the lot in question lies in the Estates at Wesley Oaks subdivision; and

WHEREAS, according to the NC General Statutes, local governments have up to sixty (60) days from the effective date of an annexation to apply municipal zoning regulations on an annexed piece of property, after which time no zoning requirements apply unless so adopted by the local jurisdiction; and

WHEREAS, other lots that are in the Estates at Wesley Oaks subdivision are designated as "Low-density Residential" on the Future Land Use Plan map and are zoned RUC by the Village; and

WHEREAS, the Village of Wesley Chapel considers amending the Village's Future Land Use Map and the Zoning Map to apply RUC zoning designation to the subject parcel to be in the public interest;

WHEREAS, a public hearing was conducted on the matter at the Village Council's September 11, 2017, meeting; and

WHEREAS, the Village Attorney has advised staff that a separate hearing and vote is needed for 1) amending the Future Land Use Plan and 2) amending the Zoning Ordinance:

NOW THEREFORE BE IT RESOLVED that the Future Land Use Map of the Village of Wesley Chapel is hereby amended to apply the Low Density Residential land use designation to Lot 06048418.

Adopted this 11th day of September, 2017.

Mayor Dr. David Kapfhammer, PhD

Attest:

Cheryl Bennett, Village Clerk

16. Public hearing to apply RUC zoning to annexed lot at 1023 Patricians Lane; Vote to apply RUC zoning to annexed lot at 1023 Patricians Lane *Time Stamp 3:16:56*

Mayor Kapfhammer opened the public hearing. There being no speakers, he closed the public hearing.

Council Member Como motioned to approve Ordinance 2017-11, incorporated herein, to adopt zoning map amendment to apply RUC designation to a recently annexed lot. Council Member Rodriguez seconded the motion.

The motion passed 3-1 with Kenary voting nay.

**Village of Wesley Chapel Ordinance 2017-11
TO ADOPT ZONING MAP AMENDMENT TO APPLY RUC DESIGNATION
TO A RECENTLY ANNEXED LOT**

WHEREAS, earlier this year, the Village Council annexed Lot 06048418 into the corporate limits with an effective date of June 30, 2017; and

WHEREAS, the lot in question lies in the Estates at Wesley Oaks subdivision; and

WHEREAS, according to the NC General Statutes, local governments have up to sixty (60) days from the effective date of an annexation to apply municipal zoning regulations on an annexed piece of property, after which time no zoning requirements apply unless so adopted by the local jurisdiction; and

WHEREAS, other lots that are in the Estates at Wesley Oaks subdivision are designated as “Low-density Residential” on the Future Land Use Plan map and are zoned RUC by the Village; and

WHEREAS, the Village of Wesley Chapel considers amending the Village’s Future Land Use Map and the Zoning Map to apply RUC zoning designation to the subject parcel to be in the public interest;

WHEREAS, a public hearing was conducted on the matter at the Village Council’s September 11, 2017, meeting; and

WHEREAS, the Village Attorney has advised staff that a separate hearing and vote is needed for 1) amending the Future Land Use Plan and 2) amending the Zoning Ordinance:

NOW THEREFORE BE IT RESOLVED that the Zoning Map of the Village of Wesley Chapel is hereby amended to apply the RUC land use designation to Lot 06048418.

Adopted this 11th day of September, 2017.

Mayor Dr. David Kapfhammer, PhD

Attest:

Cheryl Bennett, Village Clerk

Old Business

17. Zoning Designation RUC; Future Land Use Zoning Map designations *Time Stamp*
3:18:33

County or platted with lots smaller than 40,000 sq. ft. under the jurisdiction of Union County prior to incorporation/annexation into the Village, and Section 3.1.1(g) RUC Residential Union County District added November 9, 2009. Her lot is zoned RUC and was annexed in 2008 before RUC existed. She noted only a few subdivisions have RUC, while others are identified as R-40 that don't have lots containing 40,000 square feet.

Mayor Pro Tem Kenary motioned for Planning Board to review the zoning on parcels and address RUC zoned parcels and recommend it stay or go and if it stays how it be applied. Council Member Rodriguez seconded the motion. Council Member Como disagreed that it was a problem, and did not want to spend a lot of money to fix it.

The motion passed 3-1 with Como voting nay.

New Business

18. Senate Bill 155 – whether to pursue an ordinance to allow beverage sales at 10 am on Sundays *Time Stamp 3:29:27*

A new law allows towns to pass an ordinance allowing alcoholic beverage sales earlier at 10 am instead of noon on Sundays. Council Member Rodriguez motioned to pursue an ordinance to allow beverage sales at 10 am on Sundays. Council Member Como seconded the motion.

The motion passed unanimously.

19. Town Office Not Available to Public on Fridays – Have New Hire Work on Fridays
Budget Time Stamp 3:31:47

Council Member Rodriguez wanted the office open on Fridays, especially should a Council Member need additional information for a Monday meeting. Council Member Rodriguez motioned to ask Clerk Bennett to work full or half days on Fridays. Mayor Pro Tem Kenary seconded the motion. Hours of other local towns were reviewed, our town hall is open more hours than most of them. Mayor Pro Tem Kenary noted at Weddington staff will make appointments to come in on days they are not officially open. The second was rescinded. Council Member Rodriguez amended his motion that the clerk be here on Fridays from 9 to noon so the public has access. Mayor Pro Tem Kenary seconded the motion. Council Member Como preferred it be by appointment noting we are already open more hours than other towns. Council Member Kaperonis agreed. We could try it and see how it goes. The second and motion were rescinded.

Council Member Rodriguez motioned to have the office open by appointment on Fridays between 9 am and noon. Mayor Pro Tem Kenary seconded the motion.

The motion passed 3-1 with Como voting nay.

Council Member Rodriguez said we need someone in the office to help the clerk and for vacation backup and business continuity. Council Member Rodriguez motioned to bring in an additional employee to work and learn the town business. Mayor Pro Tem Kenary seconded the motion. After some discussion, the second was rescinded and the motion amended that Council look into

hiring or having Susan work additional time or bringing in an employee to do that. Mayor Pro Tem Kenary seconded the motion.

The motion passed unanimously.

A short break was held.

20. Item h from Consent Agenda – Approve Resolution 2017-11 In Support of Historic Designation for Siler Presbyterian Church *Time Stamp 3:52:30*

Mayor Pro Tem Kenary motioned to amend the agenda to do this item next. Council Member Como seconded the motion. There is a meeting with NC DOT on the road widening next week and the question was would this affect the road. Barbara Moore said Siler Church has their homecoming the second Sunday in October and was hoping to have this done by then. The Historic Preservation Commission has not contacted DOT; their focus is on historic preservation. If we wait a week, we can't meet the homecoming deadline. This is something the Church has wanted to do for a long time.

Council Member Rodriguez motioned to approve Resolution 2017-11 In Support of Historic Designation for Siler Presbyterian Church with the caveat it doesn't go into effect until after the September 18, 2017 meeting and there is no impact on widening the road. Council Member Como seconded the motion.

The motion passed unanimously.

**Village of Wesley Chapel, North Carolina Resolution 2017-11
In Support of Historic Designation for Siler Presbyterian Church**

WHEREAS, Siler Presbyterian Church was first organized in 1895; and

WHEREAS, the present church was constructed in 1917-1919 on property donated by church member James Newton Price to replace the earlier wooden structure, extensive labor donated by congregation and community volunteers, and brick for the Gothic Revival style edifice was donated by William Henry Belk, founder of the Belk Brothers retail chain; and

WHEREAS, the North Carolina Department of Natural and Cultural Resources determined that the exterior and interior remain largely intact and that the Gothic-arched apertures, buttresses, and corner towers on the main facade render this building a prime example of Gothic Revival architecture; and

WHEREAS, the church is and has been since 1895 an integral part of the history of the Wesley Chapel/Siler community and has steadily grown in membership; and

WHEREAS, the members are seeking historic designation of the property; and

WHEREAS, the Village of Wesley Chapel recognizes the importance of preserving its historic landmarks for enhancement of the village and its citizens.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the Council of the Village of Wesley Chapel support the request for local landmark designation of Siler Presbyterian Church and in accordance with the General Statutes of North Carolina, in lieu of designating a separate historic properties commission, hereby designates the Union County Historic Preservation Commission to deal only with historic landmarks within the Village.

Ratified by the Village of Wesley Chapel, this 11th day of September 2017.

Mayor Dr. David Kapfhammer, PhD

Attest:

Cheryl Bennett, Wesley Chapel Village Clerk

21. Finance Officer Working Hours Policy *Time Stamp 4:00:40*
This was tabled as it was already discussed in item 20.

22. Review of the Candella Bond release/reduction item from last month *Time Stamp 4:02:28*

Tim Gauss noted after the last meeting he spoke to the attorney and engineer, and state law doesn't allow us to hold a bond for road maintenance, only for performance. They capped and completed the roads and the HOA is the entity taking over the roads. He talked to the attorney and the HOA should be established and given the authority to take over the roads. Members of the HOA are developers as well as residents.

Mayor Pro Tem Kenary motioned to authorize Tim Gauss to contact the developer and if in fact they have established an HOA per the subdivision ordinance and have been authorized to take over the roads, upon verification and upon our engineer's recommendation we just keep the \$25,000 bond for the sidewalks. Council Member Como seconded the motion.

The motion passed unanimously.

23. (Item a from Consent Agenda) Approve minutes of August 17, 2017 special council meeting and closed minutes for item 17 from August 17, 2017 special council meeting
Time Stamp 4:11:26

Mayor Pro Tem Kenary requested we correct the two words on page 118, that we pay the Planning Board members \$100 per **month**, and the chair \$125 per **month**, based on their attendance at the monthly meeting. She then motioned to approve the amended August 17, 2017 minutes; Council Member Rodriguez seconded the motion.

The motion passed unanimously.

No action was taken on the closed minutes.

24. (Item b from Consent Agenda) Approve the previous month planner's and code enforcement reports *Time Stamp 4:15:10*

Mayor Pro Tem Kenary noted we just received the code enforcement report today. Council asked the planner to provide more detail on items in his report going forward. Mayor Pro Tem Kenary motioned to approve the planner's report. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

25. (Item c from Consent Agenda) Approve the previous month finance report *Time Stamp 4:17:58*

Mayor Pro Tem Kenary motioned to amend the budget to move the \$700 donation from the park budget to regular donations budget and charge the check written for \$700 to Partners for Parks to regular donations. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

26. (Item g from Consent Agenda) Budget Amendment: Increase Planning & Zoning Annual Board Salary by \$5,868 (in total for all members) and decrease Contingency by \$5,868 *Time Stamp 4:23:54*

Council Member Rodriguez motioned to increase the Planning & Zoning Board Salary budget by \$5,868 in total for all members and decrease Contingency by \$5,868. Mayor Pro Tem Kenary seconded the motion.

The motion passed unanimously.

Ending Items

27. Council Comments *Time Stamp 4:25:02*

Council Member Como stated the two special meetings and the notifications for them don't clearly state the dollar amounts that are potentially going to be spent and we should go out of our way to be as transparent as possible.

Council Member Kaperonis said he was impressed with the number of people who came out tonight.

Council Member Rodriguez noted the citizen comment he heard "trust the process", having an orderly open meeting, come together as a community and hear what everyone has to say with open hearts and open minds. With that being said he heard the Planning Board minutes and talked to people, and in light of the information on Ms. Fuller's actions he motioned to remove Amanda Fuller from the Planning Board; a few reasons being public officials should be independent and impartial; if Mrs. Fuller had let the process happen and then gone out there it would have been different but to poison the pool before it even started and get everybody crazy it takes away the spirit of the community working together. There are 8,500 residents and we had a lot here tonight and maybe 8,400 don't care what is going on. He had asked the Mayor to have this informational meeting to let everyone know about this and he felt Ms. Fuller was out there poisoning everyone's minds before we sat down and let the process happen. Mayor Pro Tem Kenary seconded the motion. Council Member Como noted you waited until five hours into this meeting and did not discuss it while the lawyer was here. Amanda Fuller stated I did not incite

fear, I shared information with a petition professionally worded, I called Tim Gauss first about when a member must recuse themselves, I did not create fear mongering. The information was sent from Susan in the office, and when an updated concept plan was presented, she provided that as an update to the petition. Council Member Rodriguez said all the people on the petition were not in Wesley Chapel; the proper protocol might have been to go to the Planning Board Chair or to Council, and someone would have said don't do this. Amanda Fuller noted Planning Board had asked for all the information to be sent to them, she said she has spent 18 months on Planning Board, serving on extra committees and spending extra time, and felt this was a slap in her face. Council Member Rodriguez felt this was reactive and not proactive, and did not like the way she went about it.

Council Member Kaperonis said since day one I have said I will raise taxes if necessary. I like Dennis and am pro-business. I would like to have coffee with a client in the morning, the options are McDonalds or Target. I would like to do more business in Wesley Chapel. I like the concept of being uniquely different; it will be tied to a tight conditional zoning plan. He liked the farmers market, the idea of a place for performances, a place for a group to go to, and saw it as positive.

Council Member Rodriguez said Mr. Moser engaged us with this idea, and he liked the idea of getting something going on in Wesley Chapel, the other option is Dennis de-annex and then he builds and we have no say in it.

Council Member Como said this was not on the agenda, you waited until after midnight when everyone left. Council Member Rodriguez said I waited because I did not want to create a scene. Mayor Kapfhammer said during Council Comments you can make a motion.

Mayor Pro Tem Kenary said from the Ethics Policy it states the proper operation of democratic government requires that public officials be independent, impartial and responsible to the people. To that point, we can all express ourselves as citizens. However as public officials, you are held to a different standard; from her standpoint when we went through the process of a re-appointment it seemed like Ms. Fuller walked out the door and put the petition out there. From her interpretation it seems there is tremendous impropriety in what you did.

Mayor Kapfhammer stated Amanda you are a tremendous activist, you got 1,500 to respond when the survey didn't get 300 responses. He said this is not a freedom of speech issue, it is about Council feeling comfortable with you being a representative on Planning Board. When he get lots of questions about the ethics policy, he felt it concerning that we have to go to the least common denominator, the ethics policy.

Council Member Rodriguez asked Council Member Como if he had a conversation with Mr. Moser where Council Member Como stated that you had a conversation with Ms. Fuller where you told her you were concerned, you are going too far and you talked to Amanda to tone it down; Mr. Moser told me this. Council Member Como said no, Mr. Moser called me, he called a lot of people after the Planning Board meeting when he was upset he didn't get his way.

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

Mayor Pro Tem Kenary said it is important to remember our boards serve at the pleasure of Council, the Council has the authority to remove or appoint with the exception that the Mayor appoints Committee members. She noted while she has been on Council she has been the one to raise and lower the flag, and the current flag is shredded; she was disappointed with the lack of respect given to the flag and wanted us to order a heavier duty flag next time.

Mayor Kapfhammer noted the new code enforcement officer will come in on the September 21st. The latest date for roundabout completion is in a few weeks if the weather is good.

28. Adjournment *Time Stamp 4:49:09*

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

The motion passed unanimously.

The meeting ended at approximately 12:22 am.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Dr. David Kapfhammer