

VILLAGE OF WESLEY CHAPEL  
SPECIAL COUNCIL MEETING MINUTES  
WESLEY CHAPEL TOWN HALL  
6490 Weddington Road, Wesley Chapel, NC 28104  
October 12, 2017 – 7:00 PM

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

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

**Others Present:** 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*

Mike Como read the Village mission statement and commented that some of us have forgotten it. He added that if something is to be put on the agenda, it should not happen five hours after the meeting starts like the dismissal of a Planning Board member last month.

Robert Smith from Potters Trace said his family was emphatically against the Moser development, noted he was looking forward to his son attending Wesley Chapel Elementary School, and wanted to keep the school safe, and not have commercial built so close to the school.

Lori Bailey from Heather Glen said there is not a process for addressing the developer's request for a Land Use Plan Map and Text change; you did not even provide Planning Board the opportunity to do due diligence, instead you agreed with the developer for a public showcase of a marketing package, an extremely prejudicial action. She noted this Council lacks transparency, agenda changes are made during the meeting, the minutes are not on the website until after they are approved the following month, and special meetings were held but no recording or minutes are available for residents to know what was decided. Planning Board and other committee meetings are not recorded nor minutes put on the website until the following month. Added to Council's insistence on their ability to have discussions with developers without providing transparency, is why this Council is not trusted and accused of back room deals. She commented Council members have a responsibility to represent residents, not Council's own personal interests. This Council has pet projects, while supporting the Land Use Plan and completing buildout and occupancy of the three existing commercial areas and to complete Dogwood Park is a priority. This Council has been disrespectful of residents, with the September 22 meeting only one member was present at the designated time, generally if a quorum isn't available within a few minutes of the scheduled time, the meeting does not occur. This Council has extinguished resident inclusion in local government; only the Youth Council Committee remains somewhat active, although no meeting minutes have been posted since June 28, 2017. She asked if this

Council's legacy is a lack of transparency and a total disrespect of each other and fellow Wesley Chapel citizens.

Sherry Killion from Heather Glen said retail development actually costs the town due to the safety services and road infrastructure the town must provide, and only a small portion of the sales tax generated comes back to Union County, and then it is distributed out by ad valorem tax share. As one of the smallest municipalities, we receive only a very small share. Our current commercial area provides only \$10,353 in annual property tax revenue, which only partially funds our deputy who costs more than \$80,000 annually, and 50% of his time is spent at the shopping center with shoplifters. If we have a second deputy we will be paying \$160,000. Other agencies control the roads. Our current town center is not fully built out, and urged Council to vote no to the new development for many negative impacts.

John Lepke commented on the town hall land beautification project, and noted Council Member Kenary required extreme detail at the park such as number and name of species to be planted, cost of each, detailed diagram of where each was to be planted, and documentation on why it was an appropriate species for the location; for any area to be grassed - how would it be graded, how would the ground be prepared for planting, how would it be fertilized, what fertilizer would be used, what seed used etc., and he expected she would provide that same information for the beautification project as was set as a precedent by Council Member Kenary for previous projects. He asked for fair and unbiased treatment of all taxpayer funded projects such as this one.

Elliot Smith from Price Mill said the development would be a tremendous disruption to the Land Use Plan, the area has hazardous traffic and insufficient infrastructure, it opens the door to further development in the area and sprawl, potential flooding problems and noted the Village passed on that location in the past. He added it could potentially cause a tax increase (for funding law enforcement, maintaining a park and managing traffic). The plan is unrealistic as we haven't attracted those high end stores in the development next door that is not completed, people don't want to dine or go to high end retail behind a gas station, nor have a farmers market by a Sprouts Farmers Market. Consider the impact on Wesley Chapel Elementary School - what we don't want or need is a Sun Valley development around our school; there is no other commercial development around an elementary school in this County like that, it will bring businesses which provide absolutely no tangible benefits to the children but will attract individuals who pose a very real danger, like the recent carjacking in Sun Valley, as well as the long-term impact on the reputation of our school system. The bottom line, is this is a horrible location for this, and please vote no.

Brad Horvath, from Candella, noted regarding Aston Properties, we could have asked for a construction timeline when it was approved but the town did not. Aston has vested rights, however we can try to work amenably with them to make things better. Regarding the sales tax allocation, we only receive .0689 of a percent of what Union County receives, which is very miniscule. There seems to be a lot of things on the agenda to spend money, we spoke of a need for cameras for the park, but he hadn't heard of a need for cameras here. He noted we pay for an annual audit, and have not had a single issue found, and did not know why we would need a state audit.

Amanda Fuller from Price Mill noted recent discussions have made it clear that residents want full buildout of the Aston shopping center, and she encouraged Council to mobilize the energy of current groups or create a task force to build a productive relationship with Aston Properties. This is where our priorities for commercial development should lie.

3. Adoption of Agenda *Time Stamp 20:50*

The agenda was amended to move the “Revisions to Youth Council Charter” from the consent agenda to regular agenda, move item 19 on the payment and budget amendment for Helms Heating and Air to consent agenda, and remove the item on Conservation Zoning. Council Member Como motioned to adopt the agenda with the above changes. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

4. Consider Approval of Consent Agenda *Time Stamp 24:26*

- a. Approve closed minutes for item 17 from August 17, 2017 council meeting
- b. Approve previous month planner’s and code enforcement reports
- c. Approve the previous month finance report
- d. Proclamation for National Fallen Firefighters Memorial Day and Fire Prevention Week
- e. Proclamation for Red Ribbon Week
- f. Approve Ordinance 2017-12 to allow the sale of alcoholic beverages before noon on Sundays at licensed premises
- g. Approve payment of \$518.11 to Helms Heating and Air to replace blower motor that was not covered under warranty (already paid \$382.01 for labor) and consider proposal for recommended repairs in amount up to \$1,000 and budget amendment to move \$1,500 from contingency to town office maintenance services.

Council Member Como motioned to approve the consent agenda; Council Member Rodriguez seconded the motion.

The motion passed unanimously.

**September 30, 2017 Balance Sheet**

**ASSETS**

**Current Assets**

**Checking/Savings**

<b>Fifth Third Bank checking</b>	266,013.43
<b>Fifth Third Maxsaver</b>	308,733.00
<b>NCCMT Government Portfolio</b>	300,880.40
<b>BB&amp;T Money Market</b>	507,966.08
<b>Cash Change Fund</b>	50.00
<b>Total Checking/Savings</b>	<u>1,383,642.91</u>

2017.10.12 Council meeting minutes

Total Accounts Receivable	2,600.61
<b>Other Current Assets</b>	
Property Tax Rec.	823.00
Allow. for Doubtful Accounts	<u>-482.00</u>
Total Sales Taxes to be Received	<u>706.90</u>
<b>Total Other Current Assets</b>	<u>1,047.90</u>
<b>Total Current Assets</b>	1,387,291.42
<b>Fixed Assets</b>	
Land	813,423.00
<b>Dogwood Park</b>	
Dogwood Park Improvements	722,271.00
Dogwood Park fountain	12,960.00
Dogwood Park Water Improvement	8,440.00
Dogwood Park Gate	7,076.00
Dogwood Park Shipping Container	3,200.00
Dogwood Park Signs	<u>3,803.00</u>
<b>Total Dogwood Park</b>	757,750.00
Town Hall	1,361,869.00
Furniture & Equipment	40,939.00
Town Hall Driveway/Irrigation	64,192.00
Accumulated Deprec.	<u>-406,117.98</u>
<b>Total Fixed Assets</b>	2,632,055.02
<b>Other Assets</b>	
Def Outflow Contr to PenPlan CY	11,945.00
Employer deferred outflow	<u>-140.00</u>
<b>Total Other Assets</b>	<u>11,805.00</u>
<b>TOTAL ASSETS</b>	<u><u>4,031,151.44</u></u>
<b>LIABILITIES &amp; Fund Balance</b>	
<b>Liabilities</b>	
<b>Other Current Liabilities</b>	
Due to Union County Schools	3.15
Escrow from Developers	196,090.00
Deferred Revenue	<u>341.20</u>
<b>Total Other Current Liabilities</b>	<u>196,434.35</u>
<b>Long Term Liabilities</b>	
Net pension liability	8,916.00
Deferred inflows Pension	<u>6,810.00</u>
<b>Total Long Term Liabilities</b>	<u>15,726.00</u>
<b>Total Liabilities</b>	212,160.35
<b>Fund Balance</b>	
Fund Bal. inv. in Fixed Assets	2,632,055.02

2017.10.12 Council meeting minutes

Fund Bal. non-spendable	196,090.00
FB Restrict for P&R fee in lieu	131,500.78
Fund Bal. Res for Amph. Cover	3,664.00
Fund Bal assigned TH land	25,000.00
Fund Bal Assign future park imp	3,550.00
Fund Bal. Assigned for Sidewalk	24,000.00
Fund Balance Assigned for NNO	313.40
Fund Balance	914,562.14
Excess of Rev. over Exp.	<u>-111,744.25</u>

Total Fund Balance	<u>3,818,991.09</u>
TOTAL LIABILITIES & Fund Balance	<u><u>4,031,151.44</u></u>

**September 2017 Budget Report**

	<u>Sep 17</u>	<u>Jul - Sep 17</u>	<u>YTD Budget</u>	<u>% of Budget</u>
<b>General Fund</b>				
<b>Income</b>				
<b>Appropriated Fund Balance</b>	0.00	0.00	131,562.00	0%
<b>Property Tax Income</b>				
<b>Current Year Property Tax</b>	8,573.12	9,313.51	146,243.00	6%
<b>Utility Ad Valorem</b>	0.00	0.00	1,960.00	0%
<b>Vehicle Registration</b>	1,605.35	2,976.05	14,604.00	20%
<b>Delinquent Property Tax</b>	30.16	30.16	300.00	10%
<b>Interest/Ad Fee on Taxes</b>	<u>13.09</u>	<u>29.71</u>	<u>250.00</u>	<u>12%</u>
<b>Total Property Tax Income</b>	10,221.72	12,349.43	163,357.00	8%
<b>Fees and Licenses</b>				
<b>Privilege Licenses</b>	0.00	285.00	270.00	106%
<b>Zoning Permit</b>	1,650.00	4,050.00	25,000.00	16%
<b>Engineering Fees Reimbursement</b>	0.00	10,409.36	57,000.00	18%
<b>Annexation Exp Reimbursed</b>	0.00	30.00	100.00	30%
<b>Misc. Fees</b>	<u>11.99</u>	<u>111.99</u>	<u>800.00</u>	<u>14%</u>
<b>Total Fees and Licenses</b>	1,661.99	14,886.35	83,170.00	18%
<b>Interest Earned</b>	55.82	562.84	800.00	70%
<b>Revenue Sharing</b>				
<b>Sales &amp; Use Taxes</b>	454.51	454.51	48,000.00	1%
<b>Sales Tax on Telecom. Services</b>	92.56	92.56	8,200.00	1%
<b>Sales Tax on Video Programming</b>	405.57	405.57	96,000.00	0%
<b>Sales Tax on Electricity</b>	544.69	544.69	201,000.00	0%
<b>Sales Tax on Piped Natural Gas</b>	1,082.70	1,082.70	15,000.00	7%
<b>Alcoholic Beverage Tax</b>	<u>0.00</u>	<u>0.00</u>	<u>36,500.00</u>	<u>0%</u>
<b>Total Revenue Sharing</b>	<u>2,580.03</u>	<u>2,580.03</u>	<u>404,700.00</u>	<u>1%</u>
<b>Total Income</b>	<u>14,519.56</u>	<u>30,378.65</u>	<u>783,589.00</u>	<u>4%</u>

<b>Expense</b>				
<b>Total Town Hall Operating Expense</b>	3,392.98	8,597.68	24,400.00	35%
<b>Total Operating Expenditures</b>	378.09	23,218.05	80,347.00	29%
<b>Total Planning &amp; Zoning</b>	10,324.78	19,021.42	118,600.00	16%
<b>Total Gen. Govt. Salaries</b>	13,964.07	28,083.23	133,798.00	21%
<b>Total Professional Fees</b>	4,740.00	9,167.50	91,635.00	10%
<b>Total Capital Outlay</b>	97.50	97.50	57,000.00	0%
<b>Total Public Services / Safety Parks &amp; Recreation</b>	22,014.50	44,029.00	91,393.00	48%
<b>Total Park Maint. Supplies&amp; Mat.</b>	0.00	0.00	600.00	0%
<b>Total Park Maint. Services</b>	3,530.95	9,908.52	69,816.00	14%
<b>Total P&amp;R Capital Outlay</b>	0.00	0.00	116,000.00	0%
<b>Total Parks &amp; Recreation</b>	3,530.95	9,908.52	186,416.00	5%
<b>Total Expense</b>	58,442.87	142,122.90	783,589.00	18%
<b>Excess of Rev. over Exp.</b>	<b>-43,923.31</b>	<b>-111,744.25</b>	<b>0.00</b>	<b>100%</b>

*Village Of Wesley Chapel Proclamation  
National Fallen Firefighters Memorial Day and Fire Prevention Week*

WHEREAS, the United States Congress and the President of the United States have designated the day of the annual National Fallen Firefighters Memorial Service as a day to honor firefighters and emergency services personnel who have sacrificed their lives to save others by lowering the American flag on all federal buildings to half-staff; and an average of 80 firefighters courageously make the ultimate sacrifice in the line of duty each year; and  
 WHEREAS, firefighters and emergency services personnel play an essential role in the protection of lives and property in our local community; and  
 WHEREAS, the National Fallen Firefighters Memorial Service marks the beginning of the annual Fire Prevention Week observance; and  
 WHEREAS, it is of major importance that we increase our efforts to reduce deaths, injuries, and property losses from fire;  
 THEREFORE, I Mayor of the Village of Wesley Chapel, now call upon all citizens of the Village of Wesley Chapel and upon all patriotic, civic, and educational organizations to observe the day of October 8, 2017, in recognition of the patriotic service and dedicated efforts of our fire and emergency services personnel by lowering American flags on all buildings to half-staff. I respectfully encourage these same organizations as well as the citizens of the Village to remember all fire and emergency personnel who have made the ultimate sacrifice in service to their community and to pay respect to the survivors of our fallen heroes by participating in Bells Across America for Fallen Firefighters. Toll a bell, pause for a moment of silence, or read a special passage to honor the sacrifices of these public servants and their families during your group's gathering or meeting.

I encourage appropriate services and ceremonies in which all of our citizens may participate to honor fire and emergency services personnel, past and present, who, by their faithful and loyal devotion to duties, have rendered invaluable service to our community and its citizens.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Village of Wesley Chapel to be affixed, at the Village of Wesley Chapel, this Monday, October 12th, 2017.

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Mayor David Kapfhammer, PhD

Village of Wesley Chapel, NC  
Proclamation for Red Ribbon Week



**WHEREAS:** communities across America have been plagued by the numerous problems associated with illicit drug use and those that traffic in them; and

**WHEREAS:** there is hope in winning the war on drugs, and that hope lies in education and drug demand reduction, coupled with the hard work and determination of organizations such as the Mecklenburg County Young Marines of the Marine Corps League to foster a healthy, drug-free lifestyle; and

**WHEREAS:** governments and community leaders know that citizen support is one of the most effective tools in the effort to reduce the use of illicit drugs in our communities; and

**WHEREAS:** the red ribbon has been chosen as a symbol commemorating the work of Enrique "Kiki" Camarena, a Drug Enforcement Administration Special Agent who was murdered in the line of duty, and represents the belief that one person can make a difference; and

**WHEREAS:** the Red Ribbon Campaign was established by Congress in 1988 to encourage a drug-free lifestyle and involvement in drug prevention and reduction efforts; and

**WHEREAS:** October 23-31 has been designated National Red Ribbon Week, which encourages Americans to wear a red ribbon to show their support for a drug-free environment;

**NOW, THEREFORE BE IT PROCLAIMED,** that I, Dr. David Kapfhammer, PhD, Mayor of the Village of Wesley Chapel, North Carolina, do hereby proclaim October 23-31, 2016 as RED

RIBBON WEEK in Wesley Chapel, North Carolina and urge all citizens to join me in this special observance.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the Village to be affixed this 9<sup>th</sup> day of October, 2017.

Signed \_\_\_\_\_ SEAL Attest \_\_\_\_\_

Mayor Dr. David Kapfhammer, PhD

Cheryl Bennett, Village Clerk

Ordinance No. 2017-12

**AN ORDINANCE TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES  
BEFORE NOON ON SUNDAYS AT LICENSED PREMISES**

**WHEREAS**, on June 29, 2017, the North Carolina General Assembly enacted Senate Bill 155, entitled "An Act to Make Various Changes to the Alcoholic Beverage Control Commission Laws"; and

**WHEREAS**, Section 4 of Ratified Senate Bill 155 authorizes city and county governments to adopt an ordinance to allow alcohol sales beginning at 10 a.m. on Sundays; and

**WHEREAS**, Ratified Senate Bill 155 was signed into law by Governor Roy Cooper on the 30<sup>th</sup> day of June, 2017 and became effective on that date (Session Law 2017, Chapter 87); and

**WHEREAS**, by enacting Senate Bill 155, North Carolina joins 47 other States in allowing alcohol service before noon on Sunday; and

**WHEREAS**, Sunday morning alcohol service will allow the hospitality community and retail merchants in our community to meet the needs of their customers, and will benefit our small business community; and

**WHEREAS**, our community has a diverse and growing population with different religious beliefs, each of which has various times and multiple days of worship;

**NOW, THEREFORE, BE IT ORDAINED** by the Village of Wesley Chapel Council of Wesley Chapel, North Carolina that:

**Section 1.** Pursuant to the authority granted by S.L. 2017-87 any establishment located in the corporate limits of Wesley Chapel and holding an ABC permit issued pursuant to G.S. 18B-1001 is permitted to sell beverages allowed by its permit beginning at 10 a.m. on Sundays.

**Section 2.** All laws and clauses of law in conflict herewith are repealed to the extent of any such conflict.

**Section 3.** This ordinance is effective on the   12th   day of October, 2017.

ADOPTED this   12th   day of October, 2017.

ATTEST:

\_\_\_\_\_  
Dr. David Kapfhammer, PhD

Mayor

\_\_\_\_\_  
Cheryl Bennett

Village Clerk

5. Discuss application of Taiwo Jaiyeoba to alternate position open on Planning Board *Time Stamp 24:44*

Mayor Kapfhammer said he wanted to ensure geographic diversity in the Planning Board. Council Member Como motioned to appoint Taiwo Jaiyeoba to the alternate position open on Planning Board. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

6. Planning Board Report *Time Stamp 27:48*

Planning Board Chair John Souza reported at the September Planning Board meeting the main topic was the Moser proposal, and the recommendation to disapprove the Future Land Use Plan map and text amendments was unanimous. Mr. Gauss reported there were still 54 home sites approved but not built, plus the senior housing units. The Board invited Aston to their next meeting. Mr. Gauss noted Aston has submitted for an office building which will go through administrative review. The October Planning Board meeting agenda will include Heritage final plat and Courtyards Phase 2 final plat, Courtyards monument sign, and revisit the status of conservation zoning. Rules of Procedure are provided to Planning Board members, and reviewed in training sessions. Mayor Kapfhammer noted Mayor Deter from Weddington has arranged for Planning Board training and Mr. Souza will see if members can attend.

There was a special Council meeting for bonds for Five Stones Church; Mr. Gauss reported he has been in touch with the Church, some issues they are still dealing with and some timing issues where they will not be able to complete some items before occupying. His concern was the site was safe for public access, and he gave conditional approval and visited the site today. Council Member Como questioned why we had a special meeting two weeks ago for the bonds, and we still don't have the bonds. Mr. Gauss has not given them final approval. Council Member Como noted part of the driveway is not paved, there is construction activity going on, and no parking lot lights.

7. A. Youth Council Committee Report *Time Stamp 43:20*

No representative of the committee was present.

B. Approve Revisions to Youth Council Charter

Council Member Como noted the changes include concentrating on events, but meanwhile there is talk of an events committee, and preferred to have the Youth Council Committee work with Parks and Rec or an Events Committee instead of changing their charter. Mayor Kapfhammer said this isn't making them responsible for events, this just allows them to do events. Council Member Rodriguez was in favor of events and wanted to encourage the youth to participate and work with an events or parks and rec committee. Council Member Kaperonis felt the vision was more a sub group of a park and rec committee. Mayor Pro Tem Kenary said revisions were mostly to clean up the charter, and she motioned to approve the revisions to the Youth Council Charter. Council Member Rodriguez seconded the motion.

The motion passed 3-1 with Como voting nay.

Council Member Como noted the Youth Council meets twice a month, and some sets of minutes are missing on the website. The Clerk and Council liaison have already requested the Council submit the minutes.

8. Deputy Report *Time Stamp 49:03*

Deputy Wicker was not present.

9. Report from Finance Officer *Time Stamp 49:08*

Finance Officer Bennett reported that during September a budget transfer was made to move \$100 from Professional Legal Fees to Deputies to cover the cost of the deputy at the candidate forum. We are still in the red, most of the tax money is not yet in. The auditor is working on the audit and hopefully it will be submitted on time by October 31<sup>st</sup>.

**Old Business**

10. Town Hall Land Beautification Project – Next steps: Choose which option to execute on with USI and appropriate funds as necessary *Time Stamp 50:16*

Mayor Pro Tem Kenary reported that during construction of town hall, additional dirt was brought in and now the previous topo survey is inaccurate. The landscapers cannot say how much dirt should be moved and if you disturb more than one acre, you need erosion control permits from DENR and a stormwater plan. She spoke with our stormwater engineer, and we have a proposal dated in July from them. We need to determine which tasks to do. Task 2 is to pipe the stormwater, there is a sewer line easement, and you could not put the pipes on top of the sewer pipes, so it would be illogical. Our engineer would provide the bid documents, and coordinate with Aston Properties. Mayor Pro Tem Kenary motioned to approve Resolution 2017-10 to Exempt from the Provisions of GS 1473-64.31 Regarding Contracting Professional Services – Town Hall Land. Council Member Rodriguez seconded the motion. Council Member Como complained there was only one bid, and when he was tasked to rebid, he asked for and was not given a scope statement; this is the first time we got the details. He called the engineer, and she said if we do not do anything with the land we do not need their services, only if more than one acre is disturbed do we need a plan or permit. He complained that we are

voting to spend \$18,000 and do not know what the project will look like. Mayor Kapfhammer said at the last meeting you had opposition to the bid, and you had two months to pull together bids, but you just called Bonnie. Council Member Rodriguez was in favor of doing something on our land, and agreed not to do task 2; noting we trust our engineer for all our communities stormwater plans. Council Member Como noted if just do under an acre, we do not have to do this. Mayor Pro Tem Kenary said the documentation for town hall is incomplete, we still need a topographical survey. We do not have to bid this out since the services are under \$50,000. We will have a document that we can keep into the future. Council made a decision to move forward. Council Member Como said if we go from 1.08 acres to one acre, we avoid the costs. Council Member Kaperonis was in favor of moving forward with some constraints, and didn't want to spend funds if we don't need to.

The motion passed 3-1 with Como voting nay.

**Resolution 2017- 10**  
**Resolution for Exemption from the Provisions of G.S. 143-64.31**  
**Regarding Contracting Professional Services- Town Hall Land**  
**Wesley Chapel, North Carolina**

WHEREAS G.S. 143-64.31 requires the initial selection of firms to perform architectural, engineering, and surveying services without regard to fee; and

WHEREAS G.S. 143-64.32 allows municipalities to exempt themselves from the provisions of 143-64.31 if such professional fees are less than \$50,000; and

WHEREAS the Village of Wesley Chapel proposes to enter into one or more contracts for such services for work to regrade and beautify the Town Hall land parcel of land; and

WHEREAS professional fees for these services will be less than \$50,000;

NOW, THEREFORE, THE WESLEY CHAPEL VILLAGE COUNCIL RESOLVES:

Section 1. The above-described project is hereby made exempt from the provisions of G.S. 143-64.31 for the reasons stated in this resolution.

Section 2. This resolution shall be effective upon passage.

Adopted this \_12th\_ day of October, 2017.

ATTEST

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Cheryl Bennett, Village Clerk

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Dr. David Kapfhammer, PhD, Mayor

Mayor Pro Tem Kenary motioned to contract with US Infrastructure to do tasks 1, 3 and 4 from their July 17, 2017 proposal in the amount of \$24,188. Council Member Rodriguez seconded the motion, and noted it might encourage Aston. Council Member Kaperonis said we need to take care of our land and need the final document. Council Member Como said if we scale it down by .08 acre to one acre we wouldn't have to spend a single dollar. Mayor Kapfhammer said the landscapers say they can't grass the land without the document.

The motion passed 3-1 with Como voting nay.

11. Call for special meeting to discuss: (1) status of Dogwood Park CUP; (2) Dam Borings; (3) Park Path Forward re: landscaping and overflow area; (4) Retire and disband Park & Rec Charter and Committee; Discuss the Need of a New Charter and Committee for Park Events *Time Stamp 1:15:29*

Mayor Pro Tem Kenary motioned to hold a special meeting on October 18<sup>th</sup> at 7 pm to discuss the above stated items. Council Member Rodriguez seconded the motion.

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

12. Approve Ordinance to Amend Subdivision Ordinance with Respect to Walls *Time Stamp 1:19:00*

Mayor Pro Tem Kenary recommended Planning Board look at the Subdivision Ordinance to urge developers work with the land to preclude the need for retaining walls. Council Member Rodriguez motioned to ask Planning Board to look at the issue, and approve Ordinance 2017-06 To Adopt Subdivision Ordinance Text Amendment Regarding Walls; Council Member Kaperonis seconded the motion.

The motion passed unanimously.

**VILLAGE OF WESLEY CHAPEL, NORTH CAROLINA  
TO ADOPT SUBDIVISION ORDINANCE TEXT AMENDMENT REGARDING WALLS  
Ord. 2017- 06**

**THAT WHEREAS**, the Village of Wesley Chapel has considered amending the Village's Subdivision Ordinance regarding regulations pertaining to walls; and

**WHEREAS**, the Village Council considers such amendments as contributing to the public welfare:

**THEREFORE** the following amendments are to be made to the Village's Subdivision Ordinance (New text is shown in ***bold, italicized and underlined type***; text to be removed is struck).

1. **Add to Section 113, "Other Definitions":**

***Retaining Wall***

***A vertical structure designed to restrain soil to a slope that it would not naturally adhere to (typically a steep, near-vertical or vertical slope). Retaining walls are used to provide separation between different elevations often in terrain where the landscape needs to be engineered for more specific purposes.***

2. Add to Section 305.2 (j), "Minor Subdivision Plat Preliminary Plan Submittal Requirements":

j) The preliminary plat of the proposed subdivision shall show the following

- A separate rough grading concept plan drawn as the same scale as the final plat showing lot lines, topography with contour intervals of no greater than ten (10) feet (at the discretion of the Subdivision Administrator contour intervals of five (5) feet may be required), and an accurate mapping of all soil classifications found on the site and general depths thereof; and
- A separate map or plan illustrating general site constrains including, but not limited to: areas within floodplains; areas of slopes greater than fifteen (15) percent; and, areas where retaining walls may be required; and,
- Where any retaining walls are required, indicate proposed wall height and proposed material. Retaining wall materials shall have a decorative texture and an integrally tinted earth tone color.

3. Add to Section 307.1 (k), "Major Subdivision Plat Sketch Plan Submittal Requirements":

- A separate ~~map~~ rough grading concept plan drawn as the same scale as the final plat...
- A separate map or plan illustrating general site constrains including, but not limited to: areas within floodplains; areas of slopes greater than fifteen (15) percent; and, areas where retaining walls may be required; and,
- Where any retaining walls are required, indicate proposed wall height and proposed material. Retaining wall materials shall have a decorative texture and an integrally tinted earth tone color.

Adopted this \_12th\_\_\_ day of October, 2017.

Attest:

\_\_\_\_\_  
Cheryl Bennett, Village Clerk

\_\_\_\_\_  
Mayor David Kapfhammer, PhD

13. Approve Ordinance to Amend Zoning Ordinance with Respect to Walls *Time Stamp 1:21:57*

Council Member Rodriguez motioned to approve Ordinance 2017-05 to Adopt Zoning Ordinance Text Amendment Regarding Walls. He then amended the motion to add the

statement of reasonableness that the text is reasonable as it affords the Village greater site development information than the current text and the statement of consistency that the proposed text is neither consistent nor inconsistent with the Village's Land Use Plan (LUP) as the LUP does not address walls. Mayor Pro Tem Kenary seconded the motion.

The motion passed unanimously.

**VILLAGE OF WESLEY CHAPEL, NORTH CAROLINA  
TO ADOPT ZONING ORDINANCE TEXT AMENDMENT REGARDING WALLS  
Ord. 2017- 05**

**THAT WHEREAS**, the Village of Wesley Chapel has considered amending the Village's Zoning Ordinance regarding regulations pertaining to walls;

**WHEREAS**, the Village Council considers such amendments as contributing to the public welfare:

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

**1. Add to Section 2.2, "Definitions":**

**Wall, Freestanding**

**A constructed solid barrier of concrete, stone, brick, tile, wood or similar type of material that stands free of attachment or support and encloses or borders a yard or lot.**

**Wall, Retaining**

**A vertical structure designed to restrain soil to a slope that it would not naturally adhere to (typically a steep, near-vertical or vertical slope). Retaining walls are used to provide separation between different elevations often in terrain where the landscape needs to be engineered for more specific purposes.**

**2. Add to Section 3.5.1, "Application Procedures (for Conditional Zoning Requests):**

**Areas that may require retaining walls due to topographic constraints shall be identified on the plan. Provide proposed material and estimated height of the walls. Retaining wall materials shall have a decorative texture and an integrally tinted earth tone color.**

**3. Amend Section 4.3, "Fences and Walls Permitted":**

Unless otherwise noted in this Ordinance, fences or walls **30 inches or greater in height** are permitted in the various districts subject to the following regulations:

**4.3.1** In Residential Districts:

- a. Within the required rear and side yard ~~areas~~ **setbacks** the maximum height of a fence (except court perimeter fences) or **freestanding or retaining** wall shall be eight (8) feet.
- b. Within the required front yard ~~areas~~ **setbacks**, the maximum height of a fence or **freestanding or retaining** wall shall be five (5) feet. ~~with an~~

~~unobstructive view.~~

- c. No portion on any fence or ***freestanding or retaining*** wall shall be located within the established right-of-way of any publicly maintained road unless an encroachment agreement has first been obtained from the governmental body maintaining said road.
- d. Subdivision entry ~~and perimeter walls~~ are not required ***limited*** to be of any specific height or style, but are subject to specific review and approval of the Village of Wesley Chapel Planning Board prior to the start of construction. Said review and approval shall include any signage and/or illumination integral to subdivision entry and perimeter walls.

**4.3.2** In Business Districts:

- a. Within the required rear and side yard areas ***setbacks*** the maximum height of a fence or ***freestanding or retaining wall*** shall be eight (8) feet.
- b. Within the required front yard areas ***setbacks***, the maximum height of a fence shall be five (5) feet.

**4. Add to Section 10.8, "Zoning Permit Not Required":**

**Section 10.8 Zoning Permit Not Required (Renumbered 09.18.2012)**

Notwithstanding any other provisions of this Ordinance, no zoning permit is necessary for the following uses:

- (4) Mailboxes, newspaper boxes, ***freestanding or retaining walls less than thirty (30) inches in height***, fences, birdhouses, flag poles, pump covers, and doghouses under fifteen (15) square feet of gross floor area.

**5. Add to Section 14.6.5 (10), "Stormwater Management Concept Plan Checklist":**

**10. Areas that may require retaining walls due to topographic constraints shall be identified on the plan. Provide proposed material and estimated height of the walls. Retaining wall materials shall have a decorative texture and an integrally tinted earth tone color.**

Adopted this \_12th\_ day of October, 2017.

Attest:

\_\_\_\_\_  
Cheryl Bennett, Village Clerk

\_\_\_\_\_  
Mayor David Kapfhammer, PhD

14. Discuss What We Plan to Do Regarding an Ordinance on Conservation Zoning *Time Stamp*

Item was removed from agenda.

15. Discus Status of Council Computer Monitors in Chambers *Time Stamp 1:23:49*

Council Member Rodriguez noted we have a problem that when the image is shown on the big screen, Council cannot see it on their monitors. Council Member Rodriguez motioned to task himself to go out and get estimates to get this fixed. Mayor Pro Tem Kenary seconded the motion. Mayor Pro Tem Kenary and Administrator Bennett noted when the building was constructed, the conduit installed in the chambers was not of adequate size to allow the proper wiring to facilitate the use of the projector. The technology contractor has since gone out of business. Council Member Kaperonis noted he had a couple of people look at it, and a couple of times both screen and monitors have worked.

The motion passed unanimously.

16. Update on Progress of Cameras for Town Hall *Time Stamp 1:34:25*

Council Member Rodriguez said when the town hall was built we should have had security cameras in here, for a long time we just had one employee here, and for the safety of our employees and our assets we should have cameras. He also cited an incident in the building. Council Member Rodriguez motioned that he would do the research to find out what it would cost and the best locations for cameras for town hall. Mayor Pro Tem Kenary seconded the motion. After some discussion a vote was held.

The motion passed unanimously.

17. Consider Proposals for Cameras at Park – Current Quotes from Sonitrol and Quantum Security; and RFP Technologies Quote from December 2016; Discuss and Path Forward *Time Stamp 1:34:25*

As requested during the May 2, 2017 budget meeting the Clerk looked into cameras for the park. Council Member Rodriguez obtained a quote from RFP in December 2016. Quotes were obtained by the Clerk from Quantum Security and Sonitrol. Bill Price from Sonitrol was present and described how their systems are designed to detect and stop a crime while it is taking place. Their systems are in Waxhaw and Charlotte-Mecklenburg parks. Mr. Price did ask the Sheriff if he would take over some of the monitoring but he did not want to do so. The proposal includes monitoring services. This system has good cameras, but would not identify a license plate. This system works through cellular waves to the cloud and to the monitoring system. Outside of the camera would be a box with hardware to power the system, solar power is possible. Mr. Price recommended starting with the gate since that is where we have had problems, and we could work further from there. Cheryl Bennett explained that the technology does not show pictures of grass or dogs or deer, it is fine tuned to only show people and vehicles. It solves the problems of not having a structure or internet service at the park, and the long distances between cameras and having a rocky terrain. The proposal includes monitoring services from 11 pm to dawn, however

the camera is always recording. Mayor Pro Tem Kenary motioned to move forward with Sonitrol for the gate and parking area cameras and move forward with discussions when he brings back quotes for that area plus town hall cameras. This does not include license plate cameras; Mr. Price noted those cameras require good lighting and at the gate the location would be at a low level at the street and likely to be vandalized, those cameras are expensive and start at \$3,000 to \$4,000. Mr. Price said the analytic cameras looks for humans and vehicles and you can set up the parameters of what it looks for. Council Member Kaperonis seconded the motion. If a structure was added to the park you could tie in more cameras but it would not change the gate cameras due to the distance between them. Mayor Pro Tem Kenary rescinded her motion. She then made a new motion to add the discussion on cameras to the agenda for the October 18, 2017 meeting. Council Member Kaperonis seconded the motion.

The motion passed unanimously.

### **New Business**

18. Aston Properties – Discuss Current Application, Status of Their CUP Time for Finish Build-out *Time Stamp 1:58:24*

Mayor Pro Tem Kenary felt the best way is to hand this over to Planning Board and they can have a good conversation with Aston, and keep this as a regular agenda item going forward, or have a committee, with specific qualifications, work on it. Council Member Kaperonis noted other towns' shopping centers have come on line long after this was started, we have the demographics and income; perhaps they could come to Council. If they are not willing to do it, we have others that will. Mayor Kapfhammer liked Ms. Fuller's idea of a citizen action committee. Aston has vested rights, if we were to attempt to do something from a governance perspective, they would more than likely sue, and more than likely win. A construction schedule was never required. Council Member Kaperonis suggested creating an infographic on Wesley Chapel. Mayor Pro Tem Kenary noted that Aston had a main street concept for the shopping center, Tim Gauss noted the submittal for the 10,000 square foot one story medical building is not on the main street, but they still intend to extend the main street towards town hall. He handed out sheets showing square footage by envelope, about 191,000 square feet has been built, 10,000 feet will be built next, and about 164,000 square feet remains to be built. Mr. Gauss will reconcile the figures on the sheet with the site plan from the vision book. Mayor Pro Tem Kenary noted the building will alter the roofline since it is not on the main street, which is different from what was shown in the vision book.

19. Approve Payment of \$518.11 to Helms Heating and Air to Replace Blower Motor That Was Not Covered Under Warranty (already paid \$382.01 for labor) and Consider Proposal for Recommended Repairs in Amount Up to \$1,000 *Time Stamp*

Item was moved to consent agenda.

20. Discuss Placement of Recording Device and Verbatim Minutes *Time Stamp 2:17:06*

Council Member Rodriguez said the recordings can barely be heard and are scratchy, and poor quality. He motioned to look for prices on a recording device that could be placed elsewhere. Council Member Kaperonis seconded the motion. Mayor Pro Tem Kenary asked if the device could be attached to the microphones. Council Member Como asked if we had complaints; a citizen in the audience said the recording was hard to hear, there were side conversations and paper rustling noise. Due to a comment from Council Member Como, Mayor Kapfhammer gavelled the meeting to order, noting no profanity was allowed in the meeting. The Clerk noted she needed to be able to see the recorder in order to do the time stamps for each item.

The motion passed unanimously.

Council Member Rodriguez said in listening to the last Planning Board meeting he felt a lot of information was left out on the conversation. He asked if the Clerk used shorthand, and she replied no, she takes notes and refers to the recording. If there is something incorrect in the minutes, you are welcome to request a correction and she has not had any complaints from Planning Board.

Council Member Rodriguez was in favor of verbatim minutes to ensure all the conversation was included. He then motioned to discuss moving forward with verbatim minutes or something along those lines, maybe there is another technology available that can go along with that so that what's being recorded and what's written correspond. Mayor Pro Tem Kenary seconded the motion. A suggestion was made to have a video recording of the meeting, but the Clerk noted you are required to have written minutes. Mayor Pro Tem Kenary said we have been down this road a lot, our minutes used to be verbatim, and there is value in verbatim minutes, like the full discussion in an application before you. She was concerned that we are deleting old recordings per attorney advice that we don't have to keep them; she sometimes goes back to recordings to get the additional detail and was concerned they would be no longer there, for example with turnover of councils, not everyone has been to every meeting. Council Member Kaperonis echoed the Mayor Pro Tem's concerns; it shouldn't take that much space to keep the audio recordings to go with the written minutes; it gives an historical benchmark to go back to show the way it was and the reasons why. Council Member Como said if we have improved recordings and they are on YouTube, he did not see a reason for verbatim recordings. The Clerk said the policy is to keep the recordings for a year, and her computer is at its max. Mayor Pro Tem Kenary said the Clerk in Indian Trail has a device in her ear, and she types her minutes as it is being discussed. Mayor Kapfhammer said he has recently gone through verbatim minutes, and they are voluminous and difficult to go through. We can create a policy not to delete voice recordings, but get a better quality device and urged waiting until research on recording devices is done. There are time stamps to enable citizens to go exactly where an item is discussed.

The motion was to move to verbatim minutes, and was voted on with two yeas (Kenary and Rodriguez), and two nays (Como and Kaperonis); the Mayor broke the tie by voting nay, so the motion failed.

21. Call for Special Meeting on Oct. 16 @ 6 pm to Discuss: (1) Request State Audit of Village of Wesley Chapel & Payroll Process; (2) Clarification of Job Titles for Time and Clerk's Work *Time Stamp 2:35:57*

Council Member Rodriguez motioned to call for a special meeting on October 16, 2017 at 6 pm to discuss the above items. Mayor Pro Tem Kenary seconded the motion. Council Member Como noted we have an independent audit done every year, and have not had any problems for the last ten years. Council Member Kaperonis said operating in a best of class scenario, it shouldn't be a problem it should be fairly straight forward for a third party to verify the audit and that everything is as it should be, maybe once every five years. Mayor Pro Tem Kenary said she was in favor of a state audit, for the reasons mentioned earlier on a lack of transparency. Earlier this year she asked for information and a few days ago asked about a contract on something mandated in a CUP and was told that the Clerk was not aware of one, but it was mandated that we use parking somewhere. She asked for information on Parks and Rec items that were paid for, and got I wouldn't know where to look for that. Again, I don't know what you mean by minutes of budget requests. The Parks and Rec minutes are on-line, and I wouldn't know where to look for them. Where was the documentation to start a new trail by Hwy. 84 and approval; there's no record of that. She supported a State audit inclusive of that; she received 12 pages of items reimbursed to a council member, the first page alone \$981 and when asked if these were approved, told I will let you decide. Dates for a meeting to be held were reviewed for council members' availability, and it was decided to have the meeting on Oct. 19<sup>th</sup>.

The second was withdrawn. Council Member Rodriguez amended his motion to hold the meeting on October 19, 2017 at 6 pm at town hall to discuss the audit. Mayor Pro Tem Kenary seconded the amended motion.

The motion passed unanimously.

### **Ending Items**

#### *22. Council Comments Time Stamp 2:44:43*

Council Member Kaperonis appreciated the feedback on what we do and he is trying to do the best he can for the "We" of Wesley Chapel. The Aston shopping center is more complicated than a wish list of what we want.

Council Member Como noted we have had more special meetings in the last two years than in the last ten years and to push personal agendas before the election upsets a lot of residents. He added the Clerk is trained and not a secretary, and some on Council use her as a personal secretary.

Council Member Rodriguez thanked Mr. Gauss for the increased detail on his report.

Mayor Pro Tem Kenary attended the AED dedication at WCWAA which was provided by a member of the community who was a cardiac arrest survivor and who gives free classes and is paying it forward. She said there are so many distasteful comments made and misinformation and opinions may not be fact based; she advised people to be careful of political rhetoric. You might be surprised of what you would find if you dig a little deeper. She said the Rules of Conduct for Planning Board allows them to listen to opinion, but they shall not give any opinion and said it was a clear violation of their rules of conduct.

2017.10.12 Council meeting minutes

Mayor Kapfhammer said he received a very nice letter regarding the suicide prevention proclamation.

23. Adjournment *Time Stamp 2:51:39*

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

The motion passed unanimously.

The meeting ended at approximately 9:56 pm.

Respectfully submitted,

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Cheryl Bennett, Clerk

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Mayor Dr. David Kapfhammer