

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
WESLEY CHAPEL TOWN HALL
6490 Weddington Road, Wesley Chapel, NC 28104
August 13, 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, Council Members Como, Fuller and Rodriguez

Council Absent: Mayor Pro Tem Kaperonis

Others Present: Clerk/Finance Officer Cheryl Bennett, Attorney George Sistrunk, 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 given.

2. Public Comments - none *Time Stamp: 1:30*

3. Additions, Deletions and Adoption of Agenda *Time Stamp 2:02*

Council Member Como motioned to adopt the amended agenda; Council Member Rodriguez seconded the motion.

The motion passed unanimously.

4. Consider Approval of Consent Agenda *Time Stamp 2:30*
 - a. Approve Minutes for July 9, 2018 Council Meeting
 - b. Approve previous month planner's and code enforcement reports
 - c. Approve previous month finance report
 - d. Re-appoint Henry Byrum, Jr., Gayla Adams and Karen Izzo to new three year terms on Board of Adjustment
 - e. Accept resignation of Creig Williard from Board of Adjustment
 - f. Call for public hearing on September 10, 2018 at 7 pm at town hall to apply zoning and future land use designations to two recently annexed lots
 - g. Call for public hearing on September 10, 2018 at 7 pm at town hall for text amendment to subdivision ordinance to revise definition of parcel to exclude streams and stream buffers from minimum lot size
 - h. Approve Resolution 2018-04 Withdrawing Membership from Centralina Council of Government

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

The motion passed unanimously.

July 31, 2018 Balance Sheet

ASSETS

Current Assets	
Checking/Savings	
Fifth Third Bank checking	146,931.37
Fifth Third Maxsaver	309,270.37
NCCMT Government Portfolio	304,008.77
BB&T Money Market	508,387.93
Cash Change Fund	<u>50.00</u>
Total Checking/Savings	1,268,648.44
Other Current Assets	
Property Tax Rec.	823.00
Allow. for Doubtful Accounts	-482.00
Prepaid Exp.	282.00
Due from Union County	91.72
State Sales Tax A/R	<u>9,513.58</u>
Total Sales Taxes to be Received	<u>668.09</u>
Total Other Current Assets	<u>10,896.39</u>
Total Current Assets	1,279,544.83
Fixed Assets	
Land	813,423.00
Dogwood Park	
Dogwood Park Improvements	722,271.00
Dogwood Park fountain	12,960.00
Dogwood Park Water Improvement	8,440.00
Dogwood Park Gate	7,076.00
Dogwood Park Shipping Container	3,200.00
Dogwood Park Signs	<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>
Total Fixed Assets	2,632,055.02
Other Assets	
Def Outflow Contr to PenPlan CY	<u>11,805.00</u>
Total Other Assets	<u>11,805.00</u>
TOTAL ASSETS	<u><u>3,923,404.85</u></u>
LIABILITIES & Fund Balance	
Other Current Liabilities	
Deposits To Refund	2,000.00
Escrow from Developers	196,090.00

Deferred Revenue	341.20
Total Other Current Liabilities	<u>198,431.20</u>
Total Current Liabilities	198,431.20
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	214,157.20
Fund Balance	
Fund Bal. inv. in Fixed Assets	2,632,055.02
Fund Bal. Assigned for Sidewalk	24,000.00
Fund Balance Assigned for NNO	313.40
Fund Bal Assign future park imp	90,550.00
FB Restrict for P&R fee in lieu	69,498.94
Fund Bal. non-spendable	104,045.00
Fund Balance	844,772.90
Net Income	<u>-55,987.61</u>
Total Fund Balance	<u>3,709,247.65</u>
TOTAL LIABILITIES & Fund Balance	<u><u>3,923,404.85</u></u>

July 2018 Budget Report

	<u>Jul 18</u>	<u>Budget</u>	<u>% of Budget</u>
General Fund			
Income			
Appropriated FB for Amphitheate	0.00	3,664.00	0.0%
Appropriated from Fee In Lieu	0.00	100,381.00	0.0%
Appropriated Fund Balance	0.00	100,381.00	0.0%
Total Property Tax Income	13.41	169,536.00	0.01%
Fees and Licenses			
Privilege Licenses - ABC	285.00	300.00	95.0%
Zoning Permit	2,475.00	25,000.00	9.9%
Engineering Fees Reimbursement	0.00	50,000.00	0.0%
Misc. Fees	<u>300.00</u>	<u>1,500.00</u>	<u>20.0%</u>
Total Fees and Licenses	3,060.00	76,800.00	3.98%
Interest Earned	117.91	2,400.00	4.91%
Shared Revenues			
Sales & Use Taxes	0.00	52,000.00	0.0%
Sales Tax on Telecom. Services	0.00	7,900.00	0.0%
Sales Tax on Video Programming	0.00	95,000.00	0.0%

Sales Tax on Electricity	0.00	203,000.00	0.0%
Sales Tax on Piped Natural Gas	0.00	14,500.00	0.0%
Alcoholic Beverage Tax	0.00	36,300.00	0.0%
Total Shared Revenues	0.00	408,700.00	0.0%
Total Income	3,191.32	861,862.00	0.37%
Expense			
Total Town Hall Operating Expense	1,412.14	29,400.00	4.8%
Total Operating Expenditures	22,004.43	85,529.00	25.73%
Total Planning & Zoning	0.00	122,900.00	0.0%
Total Gen. Govt. Salaries	7,929.05	135,538.00	5.85%
Total Professional Fees	0.00	81,200.00	0.0%
Total Capital Outlay	0.00	29,000.00	0.0%
Total Public Services / Safety	24,049.80	99,535.00	24.16%
Parks & Recreation			
Total Recreation Events	0.00	10,260.00	0.0%
Total Park Maint. Supplies& Mat.	113.01	6,000.00	1.88%
Total Park Maint. Services	3,670.50	72,500.00	5.06%
Total P&R Capital Outlay	0.00	190,000.00	0.0%
Total Parks & Recreation	3,783.51	278,760.00	1.36%
Total Expense	59,178.93	861,862.00	6.87%
Net Excess of Rev. over Exp.	-55,987.61	0.00	100.0%

**Village of Wesley Chapel, North Carolina Resolution 2018-04
Withdrawing Membership from Centralina Council of Government**

WHEREAS the Village of Wesley Chapel is withdrawing its membership in Centralina Council of Government; and

WHEREAS in accordance with the Bylaws for Centralina Council of Government

Article III, Section C: Withdrawal of a Member: Any member of the Council may withdraw or terminate its membership on the Council effective at the end of any fiscal year (June 30) by timely notifying all members of the Council of its intent to terminate its membership. Notice shall consist of mailing a certified copy of the resolution of withdrawal from the member's governing body to the delegate of each Council member. This notice shall be sent by U.S. Mail no later than January 1 preceding the end of the fiscal year for which the member's withdrawal is to be effective. A member withdrawing shall not be entitled to any rebate of dues or

assessments for the current fiscal year. Timely and proper notice of withdrawal may not be waived by the Council. Upon the failure of such member to give the prescribed notice in compliance with the Charter and these Bylaws, such member shall continue to be a member until the end of the fiscal year in which timely and proper notice is given. Such member shall also be responsible for the payment of all dues and assessments until the end of the fiscal year for which a timely and proper notice was given. Any jurisdiction which has withdrawn from the Council and reapplies for membership in the Council shall pay any delinquent dues or assessments before being permitted to rejoin the Council.

AND WHEREAS the effective date of withdrawal is June 30, 2019;

NOW, THEREFORE, THE WESLEY CHAPEL VILLAGE COUNCIL RESOLVES to hereby withdraw from the Centralina Council of Government and a copy of this Resolution shall be sent to Centralina Council of Government and to all members within.

Adopted this 13th day of August, 2018.

ATTEST

Cheryl Bennett, Village Clerk

Brad Horvath, Mayor

5. Public Hearing to consider amendments to Zoning Ordinance to allow conservation subdivisions as a conditional use in R-40 and RA-40 zoning districts *Time Stamp 3:06*

Mayor Horvath opened the public hearing. Lori Bailey commented she appreciated being proactive. She asked we attend to fact, that if ordinances aren't adhered to, they are of no use. She urged avoiding deviations from the ordinance and supported Planning Board. The public hearing was closed.

6. Public Hearing to consider conversion of .742 acre from Dogwood Park due to NC DOT project U-3467 which widens NC 84 from two to four lanes; Consider approval of Resolution 2018-05 to move forward with the proposed conversion *Time Stamp 5:14*

Mayor Horvath opened the public hearing. There were no speakers. Mayor Horvath explained that with the road widening, Southbrook Church was going to lose spaces, and our park fence was already fifty feet back from the road, so we thought it better to move the road a little. Since the park was partially bought with PARTF funds and the land was required to be dedicated in perpetuity to recreation, the conversion was necessary. We expect to receive about \$51,000 from NCDOT for the land, and will have to return it to PARTF. No land adjacent was available, and the owner to the east would not sell us any land. The public hearing was closed.

Council Member Como motioned to approve Resolution 2018-05, to move forward with the proposed conversion (incorporated herein). Council Member Fuller seconded the motion.

The motion passed unanimously.

**Village of Wesley Chapel, North Carolina Resolution 2018-05
Authorizing Conversion of Part of a North Carolina Parks and Recreation Trust Fund
Grant Site**

WHEREAS the Village of Wesley Chapel received a N.C. Parks and Recreation Trust Fund (PARTF) grant in 2011 (DNCR contract number 4024) from the North Carolina department of Natural and Cultural Resources (DNCR) to assist in the acquisition of 22.6 acres for Dogwood Park; and

WHEREAS, in accordance with the grant criteria of PARTF, a declaration of restrictions was recorded in the County of Union Registry restricting the use of the 22.6 acres converted to public recreation; and

WHEREAS, Village of Wesley Chapel has reviewed and considered public comments and subsequently approves the widening of Highway 84 such that .742 acre will no longer meet the PARTF grant criteria; and

WHEREAS, the Village Council hereby determines that it is necessary and in the public interest to convert .742 acres of land to non-recreation use; and

WHEREAS, the Village Council has explored all possible replacement land and exhausted all options to mitigate the .742 acres;

NOW, THEREFORE, THE WESLEY CHAPEL VILLAGE COUNCIL requests to convert the use of the .742 acre having an address of 121 Lester Davis Road, Waxhaw, NC, and requests DNCR approval to release the declaration of restrictions recorded in Deed Book 5647, pages 0414-0417, County of Union Registry, and repay the current value of the .742 acre as determined by NC DOT to DNCR.

Adopted this 13th day of August, 2018.

Brad S. Horvath, Mayor

7. Finance Officer's Report *Time Stamp 10:45*

Finance Officer Bennett noted at the end of July expenditures exceed revenues by almost \$56,000; it is not unusual at this time of year since tax revenue has not yet come in. The balance of fund balance for park and rec fee in lieu funds has been adjusted for the \$100,381 appropriated in the current year budget.

8. Planning Board Report *Time Stamp 13:52*

Planning Board Chair John Souza noted at their last meeting they had dialog with Council Member Como regarding the tree save ordinance, and specifically maintenance in those areas

after construction. They also discussed solar facilities text, which they are referring to as solar generating facilities, they will look at text in other entities, and also plan to bring in an expert to ask questions. The Land Use Plan Amendment process draft was worked on, and amendment for construction trailers was tabled to August. Council Member Como asked about the Southern Whimsy site and Five Stones Church. Council Member Fuller asked when the Novant building would be complete; we had heard in October.

9. Youth Council Committee Report *Time Stamp 26:00*

No one was present from the Youth Council. Council Member Como suggested they participate in the NC DOT litter sweep.

10. Parks and Rec Committee Report *Time Stamp 26:42*

Chair John Lepke reported Youth Council members helped work on the stone wall at the park, and made a lot of progress. At the last Park and Rec meeting he reviewed Council's June actions. They thought it may be beneficial to have the same contractor for the park maintenance and the pond maintenance. Irrigation bids were discussed, and they suggested the irrigation designer review the bids for a fee. Lucas has withdrawn their bid. Electrical work at the park was delayed so that just one trench would be needed for both the irrigation and the band shell. Council Member Como noted the funds for the electrical work was in the previous year budget. The band shell RFP went out July 23rd, July 30th was the pre-bid meeting, one addendum was issued, and the bids are due August 16th. The attorney noted if less than three bids are received, don't open them, we will have to re-bid, and then you can open whatever bids come in the second time around. The band shell drawings were submitted and approved by the County. Mr. Lepke noted three high schoolers have been monitoring the pond water chemistry for the last few months. The committee discussed the public info sessions for phase 2 of the park, and events. The Christmas event won't proceed due to the band shell construction; also if we have to re-bid we may not do the spring music event. They hope to do a flag raising event after the electrical work is done, perhaps at the Fall Bash. One price was received for a sliding park gate. They also discussed general signage and he noted there appears to be items missing from the container over the past two years. The fishing pier needs repairs to the structure due to wood rot; they will check with NC Wildlife to see if they can do free repairs.

11. Communications Committee Report; consider approval of Charter *Time Stamp 45:20*

Chair Deb Bledsoe presented a draft of their Charter, and handed out snapshots of their unpublished Facebook page, as well as a Facebook social media policy. She noted social media is an important outreach and communication tool. She spoke with a local communications director, their town has six Facebook pages. Most towns let residents comment on the town's Facebook page. Posts would be limited to generic information for things like the farmers' market, not on specific businesses. She asked regarding posting photos, the attorney said at public events there is no assumption of privacy, however be careful with photos of minors. He noted the laws regarding social media are ever changing. Meeting recordings can be linked to the page. Council Member Fuller suggested limiting postings to just the chair and vice chair.

The proposed Facebook policy will be sent to Council and the attorney for review. Council Member Como motioned to accept the charter; Council Member Fuller seconded the motion.

The motion passed unanimously.

Mayor Horvath noted Ms. Bledsoe wrote a great article in the Enquirer-Journal about the town's recent twentieth birthday.

Old Business

12. Consider approval of Conservation Subdivision Text Amendments Ordinance 2018-08 *Time Stamp 1:05:25*

Tim Gauss noted a lot of work went in to the proposed text; Planning Board and staff recommended it. The concept is referred to in the Land Use Plan goals. Council Member Como motioned to approve Ordinance 2018-08, incorporated herein, for conservation subdivisions, with the Statement of Consistency (SOC) and Statement of Reasonableness (SOR) which follow. The SOC is: The Village's current (i.e. 2015) Land Use Plan calls for single family residential development at a density of "one house per minimum 40,000 square ft." The proposed text amendment would honor the overall density, although permitting individual lots less than 40,000 square feet. In addition, Policy 1 under Goal 1 of the plan contains a reference to conservation subdivisions. Staff would therefore consider the proposed text consistent with the Village's Land Use Plan. The SOR is: The proposed text amendment is found to be reasonable as it gives property owners additional options as to how land can be developed while maintaining the Village's desire to maintain its low-density, rural character. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

Village of Wesley Chapel, North Carolina Ordinance 2018-08 TO ADOPT ZONING ORDINANCE TEXT AMENDMENT REGARDING CONSERVATION SUBDIVISIONS

THAT WHEREAS, the Village of Wesley Chapel has considered amending the Village's Zoning Ordinance to add conservations subdivisions; and

WHEREAS, a public hearing was conducted on the matter at the Village Council's August 13, 2018 meeting; and

WHEREAS, the Village Council considered and adopted the proposed text amendment as provided herein:

NOW THEREFORE BE IT RESOLVED THAT THE VILLAGE OF WESLEY CHAPEL ZONING ORDINANCE IS HEREBY AMENDED AS FOLLOWS:

1. Add the following definitions to Section 2.2, "Definitions":

Conservation Easement

A right conveyed by deed or other appropriate recorded instrument which gives the grantee a nonpossessory interest in the real property of the grantor, and which permanently and perpetually restricts the use of the real property to the uses set forth in Section 6.10.12.

Conservation Land.

That portion of a conservation subdivision that is set aside for permanent and perpetual protection.

Conservation Organization.

A nonprofit corporation or trust, or any private corporation or business entity authorized to do business in the state, intended to exist indefinitely, and whose ongoing purpose includes the following:

1. The permanent and perpetual preservation of land areas for outdoor recreation by, or for the education of, the general public;
2. The permanent and perpetual protection of the natural habitat of fish, wildlife, or plants, or similar ecosystem; or
3. The permanent and perpetual preservation of open space (including farmland and forestland) where such preservation is for the scenic enjoyment of the general public, or pursuant to a clearly delineated federal, state or local governmental conservation policy, and that will yield a significant public benefit.

Conservation Subdivision.

A residential subdivision fifteen (15) acres or greater in area that is developed pursuant to Section 6.10.12 of this Ordinance.

Forestland.

A biological community dominated by trees and other woody plants covering a land area of 10,000 square feet or greater and includes areas that have at least 100 trees per acre with at least 50 percent of those trees having at least a two-inch or greater diameter at 4.5 feet above the ground.

Steep Slopes.

An area having a slope greater than fifteen (15) percent.

Viewshed Buffer

A forested and/or landscaped area that provides a visual buffer of the interior of a conservation subdivision from adjacent roadway(s) and is (1) is a minimum of one-hundred (100) feet in depth and (2) lies adjacent and parallel to any road that forms the exterior boundary of the conservation subdivision.

Yield Plan.

A plan that shows the number of developable lots in a proposed conservation subdivision if such subdivision were to be built as a conventional subdivision in the underlying zoning district.

2. Amend Section 5, “Table of Uses” as follows:

1. Add “conservation subdivisions” as a conditional use [or subject to conditional zoning approval] within the R-40 and RA-40 districts, subject to performance criteria contained in Section 6.10.12.

3. Add the following text as Section 5.3.1:

Development standards for conservation subdivisions are found in Section 6.10.12.

4. Add the following as Section 6.10.12, “Conservation Subdivisions”:

- A. **Ownership.** When land within a conservation subdivision is held in multiple ownerships, it shall be planned and developed as a single entity for purposes of this Ordinance.
- B. **Conservation lands disturbance.** The proposed design of the conservation subdivision shall minimize disturbance of primary conservation and required secondary conservation lands and any required viewshed buffers.
- C. **Density Standards.** The actual number of lots suitable for the placement of a principal residential structure shall be limited by on-site features as determined by submission and analysis of a yield plan. A conservation subdivision shall not be used to allow for a greater number of lots than could result if the subdivision were developed as a “conventional subdivision”.
- D. **Minimum Required Conservation Land.** A viewshed buffer, a minimum of one-hundred (100) feet in depth shall be reserved (preserved and/or landscaped) adjacent and parallel to all roads that form the exterior boundaries of the conservation subdivision. In addition to this viewshed buffer, a minimum of ten (10) percent of the gross acreage of the tract(s) being considered for the conservation subdivision shall be provided as conservation lands. No lot suitable for the placement of a principal residential structure shall be platted to include within its dimensions any conservation lands or viewshed buffer as herein required.

E. Conservation Land Options

The following is a priority list for retained “conservation lands”:

Tier A (highest priority)

- Forestlands

Tier B (medium priority)

- Farmlands
- Historic sites
- Lands adjacent to parks

Tier C (lowest priority)

- Steep slopes.
- Rock formations.

Conservation land shall be retained, to the greatest degree feasible, in order of prioritization shown above. The Village Council, in approving a conditional zoning permit or conditional zoning allowing for a conservation subdivision, shall have the discretion to allow for variations from this schedule based on the unique features of the tract in question.

If none of the above features are found on the tract in question, conservation land will be considered to be areas planted with trees and shrubs per Section 4.2 of this Ordinance. Any portion of required viewshed not covered by existing, natural tree canopy shall be planted with up to twice the planting requirements of Section 405.4.4 (Table 405.a) of the Subdivision Ordinance. Fences, walls and berms shall not be allowed to reduce the amount of acreage constituting the conservation lands or viewshed buffer.

F. Lot Dimensional Standards.

1. **Minimum Lot Area:** Lots within a conservation subdivision shall have a minimum lot size of thirty-thousand (30,000) square feet; however, a maximum of thirty (30) percent of the lots within a conservation subdivision may have a minimum lot size of twenty-thousand (20,000) square feet.

Any lot having an area of thirty-thousand (30,000) square feet or greater shall meet the following standards:

- The lot shall directly abut conservation land that is a minimum of fifty (50) feet in width;
- The conservation land shall run parallel the entire length of the lot line shared with the residential lot;
- The conservation land that abuts the residential lot shall have a minimum contiguous area of at least one (1) acre.

Any lot having an area less than thirty-thousand (30,000) square feet shall meet the following standards:

- The lot shall directly abut conservation land that is a minimum of seventy-five (75) feet in width;
- The conservation land shall run parallel the entire length of the lot line shared with the residential lot;
- The conservation land that abuts the residential lot shall have a minimum contiguous area of at least one (1) acre.

2. **Minimum Front Yard Setback:** Fifty (50) feet

3. **Minimum Side Yard Setback:** Fifteen (15) feet.
4. **Rear Yard Setback:** Forty (40) feet, except for lots less than 30,000 square feet with rear lot lines not abutting conservation land or required landscape buffer; in which case seventy-five (75) feet is required.
5. **Minimum Lot Width (at front yard setback):**
 - All lots: One-hundred twenty (120) feet
6. **Maximum Building Height:**
 - Thirty-five (35) feet.

G. Conservation Land Uses. No use or development shall be allowed on primary and required secondary conservation lands except as follows:

- Conservation of open land in its natural state (e.g., forestlands, fields or meadows);
- Agricultural uses, including raising crops or livestock, nurseries and associated buildings, excluding residences, provided that such buildings are specifically needed to support an active, viable agricultural or horticultural operation, and are architecturally compatible with the neighborhood setting. Specifically excluded, but not limited to, are commercial livestock operations involving swine, poultry and mink;
- Pastureland;
- Horse farms or academies;
- Forestry, in keeping with established best management practices for selective harvesting and sustained yield forestry;
- Neighborhood uses such as village greens, commons, picnic areas, community gardens, trails and similar low-impact, passive recreational uses.
- Noncommercial recreational areas, such as playing fields, playgrounds, courts and bikeways, provided such areas do not consume more than half of the minimum required conservation land or five acres, whichever is less. Parking facilities for the same shall also be permitted, and they shall generally be gravel-surfaced, unlighted, properly drained, provide safe ingress and egress, and contain no more than ten (10) parking spaces. Notwithstanding the above, golf courses, their parking areas, and associated structures, shall not be allowed on any required conservation lands.
- Water supply and sewage disposal systems (excluding stormwater detention areas)
- Easements for drainage, access, sewer or water lines or other public purposes.
- Underground utility rights-of-way. Above ground utility and street rights-of-way may traverse conservation lands but shall not count toward the minimum required conservation land.

H. Permanent Conservation Land Protection through Conservation Easements

1. Subject to the provisions of Subsections 2 and 3 of this section, conservation lands required pursuant to this section may be retained by the applicant or may be conveyed to another party, but must be and remain subject to a conservation easement.
2. Required conservation land shall be subject to a conservation easement that specifies the range of uses allowable pursuant to Subsection G of this section, and which are enforceable in accordance with all applicable laws of the state. The holders of the conservation easement shall be the homeowners' association of the subdivision in question, the State of North Carolina or appropriate department or agency thereof, or a conservation organization. Any subdivision plat for a conservation subdivision shall indicate that required conservation lands are subject to a conservation easement being conveyed to specific entities pursuant to this section.
4. Any homeowners' association that is a holder of a conservation easement as provided herein shall be subject to and comply with all applicable requirements for homeowners' associations as set forth in the NC General Statutes. In addition, the following criteria shall be met:

I. Conservation Land Maintenance Plans and Maintenance Agreement

1. The cost and responsibility of maintaining the required conservation lands and associated common facilities shall be borne by the fee simple owner of the required conservation lands, or by another party as specified in an executed, binding and enforceable maintenance agreement, who is a holder of the conservation easement.
2. The applicant must submit, and the Village Council shall be given the responsibility to approve, a maintenance agreement that obligates either the property owner of the conservation lands, or other specified party as provided above, to implement the maintenance plan.
3. The maintenance plan shall be in accordance with the following requirements:
 - The maintenance plan shall specify ownership of required conservation lands;
 - The maintenance plan shall establish a regular operation and maintenance program appropriate to the uses to be undertaken on the subject conservation lands;
 - The maintenance plan shall specify required insurance and all maintenance and operating costs, and shall define the means for funding the maintenance plan on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs.

- The property owner or other specified party as provided above, shall be required to escrow or bond sufficient funds for the maintenance and operation costs of the conservation lands for two years. The amount of such escrow or bond shall be equal to 1.25 times the biannual estimated maintenance and operational costs, and shall be in a form as provided in Section 309.2 of the Village Wesley Chapel Subdivision Ordinance.
- Any changes to the maintenance plan shall be approved by the Village Council.
- The property owner of the conservation lands and, if utilized, any other maintaining party by agreement, shall execute a release and indemnity of the Village, in a form satisfactory to the Village, for any claims or damages arising from the maintenance agreement and maintenance plan or performance thereof.

Adopted this 13th day of August, 2018.

Mayor Brad S. Horvath

Attest:

Cheryl Bennett, Village Clerk

13. Consider decision on irrigation system bid and any needed budget amendment *Time Stamp 1:10:38*

Council Member Rodriguez motioned to accept Unity Lawn & Landscape's bid of \$5,060 for pond maintenance. Council Member Como seconded the motion. This bid was also recommended by Parks and Rec. The contract is effective September 1, 2018.

The motion passed unanimously.

Council Member Como motioned to approve a budget amendment to move \$1,560 from Contingency to Parks and Rec Pond Maintenance. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

14. Consider decision on irrigation system bid and any needed budget amendment *Time Stamp 1:16:52*

Administrator Bennett spoke with both of the bidders. Union Grove had talked with John Lepke and Mike Como and they told him about the irrigation system designer, whom he contacted and got additional information from. The RFP had used sheets 11.0 and 11.1 from the original park plans as specs. Union Grove proposed a custom made pump while Lucas was proposing a standard pump. Lucas has since withdrawn their bid stating they did not want any confusion as to who was responsible if something happens with the system since they are no longer doing the landscaping. Council Member Como motioned to award the contract for the irrigation system

for \$37,000 to Union Grove Landscape. Council Member Fuller seconded the motion. Discussion was held on the pump, and the price. The second was rescinded, the motion was rescinded.

Council Member Como motioned to negotiate a three year parts and labor warranty and then contract with Union Grove Landscape for \$37,000 for the irrigation system. Council Member Fuller seconded the motion.

The motion passed unanimously.

Council Member Como motioned to transfer \$2,000 from Park and Rec events, and appropriate \$9,000 from Fund Balance Park and Rec Fee In Lieu to pay for the electrical upgrades for the flag, stage, and irrigation system, and contract with Hargett Electric to do the electrical work. Council Member Fuller seconded the motion.

The motion passed unanimously.

15. Municipality Group Update *Time Stamp 1:36:15*

Council Member Fuller reported a common concern of the group was traffic, and they asked each town to provide their top five traffic concerns. Council discussed their worst traffic areas and designated these intersections: Potter and Potter, Potter and Hwy. 84, New Town Road and Cuthbertson Road, Waxhaw-Indian Trail Road and New Town Road, Billy Howey Road and Waxhaw-Indian Trail Road, and Antioch Church Road and Highway 84.

16. Consider decision on hiring Planning & Zoning Administrator *Time Stamp 1:44:40*

Mayor Horvath reported we interviewed all four candidates remotely; one of them came into the office on another day. Will Deaton has his CZO and AICP, and is working in Pinehurst. The Mayor proposed we offer the position to him with a start date of September 4th. The position would include working four days per week, and attending the Planning Board and Council meetings. Our other top two candidate has accepted a job in another town. Council Member Como motioned to offer the position to Mr. Deaton to start September 4th, at a salary of \$73,000. Council Member Fuller seconded the motion.

The motion passed unanimously.

Council Member Como motioned to do a budget transfer from the N-Focus services account to Salary and Fringe Benefits accounts, and up to \$2,000 from Contingency as needed. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

Council Member Fuller motioned that if the candidate does not accept, to re-post the job with a salary range of 60,000 to \$80,000 stated. Council Member Como seconded the motion.

The motion passed unanimously.

New Business

17. Consider repair expense process improvement to issue a Village approved Lowe's charge card to Mike Como to be used only on budgeted expenses approved in advance by Town

Clerk/Finance Officer; expenses will be provided to Council as part of following month's Consent Agenda *Time Stamp 1:56:15*

This change would allow the town to recoup the sales tax and also get the 5% discount offered on the Lowe's account. The Lowe's statement information could be included in finance reports going forward. Council Member Fuller motioned to issue a town Lowe's card to Mike Como and it only be used on budget expenses approved in advance by the Town Clerk/Finance Officer. All such expenses will be records and provided to the Council as part of the following month's Consent Agenda as an FYI to all council members to ensure transparency. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

18. Consider modifications to Purchasing Policies regarding conferences or seminars *Time Stamp 2:00:15*

Mayor Horvath noted this came from a training session Mayor Pro Tem Kaperonis had heard about but did not have time to get to council. Council noted usually notice of these types of things is given early enough for it to come to council, and you can always use your own council stipend to attend a class.

19. Consider purchase of village seal plaque for council chambers and any needed budget amendment *Time Stamp 2:03:35*

Mayor Horvath noted Council Member Como originally reached out and got a price for a 32" diameter stainless steel etched plaque for about \$5,200. The Mayor got prices from a company in California, Art Signworks, and they can make a full color 40" diameter carved HDU seal for \$923 plus \$130 shipping. If we also put one in each of the two foyers, the total would be \$2,722. Council Member Rodriguez motioned to purchase three seals from Art Signworks for \$2,722 plus any applicable tax. Council Member Como seconded the motion.

The motion passed unanimously.

Ending Items

20. Council Comments *Time Stamp 2:17:01*

Council Member Fuller noted there were 24 alarm calls on the most recent deputy report, she asked the deputy to get a report on the number of call earlier in the year.

Mayor Pro Tem Kaperonis commented that we see more hyper-aggressiveness, and he thought it is a cultural thing.

Council Member Rodriguez appreciated council working together and moving forward.

Council Member Como reported the County is looking at a wayfaring signs program, and invited us to participate, but he did not think we were ready to be part of that. He added the new landscaper found problems with the irrigation system at town hall, a ballpark figure for repairs is about \$1,000. We have vacancies on Board of Adjustment if you know anyone interested. The Humane Society was having a meeting, had an emergency and had to move it to town hall. He wondered if they could use the conference room for four more meetings this year, and exempt them from the fee. This will be on next month's agenda.

Mayor Horvath was pleased we are moving forward and representing the entire community.

17. Adjournment *Time Stamp 2:28:38*

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

The meeting ended at approximately 9:30 pm.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath