

VILLAGE OF WESLEY CHAPEL  
COUNCIL MEETING MINUTES  
WESLEY CHAPEL TOWN HALL  
6490 Weddington Road, Wesley Chapel, NC 28104  
February 12, 2018 – 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 Horvath, Mayor Pro Tem Kaperonis, Council Members Como, Fuller, 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 Horvath led the Pledge of Allegiance and the invocation was said.

2. Public Comments *Time Stamp: 1:30*

Cathi Higgins noted she has been involved with planning and zoning issues for 25 years, and questioned why municipalities don't market their residents' land use plans as an RFP and invite developers to submit proposals in accordance with the plans, with terms, conditions and timelines spelled out to provide assurance the plan will remain consistent until the end of its tenure. Thus the residents who invest hundreds of thousands of dollars in their homes, and abide by local ordinances can rely on the quality of life and for future personal planning. An enormous amount of time and work goes into land use plans, and she has seen developers disrespect the plan and request proposals contrary to the terms and timelines of the plans, and Councils abandon their support for their residents' future land use plans. She encouraged Council to maintain their commitment to their residents' land use plan.

Francisco Espinosa opened his business in January, and noted don't judge a book by its cover, and gave an example of what goes around, comes around.

Buz Knight said he was in favor of tastefully done development at the corner, and added we can't stop change.

Jan Smith noted she gave Council a list of the members of who have attended meetings from September through December 2017, and Residents For Responsible Growth, many of whom are present tonight, and noted they represent 19 subdivisions, so please don't say only Price Mill opposes this. Profanity and public attacks have no place in public meetings; critiques of village employees should be done in closed session. The December 11<sup>th</sup> meeting was a display of personal agendas disguised as business; in 2018 she hoped the Council would turn over a new leaf for the residents of Wesley Chapel. We need to move forward with other pertinent local

government issues. Work to keep the current land use plan, keep the zoning at the intersection residential, maintain the rural atmosphere, complete the current approved commercial area, restore our trust in the Council, work on the infrastructure especially the roads and traffic control.

Wilba Helms has lived here 80 years, and recounted the blacksmith shop, the cotton gin, and when it was really a village here. She has seen a lot of change; you all have come and made a mess. All you people who have moved in love it too, you think it is country and a village, but it is not a village any more. She asked why we are suddenly stopping progress; consider everyone's rights, including those who want to build. She wanted the corner to be senior living but that isn't happening

Lori Bailey commented that the agenda includes a public hearing on a Land Use Plan text amendment, but the website and letter sent out did not include details on what it was or that comments could be made. She added the sign and newspaper ad don't reach everyone and Council has an obligation to be open and transparent and should explore new options to reach everyone. She asked Council keep in mind the Wesley Chapel mission and goal to preserve the single family character of the area. The Land Use Plan has a five year review cycle and it should guide approvals or denials of requests which could then be considered at the next five year review time.

Barry Holtan lives as a tenant on one of the parcels in the land use amendment request; he did a google search on Wesley Chapel Village Council and came up with a backroom deal on the senior housing project brought out by Mr. Como. At the December meeting there appeared to be another backroom deal, where Council went into closed session, and returned and voted unanimously which he felt was the reason for tonight's public hearing. Six homes would be razed for this development that we don't have infrastructure for, there was a head-on collision, and he got t-boned in his own driveway. The speed limit is too high coming west from the traffic circle, and he urged Council to be transparent.

Dixon Yard stated he moved here in 1995, and didn't mind the hour commute in exchange for the quality of life here. He spent a year in searching for Wesley Chapel and loves it here. He felt the location is not suitable being across from the elementary school and Price Mill, and the roads and infrastructure don't support it. He is not in favor of the development request.

Grant Hall is in the construction industry, and lived on both sides of Union County, he is overwhelmed with residential growth and felt we need businesses. Keep tax dollars in Union County, and he liked the local roots to the development and was in favor of it.

Joe Johnson moved here a year and a half ago, after 21 years in the Army. He wanted to avoid the worst case scenario, where the developer de-annexes the land. He said the Board of County Commissioners then gets control. Speaking to Mr. Horvath the ideal is 65% residential/ 35% commercial, and Wesley Chapel is currently 80% residential, 20% commercial. Our current taxes are low, but will rise as people move in the community. He noted a few people have discussed concerns with the Moser group, and noted the safety of the children at the school is our

priority and to improve the entrance/exit of Price Mill. He noted the changes in the plan since September and that there is more room for improvement.

Elliot Smith said he was optimistic about the changes in Council and felt the past bickering, cursing, and failure to engage the community on key issues like talking to the school about this one, and the public debasement of our town clerk all undermine our public trust and distract from focus on actual issues. He congratulated the newly elected members noting the unprecedented margins they won by, and encouraged them to focus on responsibilities to the community and focus on responsible growth and keep to the Land Use Plan. He reminded Council Members Kaperonis and Rodriguez they have obligations to the children at the school, and said he was optimistic you will do what is right.

Dr. Sandra Burke spoke on behalf of neighbors who want to maintain the quiet atmosphere and support responsible growth. She said the revision of the developer's original plan now includes a day care facility in 2021, and asked if we really need a convenience store and gas station there. She felt no major business should be in such close proximity to the elementary school at any of the three corners, and said the only reason is greed. She urged maintaining the current land use plan.

Robin Mann said she used to live in Raintree, and everywhere there was traffic; all you heard was cars; here we hear katydids. She supported responsible growth, growth will happen, but responsibly. She opposed the re-zoning, and did not want development like in Indian Trail. We can't monitor child predators with businesses, like you can with a residence.

Sherry Killion supported the existing Land Use Plan, noting a tremendous amount of work went into it, and it was last reviewed in 2015. She has seen three plans from Moser all requiring changes to our Land Use Plan. Rushing left us with half developed commercial property next to town hall. This request also opens us to development on every corner.

### 3. Additions, Deletions and Adoption of Agenda *Time Stamp 42:26*

The agenda was amended to move from the consent agenda to the regular agenda "appointment of members to Park and Rec Committee", add to the consent agenda "accept resignations of current Safety Committee members" and "approve Southbrook Easter services at park on April 1, 2018." Also added to the agenda was "Approve TIP Agreement for Potter and Potter roundabout, and appropriate and pay \$275,000 to NC DOT" and Approve letter to PARTF approving conversion of .73 acre at Dogwood Park for Hwy. 84 road widening project". Council Member Rodriguez wanted to table the "Update of Council Rules of Procedure" to March, but it was left on the agenda. Council Member Como motioned to adopt the agenda with the above changes, Council Member Fuller seconded the motion.

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

### 4. Consider Approval of Consent Agenda *Time Stamp 50:05*

- a. Approve Minutes for December 11, 2017 Council Meeting, December 18, 2017 Special Meeting, January 8, 2018 Council Meeting, and closed minutes for item 5

- and 5A from November 13, 2017 Council meeting, and closed minutes for item 15 from December 11, 2017 Council meeting.
- b. Approve previous month planner's and code enforcement reports
  - c. Approve previous month finance report
  - d. Proclamation for Girl Scout Week
  - e. Proclamation for Boy Scouting Anniversary Week
  - f. Appoint Kathy Yasika to Safety Committee and accept resignations of current members Chauncey Bowers and Carlton Bowers
  - g. Moved to Item 17B
  - h. Appoint Gayla Adams as alternate to Board of Adjustment
  - i. Approve reduction of Courtyards Phase I Bonds from \$1,451,592 to \$306,142.50
  - j. Approve Southbrook Easter services at park on April 1, 2018

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

The motion passed unanimously.

**January 31, 2018 Balance Sheet**

	<u>Jan 31, 18</u>
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
Fifth Third Bank checking	402,941.80
Fifth Third Maxsaver	308,785.01
NCCMT Government Portfolio	301,837.06
BB&T Money Market	508,135.89
Cash Change Fund	<u>50.00</u>
<b>Total Checking/Savings</b>	<b>1,521,749.76</b>
<b>Accounts Receivable</b>	
Misc. Fees Receivable	<u>4,656.37</u>
<b>Total Accounts Receivable</b>	<b>4,656.37</b>
<b>Other Current Assets</b>	
Property Tax Rec.	823.00
Allow. for Doubtful Accounts	-482.00
Sales Taxes to be Received	<u>984.30</u>
<b>Total Other Current Assets</b>	<b><u>1,325.30</u></b>
<b>Total Current Assets</b>	<b>1,527,731.43</b>
<b>Fixed Assets</b>	
Land	813,423.00
<b>Dogwood Park</b>	
Dogwood Park Improvements	722,271.00
Dogwood Park fountain	12,960.00

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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>
Total Dogwood Park	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>	<b>2,632,055.02</b>
<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>	<b><u>11,805.00</u></b>
<b>TOTAL ASSETS</b>	<b><u>4,171,591.45</u></b>
<b>LIABILITIES &amp; Fund Balance</b>	
<b>Other Current Liabilities</b>	
Due to Union County Schools	21.36
Escrow from Developers	196,090.00
Deferred Revenue	341.20
Payroll Liabilities	<u>2,286.88</u>
<b>Total Other Current Liabilities</b>	<b><u>198,739.44</u></b>
<b>Total Current Liabilities</b>	<b>198,739.44</b>
<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>	<b><u>15,726.00</u></b>
<b>Total Liabilities</b>	<b>214,465.44</b>
<b>Fund Balance</b>	
Fund Bal. inv. in Fixed Assets	2,632,055.02
Fund Bal. non-spendable	196,090.00
FB Restrict for P&R fee in lieu	169,879.94
Fund Bal. Res for Amph. Cover	3,664.00
Fund Balance Assigned for Round	275,100.00
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	664,462.14
Excess of Rev. over Exp.	<u>-11,988.49</u>
<b>Total Fund Balance</b>	<b><u>3,957,126.01</u></b>
<b>TOTAL LIABILITIES &amp; Fund Balance</b>	<b><u>4,171,591.45</u></b>

**January 2018 Budget Report**

	<u>Jan 18</u>	<u>Jul '17 - Jan 18</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>	30,090.06	130,963.20	146,243.00	90%
<b>Utility Ad Valorem</b>	62.29	62.29	1,960.00	3%
<b>Vehicle Registration</b>	1,150.64	7,751.87	14,604.00	53%
<b>Delinquent Property Tax</b>	1.74	228.45	300.00	76%
<b>Interest/Ad Fee on Taxes</b>	18.17	94.69	250.00	38%
<b>Total Property Tax Income</b>	<u>31,322.90</u>	<u>139,100.50</u>	<u>163,357.00</u>	<u>85%</u>
<b>Fees and Licenses</b>				
<b>Privilege Licenses - ABC</b>	30.00	315.00	270.00	117%
<b>Zoning Permit</b>	3,175.00	15,325.00	25,000.00	61%
<b>Engineering Fees Reimbursement</b>	1,528.96	26,586.33	57,000.00	47%
<b>Annexation Exp Reimbursed</b>	-60.00	0.00	100.00	0%
<b>Misc. Fees</b>	124.00	338.74	800.00	42%
<b>Total Fees and Licenses</b>	<u>4,797.96</u>	<u>42,565.07</u>	<u>83,170.00</u>	<u>51%</u>
<b>Interest Earned</b>	329.46	1,741.32	800.00	218%
<b>Revenue Sharing</b>				
<b>Sales &amp; Use Taxes</b>	3,991.31	16,873.15	48,000.00	35%
<b>Sales Tax on Telecom. Services</b>	0.00	2,145.02	8,200.00	26%
<b>Sales Tax on Video Programming</b>	0.00	24,615.07	96,000.00	26%
<b>Sales Tax on Electricity</b>	0.00	61,719.83	201,000.00	31%
<b>Sales Tax on Piped Natural Gas</b>	0.00	2,577.19	15,000.00	17%
<b>Alcoholic Beverage Tax</b>	0.00	0.00	36,500.00	0%
<b>Total Revenue Sharing</b>	<u>3,991.31</u>	<u>107,930.26</u>	<u>404,700.00</u>	<u>27%</u>
<b>Total Income</b>	<u>40,441.63</u>	<u>291,337.15</u>	<u>783,589.00</u>	<u>37%</u>
<b>Gross Profit</b>	<u>40,441.63</u>	<u>291,337.15</u>	<u>783,589.00</u>	<u>37%</u>
<b>Expense</b>				
<b>Total Town Hall Operating Expense</b>	2,832.92	18,125.03	27,500.00	66%
<b>Total Operating Expenditures</b>	2,225.28	37,847.97	71,897.00	53%
<b>Total Planning &amp; Zoning</b>	7,675.72	56,043.27	118,700.00	47%
<b>Total Gen. Govt. Salaries</b>	6,680.18	66,144.30	133,798.00	49%
<b>Total Professional Fees</b>	1,516.37	31,582.73	96,635.00	33%
<b>Total Capital Outlay</b>	0.00	2,250.25	57,000.00	4%
<b>Total Public Services / Safety Parks &amp; Recreation</b>	0.00	66,293.50	91,643.00	72%

<b>Total Park Maint. Supplies&amp; Mat.</b>	0.00	199.98	600.00	33%
<b>Total Park Maint. Services</b>	3,276.52	24,838.61	69,816.00	36%
<b>Total P&amp;R Capital Outlay</b>	0.00	0.00	116,000.00	0%
<b>Total Parks &amp; Recreation</b>	3,276.52	25,038.59	186,416.00	13%
<b>Total Expense</b>	24,206.99	303,325.64	783,589.00	39%
<b>Excess of Rev. over Exp.</b>	<b>16,234.64</b>	<b>-11,988.49</b>	<b>0.00</b>	<b>100%</b>

Village of Wesley Chapel, NC  
Proclamation for Girl Scout Week



**WHEREAS:** March 12, 2018, marks the 106th anniversary of Girl Scouts of the USA, founded by Juliette Gordon Low in 1912 in Savannah, Georgia; and,

**WHEREAS,** throughout its distinguished history, Girl Scouting has inspired millions of girls and women with the highest ideals of courage, confidence, and character; and,

**WHEREAS,** girls discover, connect and take action to make their local communities and the world a better place; and,

**WHEREAS,** more than 3.2 million current Girl Scout members nationwide will be celebrating 106 years of this American tradition, with 59 million women who are former Girl Scouts and living proof of the impact of this amazing Movement;

**NOW, THEREFORE I,** Brad Horvath, 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 March 11-17, 2018 as

**GIRL SCOUT WEEK**

**IN WITNESS WHEREOF,** I have hereunto set my hand and caused the Seal of the Village of Wesley Chapel, North Carolina to be affixed this 12<sup>th</sup> day of February of the year of our Lord two thousand eighteen.

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

Mayor Brad Horvath

Clerk Cheryl Bennett

Proclamation for Scouting Anniversary Week  
Village of Wesley Chapel, NC



*WHEREAS*, the Village of Wesley Chapel would like to recognize and give tribute to the Boy Scouts of America, incorporated on February 8, 1910 by W.D. Boyce and who celebrate on February 8, 2018 their 108th Anniversary; and

*WHEREAS*, Boy Scouts promote character development, citizenship training, and mental and physical fitness for every member; and

*WHEREAS*, Boy Scouting, the local Scout Masters and Assistant Scout Masters of our area troops, and the young men in the Boy Scout program, continuously and tirelessly give of themselves for the betterment of our local communities; and

*WHEREAS*, our Village has greatly benefitted by the young men enrolled in the Boy Scouting program with their community service and Eagle Scout projects, living the Scout Oath and Law.

*NOW, THEREFORE, BE IT PROCLAIMED*, the Village Council of Wesley Chapel, recognizes the 108th Anniversary of Boy Scouts of America and designates February 4th - 10th, of the year 2018, SCOUTING ANNIVERSARY WEEK in Wesley Chapel.

In Witness Whereof, I set my hand and affix this seal of the Village of Wesley Chapel, this 12th day of February of the year 2018.

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Brad Horvath, Mayor

Attest:

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Cheryl Bennett, Clerk

5. Planning Board Report *Time Stamp 51:35*

Planning Board Chair John Souza reported Planning Board in January approved Addington Crossing's sign, worked with Heritage to amend their lighting plan to meet our ordinance and then approved their final plat, and approved a text amendment for administrative subdivisions. Their next agenda includes a text amendment for berms. He invited a Council member to sign up to attend a Planning Board meeting each year to open communication and see what the Board does.

Council Members Rodriguez and Kaperonis requested they receive hard copies of the Planning Board packets. Tim Gauss explained the medical building next door was approved administratively, it was not on Planning Board or Council's agendas since it was part of the original CUP, although the positioning changed somewhat. Mayor Horvath noted Aston has vested rights due to their investment in infrastructure. Planning Board met with Aston, and he plans to also meet with Aston.

Chair Souza said concerns that Candella may not meet our lighting ordinance and reducing the lead time on Planning Board agendas will be looked at. He also received a couple of developer requests for higher density residential zoning.

6. Youth Council Committee Report *Time Stamp 1:01:36*

Chair Sophia Maupin and Co-chair Justin Melhorn reported the 5K had 74 runners, income came in slightly over expenditures by \$9. She thanked Council Member Kaperonis for helping obtain the t-shirts; with more lead time the shirts can be less expensive in the future. Advertising helped with the turnout. There were some difficulties due to snowy weather. The race beneficiary is Levine Children's Hospital. Originally the race company was going to charge \$1,100, but they let us rent their clock for \$100 and we paid a local coach \$100 to time the race. Council congratulated the Youth Council on all their work that went into the race.

7. Report from Finance Officer *Time Stamp 1:12:08*

Finance Officer Bennett asked for clarification on what amount we should donate to Levine Children's Hospital, net or gross proceeds. The question was tabled to March in order to research the minutes. She reported that in January we got up to 90% of property tax collected, some runner fees were collected the day of the event, race t-shirts were \$999, we expended funds for the annual fire extinguisher inspection and exit sign batteries, and the thermostats were wired and they are working well. Our revenue sharing is coming in as expected since it is received quarterly and we have only received one payment. Union County Public Works called about the water bill at the park where we had a leak, and she was able to ask them if they thought our water usage was excessive for the irrigation system at town hall, and they did not think it was. Council Member Como checked that the irrigation meter at town hall is not running currently; the backflow preventer at the park will need to be repaired, and will be an expensive repair.

### **Public Hearing**

8. Public Hearing to consider amendments to the Future Land Use Plan map and text *Time Stamp 1:17:36*

Planning and Zoning Administrator Tim Gauss noted the item tonight is for a map and text amendment at Potter Road and Hwy. 84 to create a second commercial hub there and to show the land on the map as commercial. A meeting was held at Planning Board, and a community meeting was held on December 6, 2017; notice was given. Staff and Planning Board have recommended denial.

The applicant had the following people present: John Ross (Eagle Engineering), Dennis Moser, Cody Turner, Wes Hinson (attorney), and Buddy Brewer (Brewer-Hendley Oil Company). John Ross stated they are requesting an amendment to the Land Use Plan (LUP) map and text for a framework to submit a future conditional use request. They made revisions to the plans in response to comments received. On the LUP map a small area is Office-Institutional (O-I), and the remainder is low density residential. The original plan had 32 acres of commercial. The proposed DOT roundabout and right turn lanes at the corner of Potter and Hwy. 84 are not yet funded.

From the original plan, the park area was removed, and they reduced the commercial, added an indoor swimming center and tennis center and a daycare on the corner. They moved the gas station/convenience store and retail to the western section. The plan was submitted to Council members last week. The current plan has 3.5 acres commercial, and the rest O-I. Another access point on Hwy. 84 is proposed for a left turn in. They are working with the natural gas company to get access to putting a lane through their substation property. The amended LUP application is for 18.1 acres O-I, and 3.5 acres commercial. Only the day care center would be built prior to 2021, and everything else would be later pending a roundabout and intersection improvements, including those required by a traffic impact study.

The text amendment request is changed to limit it to the northwest corner of the intersection.

Regarding proximity to schools, Mr. Ross noted Nena's Market is across from Arborbrook Christian Academy, and the Market Express is across from Siler Church. They moved the convenience store as far west from the elementary school as they could. He said the uses are to fulfill existing demand.

Buddy Brewer, who owns Market Express stores in Union County for 35 years and lives in Heather Glen said they would like to build a 4,000 square foot convenience store, an Exxon Mobil with eight fuel dispensers, car wash and an eatery.

John Ross noted that they would architecturally integrate with Piedmont Gas with a brick wall and landscape it.

A short break was held, before public comments were heard.

Barry Holtan and Francisco Espinosa had already left.

Cathi Higgins noted residents told you in 2015 how they wanted the village to grow, either support your residents' vision or Mr. Moser's vision. His images have no legal standing. The property is for sale for \$3 million pending re-zoning per his website. When he requested a senior housing re-zoning in the Village, he sold the land less than a month after the re-zoning. Residents deserve consistency until the next review of the LUP in two years. Show them their time is not wasted and their voices are heard; support your residents LUP.

Buz Knight had left.

Bob Smith spoke that improving the road is of absolute importance but rezoning land for the profit of developers is not preserving land for the rural feel. Please vote no.

Jan Smith asked Council members if they were listening – surveys have shown the preference for one home per acre and no more commercial development, as well as the packed houses you have seen at meetings here. Listen to your residents like previous Councils did. We don't want to turn Hwy. 84 into a jungle like Independence Road, Rea Road and Providence Road. We already have a gas station, why do we need another one, and really do we need doughnuts? Changing the LUP two years after it was reviewed is a jerk knee reaction to a developer. When the LUP was originally developed the vision was clear, commercial was to be near town hall, and there is a location for future commercial next to McDonalds. Changing the land use plan sets the stage for a re-zoning and specific plans never should have been shown because that is not what he is requesting. The developer can't make specific promises. What do your citizens want? If a developer wants commercial anywhere else will you change the LUP there too and become a marionette to the developers? Listen to the residents, uphold the vision of Wesley Chapel and why residents moved here and why it was incorporated and vote responsibly and say no.

Lori Bailey spoke on responsible growth and process of land regulation and zoning districts that were made for the most appropriate use and enjoyment of land. The LUP gave consideration to future growth and the intersection of Hwy. 84 and Potter was not the location. The request should be denied. She noted the third proposal pushes the time frame out further so there is no urgency, it can wait for the next scheduled review of the LUP. Traffic improvements planned are not intended to handle future development. Indian Trail is 2.6 times larger than Wesley Chapel, and we are only half the size of Weddington. Wesley Chapel can only support a limited amount of business. Businesses would have to draw from surrounding municipalities to be successful. Do we want to be a shopping center or business center, or a great place to live? Mid-cycle changes diminishes the use and value of the LUP. Deny the request that is before you.

Sherry Killion spoke in support of the current LUP, noting our size is 8.4 square miles and we are not everything to everyone. It is not in our best interest to support more commercial growth. The way to secure our future is to stay strong and adhere to our LUP. It will keep us safe and secure our home values. This is the very reason the Village became who we are now, to protect ourselves from the encroaching Indian Trail. It is a real possibility that more commercial growth

could add to our tax burden in Wesley Chapel, all our commercial currently contributes \$10,314 tax revenue but the expenditures due to the commercial is over \$100,000, and will likely double with the addition of commercial space. Commercial development does not give relief to overcrowded schools, or roads. She noted other challenges are increased theft, vandalism, transient traffic; it just doesn't make good business sense; keep our children safe and secure. She asked Council support our current LUP map and text and do not fold to the threat to de-annex.

Elliot Smith spoke against the changes because there is far more opportunity to cause harm to the children of Wesley Chapel and our school, than the limited upside it could possibly provide via the gas station and doughnuts. Consider the varied proposals to this point, that create confusion on what will go in this space and all we can say conclusively is he wants commercial use and change. If Moser had listened to the people he would have withdrawn his application and looked for better applications for that space. Instead he moved the locations on paper and continued to push for commercial growth next to our school. He also noted the planned buildout will not start for years which makes a serious question of why he wants a land use change right now when it is so clearly not in our current LUP. The most important consideration should be for our children and the elementary school. Commercial development will bring increased crime, lockdowns at the school, sexual predators and deadly intersection. The school serves hundreds of families. A "no" vote is essential. De-annexation sends a clear and strong message about what the people stand for.

James Turner was not present to speak.

Deborah Aitken spoke as an L.A. transplant, it was a beautiful town with animals everywhere, now you can't find a frog or a toad; concrete is everywhere. She has noticed an enormous change in three years here, there is an increase in traffic and people. This is a massive mistake. The epitome of sprawl is to put more there when we already have development near town hall. This is a beautiful place, in the best of all worlds, developers should be required to live across the street from what he develops.

The public hearing was closed.

### **Old Business**

#### 9. Consider Cancelling Additional Audit *Time Stamp 1:59:20*

Council Member Como noted our audit was just done and there were no red flags, and motioned to cancel an additional audit and save \$5,000 and bid out our audit next year. Council Member Fuller seconded the motion. Council Member Rodriguez said he was 100% against it. Mayor Horvath felt it was a fair compromise to bid it out next year and noted no irregularities have been found. Council Member Rodriguez asked how the Lowes credit card was in a Council member's hands; the Finance Officer noted she had receipts for all expenditures. Council Member Como noted at the time we were opening Dogwood Park and things like lumber, weedwackers, etc. were purchased. Council Member Kaperonis said we have not done an audit at this level and thought it would be a solid baseline.

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

The Finance Officer noted that we have had a Certified Public Accountant do our audit every year, like every other town, and like most good businesses, and we have had a clean audit every year. Mayor Horvath added that he was not sure a forensic audit would meet the state requirements.

10. Update on Annual Retreat *Time Stamp 2:11:07*

Mayor Horvath noted the retreat will be in March, Friday night will be the dinner including resident input, and Saturday morning Planning Board and Council will prioritize land use related items, and in the afternoon Council will address other items. He noted some items such as roads and schools are not under our purview. Bill Duston has agreed to be our facilitator.

11. Consider Revising \$24,000 Town Hall Beautification Project *Time Stamp 2:13:37*

Council Member Como noted we if you disturb less than one acre you can do so, if more than one acre you have to get involved with DENR. The project went from under one acre to 1.07 acre and then the price goes up and we would get involved with stormwater and engineers. He suggested to scale it down or put it on hold to save \$24,000 of taxpayer money which did not even include trees or bushes or grass. Council Member Como motioned to cancel this project until we see what Aston will do on their side of the property line. Council Member Fuller seconded the motion. Council Member Rodriguez commented on the building under construction next to town hall, and that it obstructs the view of town hall, and the money would be better spent to clear out the trees next to Highway 84 so you can see town hall when coming down Highway 84. Mayor Horvath noted Blackstone owns the property with the trees; we could certainly work with Blackstone.

The motion passed unanimously.

**New Business**

12. Consider approval of Heritage Map 1 Final Plat and approve performance bond for \$2,484,027.67 *Time Stamp 2:17:36*

Planner Tim Gauss noted this is to approve 69 of the 119 lots for final plat. A \$2,484,027.67 bond is proposed. There had been a delay in submittal of the engineer letter, but it was available at the Planning Board meeting; the lighting plan was revised at that meeting to meet the ordinance. Planning Board recommended approval 4-1. Council Member Como noted the revised lighting plan was emailed to Planning Board and no complaints were received. Council Member Kaperonis expressed concern that we are being consistent with the developers. Mayor Horvath noted Planning Board can wait one additional month before voting, and then it goes to Council. Tim Gauss clarified there are several areas in the zoning and subdivision ordinance that refers to lighting standards, he had not pointed out the spacing requirements to Kolter, also Mr. Souza asked him to review lighting plans and that what is built on the grounds agrees with the standards, so he will report back to Council and Planning Board on that. Mayor Horvath asked

him to draft a brief timeline and where a potential for a delay is. Mr. Gauss noted the developer creates an estimate for the infrastructure, our engineer reviews it, and that is the basis for the bond amount.

Como motioned to approve Heritage Map 1 final plat and the performance bond for \$2,484,027.67. Council Member Kaperonis seconded the motion.

The motion passed unanimously.

13. Consider decision on Future Land Use Plan map and text amendments *Time Stamp 2:26:11*

Council Member Rodriguez asked Council Member Fuller if she will recuse herself from the vote. Council Member Fuller said she did not fight her dismissal from Planning Board and she spoke with legal representation and talked to the School of Government, and did not say she would recuse herself from this vote. Council Member Rodriguez asked Council Member Como if he said in closed session that Council Member Fuller would recuse herself. Council Member Como said he did not remember what he was referring to. Council Member Rodriguez said there was a pattern of behavior that is a clear bias towards Mr. Moser and said he still didn't know how the PTO could send flyers home. Council Member Fuller said you are saying I am responsible for a lot more than I am; I recused myself from the PTO decisions on the flyers. Council Member Rodriguez asked the attorney if there would be any repercussions to the town since he felt there was a clear pattern of behavior of bias against Mr. Moser. Attorney Sistrunk suggested Council go into a closed session for legal advice from counsel.

Mayor Pro Tem Kaperonis motioned to go into closed session per G.S. 143-318.11(a)(3) to seek legal advice from counsel. Council Member Rodriguez seconded the motion. Council Member Fuller stated she did not participate in the vote to send home flyers, and was not in charge of stuffing envelopes with flyers.

The motion was voted on with two yeas (Kaperonis and Rodriguez), and two nays (Como and Fuller); Mayor Horvath broke the tie by voting yea, to get clarity.

Council went into closed session and received legal advice from the attorney

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

The motion passed unanimously.

Council Member Rodriguez asked the audience if they understood that Mr. Moser was asking for an Office-Institutional district and B-2, and did they know what that was; the audience replied yes.

Council Member Como motioned to deny the text and map change application for this parcel. Council Member Fuller seconded the motion.

The motion was voted on with two yeas (Como and Fuller) and two nays (Kaperonis and Rodriguez); Mayor Horvath broke the tie by voting yea, so the motion passed 3-2. Mayor Horvath commented that he has been meeting with the applicant and Buddy Brewer to see if we

could reach agreement; there was some movement by Mr. Moser, and still potential room for improvement; he talked to Union County Public Schools and NC DOT, and noted the LUP was just reviewed two years ago.

A five minute break was held.

14. Consider waiving \$11,000 fee for Code Violation *Time Stamp 2:40:47*

A granite business was illegally operating out of a home location. A letter citing the violation fee of \$11,000 was successful in getting them to move the business out of the home location. In the future Council will get copies of the violation letters before they go out. Discussion was held on whether we should recoup our costs for approximately 10 – 20 hours of the code enforcement officer's time. During the process of the violation the code enforcement officer was replaced.

Council Member Como motioned to waive the fee for the violation at 3821 Wesley Chapel Road. Council Member Fuller seconded the motion.

The motion passed 3-1 with Kaperonis voting nay.

15. Western Municipality Group *Time Stamp 2:49:10*

Council Member Fuller reported she had toured the Indian Trail town hall and a group of Council members is forming from nearby towns to discuss common problems. She felt there was value in working together, and will attend the next meeting in February. Consensus was to approve her attending.

16. Review Process for Scout Projects *Time Stamp 2:53:54*

Mayor Pro Tem Kaperonis read the policy we have for scout projects, and suggested a sit down meeting with the Scouts leader to improve the relationship. Council Member Como noted before the park opened we were doing multiple Eagle projects per year, and it was in Park and Rec's hands, and suggested we put it back in their hands. Council Member Rodriguez noted there is more dignity for the scouts to appear in uniform before Council. Council Member Como said the flagpole project at the park was cancelled by the Boy Scouts because they heard the Wesley Chapel Council was involved. He will forward an email from the Scouts. Council Member Rodriguez said he met with Dan at Siler Church and Dan was not aware of any problems. Mayor Horvath and Mayor Pro Tem Kaperonis will meet with the Scouts district manager and hash it out; and the Mayor added not all the projects are at the park.

17. Update of Council Rules of Procedure *Time Stamp 3:07:56*

Council Member Rodriguez noted he had not had time to review it yet. Mayor Horvath asked that any changes be sent to the clerk, and this will be on the next month's agenda. We need to add that Council appoints the Planning Board Chairman.

18. Appoint Pamela King, John Lepke, Elaine Rosoff and Patricia Utley to Park and Rec Committee (current members Julie Brown and Jerry Davis) *Time Stamp 3:12:03*

Council Member Como motioned to appoint Pamela King, John Lepke, Elaine Rosoff and Patricia Utley to the Park and Rec Committee and get started. Council Member Fuller seconded the motion. There was concern on what their scope will be. Parks and Rec have to abide by the open meeting rules.

The motion passed unanimously.

Council Member Como motioned to ask Park and Rec at their first meeting to review their charter and bring the recommendations back to Council. Council Member Fuller seconded the motion.

The motion passed unanimously.

18. Approve TIP agreement for Potter and Potter roundabout, and appropriate and pay the \$275,000 to NCDOT *Time Stamp 3:19:47*

A letter and agreement for the roundabout construction project was received from NCDOT. Council Member Como noted large trucks cannot get through the other new roundabout. Mayor Horvath will let them know of that concern. Council Member Como motioned to approve the agreement with NCDOT and appropriate the funds from fund balance, and make the payment of \$275,000 to NCDOT. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

19. Approve letter to PARTF approving conversion of .73 acre at Dogwood Park for Highway 84 Road Widening Project *Time Stamp 3:24:42*

Mayor Horvath noted the dog park will not be affected. We have two months to look for alternate park land valued at \$50,500 or more which is the amount NCDOT will pay us for the land. Mayor Pro Tem Kaperonis said he was surprised that John Lepke was part of the phone conference meeting with the road project engineers and PARTF. Council Member Como said John Lepke had a history with the land and the PARTF grant. Council Member Rodriguez said he would have liked to be present. The meeting was called by the NCDOT engineer, and the clerk was at the meeting because she is the liaison to PARTF per their request.

Council Member Como motioned to approve the PARTF land conversion, project 2011-674, grant 4024, and the letter to Recreation Resource Services which is part of PARTF, and to also ask them to mark ASAP where the utilities and boundary of the project is. Mayor Pro Tem Kaperonis seconded the motion.

The motion passed unanimously.

### **Ending Items**

20. Council Comments *Time Stamp 3:35:10*

Council Member Como would like to see agendas be more detailed for transparency to residents. He attended his first COG meeting, and asked what our return on our \$2,000 dues investments is, and the COG director could not say, but will compile something for us. Council Member Como will see after a couple of meetings if he recommends we stay in COG.

Mayor Pro Tem Kaperonis attended the first Union Leadership meeting, the group is very diversified. They did personality assessments to understand where strengths lie, and this could be done here. He said that as he said before he was elected, he is pro-development and pro-active.

Council Member Rodriguez said he thinks our website needs work, other towns have more detail on their development activity. He commented being from Brooklyn a school on a main road is not a big deal with 40 or 50 thousand cars going by, we are all transients, things are going to happen, and we need to find a medium to work with developers; change is coming. He added in fifteen years there will be a monument at the corner that says Wesley Chapel Elementary School once stood here.

Council Member Fuller stated she is tired of being disrespected by other Council members and of being reprimanded to look bad in front of the public and a developer. She stated she has just as much right with 636 votes to sit up here as anybody else and she will not sit quietly and be bullied anymore.

Mayor Horvath said he heard long ago, don't fall in love with the view if you don't own it; that doesn't mean we as a village don't have some say, some changes can be made, but not go carte blanche, we need to have a conversation with people, and try to get along with people.

21. Adjournment *Time Stamp 3:44:40*

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

The meeting ended at approximately 11:00 pm.

Respectfully submitted,

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Cheryl Bennett, Clerk

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Mayor Brad Horvath