

VILLAGE OF WESLEY CHAPEL  
COUNCIL MEETING MINUTES  
WESLEY CHAPEL TOWN HALL  
6490 Weddington Road, Wesley Chapel, NC 28104  
November 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 and Fuller

**Council Absent:** Member Rodriguez

**Others Present:** Clerk/Finance Officer Cheryl Bennett, Attorney George Sistrunk, Interim Planner Shelley Williamson, and new Planner Robyn Byers Ph.D.

**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: 1:00*
3. Additions, Deletions and Adoption of Agenda *Time Stamp 1:44*

Item 17 was removed from the agenda. Council Member Como motioned to adopt the amended agenda; Council Member Fuller seconded the motion.

The motion passed unanimously.

4. Consider Approval of Consent Agenda *Time Stamp 2:36*
  - a. Approve minutes for September 26, 2018 Special Council Meeting and October 8, 2018 Council Meeting
  - b. Approve previous month planner's ~~and code enforcement reports~~
  - c. Approve previous month finance report
  - d. Call for public hearing on December 10, 2018 at 7 pm at town hall for text amendment for Essential Services Class V for Solar Power Generating Facility
  - e. Approve tax charge to Union County for fiscal year 2018-19 for Wesley Chapel taxes of \$154,964.07 including late list penalties of \$81.96

There being no code enforcement report, it was removed from the consent agenda. Council Member Como motioned to approve the consent agenda; Council Member Fuller seconded the motion.

The motion passed unanimously.

**October 31, 2018 Balance Sheet**

**ASSETS**

**Current Assets**

**Checking/Savings**

Fifth Third Bank checking	55,294.85
Fifth Third Maxsaver	184,573.94
NCCMT Government Portfolio	305,405.21
BB&T Money Market	508,516.08
Cash Change Fund	50.00
<b>Total Checking/Savings</b>	<b>1,053,840.08</b>

**Total Accounts Receivable** 1,000.00

**Other Current Assets**

Property Tax Rec.	691.00
Allow. for Doubtful Accounts	-490.00
Prepaid Exp.	282.00
Due from Union County	59.43
<b>Total Sales Taxes to be Received</b>	<b>748.06</b>

**Total Other Current Assets** 1,290.49

**Total Current Assets** 1,056,130.57

**Fixed Assets**

**Land** 813,423.00

**Dogwood Park**

Dogwood Park Improvements	722,271.00
Dogwood Park fountain	12,960.00
Dogwood Park Water Improvement	8,440.00
Dogwood Park Gate	7,076.00
Dogwood Park Shipping Container	3,200.00
Dogwood Park Signs	3,803.00

**Total Dogwood Park** 757,750.00

**Town Hall** 1,361,869.00

**Furniture & Equipment** 40,008.00

**Town Hall Driveway/Irrigation** 64,192.00

**Accumulated Depreciation** -518,210.98

**Total Fixed Assets** 2,519,031.02

**Other Assets**

**Def Outflow Contr to PenPlan CY** 10,458.00

**Total Other Assets** 10,458.00

**TOTAL ASSETS** **3,585,619.59**

**LIABILITIES & Fund Balance**

**Liabilities**

2018.11.12 Council meeting minutes

<b>Other Current Liabilities</b>	
Due to Union County Schools	6.67
Deposits To Refund	1,000.00
Pay. for Employee Insurance	50.50
Escrow from Developers	45,076.00
Deferred Revenue	201.20
<b>Total Other Current Liabilities</b>	<u>46,334.37</u>
<b>Long Term Liabilities</b>	
Net pension liability	6,113.00
Deferred inflows Pension	3,405.00
<b>Total Long Term Liabilities</b>	<u>9,518.00</u>
<b>Total Liabilities</b>	55,852.37
<b>Fund Balance</b>	
Fund Bal. inv. in Fixed Assets	2,519,031.02
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	51,324.94
Fund Bal. non-spendable	104,045.00
Fund Balance	940,382.83
Excess of Rev. over Exp.	-199,879.97
<b>Total Fund Balance</b>	<u>3,529,767.22</u>
<b>TOTAL LIABILITIES &amp; Fund Balance</b>	<u><u>3,585,619.59</u></u>

**October 31, 2018 Budget Report**

	<u>Oct 18</u>	<u>Jul - Oct 18</u>	<u>YTD Budget</u>	<u>% of Budget</u>
<b>General Fund</b>				
<b>Income</b>				
Appropriated FB for Amphitheater	0.00	0.00	3,664.00	0%
Appropriated from Fee In Lieu	0.00	0.00	118,555.00	0%
Appropriated Fund Balance	0.00	0.00	100,381.00	0%
<b>Property Tax Income</b>				
Current Year Property Tax	9,871.41	10,192.24	151,081.00	7%
Utility Ad Valorem	0.00	0.00	2,236.00	0%
Vehicle Registration	0.00	3,361.58	15,669.00	21%
Delinquent Property Tax	0.97	127.64	300.00	43%
Interest/Ad Fee on Taxes	0.00	31.38	250.00	13%
<b>Total Property Tax Income</b>	<u>9,872.38</u>	<u>13,712.84</u>	<u>169,536.00</u>	<u>8%</u>
<b>Fees and Licenses</b>				
Privilege Licenses - ABC	0.00	285.00	300.00	95%

Zoning Permit	2,900.00	8,950.00	25,000.00	36%
Engineering Fees				
Reimbursement	1,000.00	5,938.75	50,000.00	12%
Misc. Fees	100.00	522.00	1,500.00	35%
<b>Total Fees and Licenses</b>	<b>4,000.00</b>	<b>15,695.75</b>	<b>76,800.00</b>	<b>20%</b>
Interest Earned	75.14	1,946.07	2,400.00	81%
<b>Shared Revenues</b>				
Sales & Use Taxes	4,114.79	4,498.89	52,000.00	9%
Sales Tax on Telecom. Services	0.00	-135.87	7,900.00	-2%
Sales Tax on Video Programming	0.00	-887.69	95,000.00	-1%
Sales Tax on Electricity	0.00	49.40	203,000.00	0%
Sales Tax on Piped Natural Gas	0.00	1,492.05	14,500.00	10%
Alcoholic Beverage Tax	0.00	0.00	36,300.00	0%
<b>Total Shared Revenues</b>	<b>4,114.79</b>	<b>5,016.78</b>	<b>408,700.00</b>	<b>1%</b>
<b>Total Income</b>	<b>18,062.31</b>	<b>36,371.44</b>	<b>880,036.00</b>	<b>4%</b>
<b>Expense</b>				
Transportation	0.00	0.00	0.00	0%
Total Town Hall Operating Expense	2,571.10	8,648.64	29,400.00	29%
Total Operating Expenditures	1,079.91	23,978.35	77,389.00	31%
Total Planning & Zoning	8,913.12	28,480.61	106,016.00	27%
Total Gen. Govt. Salaries	11,303.34	41,770.93	152,422.00	27%
Total Professional Fees	0.00	12,080.00	81,200.00	15%
Total Capital Outlay	3,487.00	6,828.75	29,000.00	24%
Total Public Services / Safety	24,049.80	48,099.60	99,535.00	48%
<b>Parks &amp; Recreation</b>				
Total Recreation Events	1,558.00	1,558.00	8,260.00	19%
Total Park Maintenance Supplies & Mat.	0.00	261.10	6,000.00	4%
Total Park Maintenance Services	8,461.75	18,954.43	80,640.00	24%
<b>Total P&amp;R Capital Outlay</b>	<b>39,500.00</b>	<b>45,591.00</b>	<b>210,174.00</b>	<b>22%</b>
<b>Total Parks &amp; Recreation</b>	<b>49,519.75</b>	<b>66,364.53</b>	<b>305,074.00</b>	<b>22%</b>
<b>Total Expense</b>	<b>100,924.02</b>	<b>236,251.41</b>	<b>880,036.00</b>	<b>27%</b>
<b>Net Excess of Rev. over Exp.</b>	<b>-82,861.71</b>	<b>-199,879.97</b>	<b>0.00</b>	<b>100%</b>

5. Appoint Dr. Robyn Byers to be Village Planning and Zoning Administrator, Subdivision Administrator and Code Administrator *Time Stamp 3:40*

Our new planner was introduced, and she then took the oath of office.

6. Discussion with engineer on stormwater *Time stamp 6:48*

The Village engineer addressed questions submitted to her beforehand. She noted the town hall and park dry pond permits are with the state, they are slightly different than what we have with

the subdivision HOA' s. Operating and maintenance agreements are created for new subdivisions and commercial developments and they require annual inspections by a professional engineer or professional landscape architect which are then submitted to the HOA or property manager, and to the Village. The Village sends an annual reminder to submit the reports in October. If maintenance issues are indicated, we follow up with the owner until the issues are resolved. The reports and follow up inspection typically cost \$1,200 to \$1,500 annually. Repairs must satisfy the inspector who completed the report. A few years ago one of the local ponds needed a lot of work, now it is in good shape. If a development built in the County annexes in and has a stormwater pond, we could require they do an annual inspection, and the attorney thought we could probably pass an ordinance requiring all developments in the town to do that. Our stormwater ordinance was revised in 2017; we require detention to the twenty-five year storm, which the engineer thought was adequate. She also provided a summary of detention requirements by jurisdiction in Union and Mecklenburg Counties. Regarding the recent hurricanes, the engineer provided data that over a two day period Wesley Chapel received 7.68 inches of rain, which is slightly greater than the twenty-five year storm. The one day rainfall was nearly a ten year storm event. Council Member Como noted residents said they could not drive anywhere due to flooding, the engineer noted the culverts are under DOT control, and it appears the stormwater ponds in the village performed like they should. Mayor Horvath noted a few years ago there were complaints of water from Wesley Chase going to Underwood Road, and NC DOT said they wouldn't change the culvert, since it would cause problems elsewhere.

7. Public Hearing on text amendment for construction and sales trailers, and possible decision on Ordinance 2018-11 to adopt text amendment regarding temporary trailers *Time Stamp 31:48*

Mayor Horvath opened the public hearing. Shelley Williamson explained there were inconsistencies and excessive requirements for temporary trailers. She added definitions and took out the Conditional Use Permit requirement, and made the permit period one year to be approved by the Zoning Administrator. Council Member Como asked about the truck trailers outside PetSmart; they are probably being used for storage and are not what is in the ordinance. The public hearing was closed.

The text amendment was recommended by Planning Board. Council Member Como motioned to approve Ordinance 2018-11, incorporated herein. Mayor Pro Tem Kaperonis seconded the motion.

The motion passed unanimously.

**Village of Wesley Chapel, North Carolina Ordinance 2018-11  
TO ADOPT ZONING ORDINANCE TEXT AMENDMENT REGARDING  
TEMPORARY TRAILERS**

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

**WHEREAS,** a public hearing was conducted on the matter at the Village Council's November 12, 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. Article 2 of the Zoning Ordinance *Definitions of Terms Used in This Ordinance* is hereby amended by **adding** the following in alphabetical order:

**Office Trailer.** See *Construction Trailer*.

**Sales Trailer.** A structure standing on wheels towed or hauled by another vehicle and used for neither overnight nor year-round occupancy at the construction site of a residential subdivision on a temporary basis for the purpose of selling homes constructed within the subdivision.

2. Changes to the "Table of Uses" Section 5 of the Zoning Ordinance is amended as follows:

**Delete from matrix**

USE	SUPPLEMENTAL REGULATION SECTION NUMBER	R-80	R-60	RA-40	R-40	RA-20	R-20	B-1	B-2	L-1	O-I
Temporary Structures (Other than Residences)	4.7, 6.10.4	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es

**Insert new in matrix**

USE	SUPPLEMENTAL REGULATION SECTION NUMBER	R-80	R-60	RA-40	R-40	RA-20	R-20	B-1	B-2	L-1	O-I
Temporary Structures (Other than Residences)	4.7.2	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs

3. Section 6.10.4 (Conditional Use standards for Office Trailers) is hereby amended as follows:

~~*a.10.4 Office Trailers ——— DELETED*~~

~~*a) That the proposed uses will be compatible with the general characteristic of the area with respect to the structure's location. b) Relationship to and impacts upon adjoining and nearby properties and the adequacy of proposed measures to minimize any adverse impacts. c) That the use may be allowed for a maximum period of six (6) months. Extensions of this period may be granted only after a public hearing is held in accordance with Section 12.1. d) No office trailer shall be used for residential purposes.3.*~~

**4. Revised 4.7.2.**

Manufactured homes, construction trailer, **sales trailer** and temporary buildings not for residential purposes when used by a contractor for field offices and storage during the building of structures on the same site or subdivision are permitted. The permit shall be issued for a ~~(6) month~~ **one (1) year** period and may be renewed by ~~the Village Council~~ **the Zoning Administrator** provided that the construction has proceeded in a diligent manner.

Adopted this 12<sup>th</sup> day of November, 2018.

---

Mayor Brad S. Horvath

Attest:

---

Cheryl Bennett, Village Clerk

8. Finance Officer's Report *Time Stamp 39:22*

Finance Officer Bennett reported in October we made a payment for codification, for Christmas lights, for the park irrigation system and for the second quarter for the deputy. Property taxes are beginning to come in. Last month a raise was approved for the clerk, so a budget amendment was requested to move \$1,265 to Clerk Salary, \$100 to Payroll tax, and \$100 to Fringe benefits – Retirement and take \$1,465 from Allowance for Salary Adjustment. Council Member Fuller motioned to do a budget amendment to move those amounts; Council Member Como seconded the motion.

The motion passed unanimously.

The year to date deficit is nearly \$200,000, which is about a quarter of our budget. Our policy is to keep 25% of the budget in fund balance to fund operations at the beginning of the year.

9. Planning Board Report *Time Stamp 44:24*

Planning Board Chair John Souza was absent, so it was noted that last month they had a presentation on solar power which was very informative.

10. Youth Council Committee Report *Time Stamp 45:25*

Mayor Pro Tem Kaperonis noted they met but did not print the minutes. They are looking to complete the rock wall at the park and conducted a scavenger hunt at the Fall Bash.

11. Parks and Rec Committee Report *Time Stamp 46:44*

Chair John Lepke reported the Fall Bash was well attended, and had plenty of teen volunteers, but a lack of adult volunteers. The new irrigation system is working, and they will do the first year winterization. Volunteer days may be held. The administrative assistant is working on a log of volunteers. The band shell pre-construction meeting was held, digging will commence in two weeks. The committee discussed the DOT funds; and they felt that PARTF funded the current easement, and with the road widening it is just being moved, so they asked if the attorney could look at whether it should be sent back to PARTF. Mr. Lepke noted since then he met our PARTF rep who strongly stated this is the rule. The committee looked at whether other towns opened their membership to non-residents. A PARTF grant application for 2019 was discussed, the PARTF rep explained you get more points for three amenities, and you don't have to currently have the funds, just a plan to fund the town's portion. Mr. Lepke heard that sending the money back to PARTF doesn't look so good when applying for a new grant. NC Wildlife stocked some bluegill in the pond. A permit application was made for grass carp. Discussion was held on a 2019 event to combine a music event with the pig in the park event. NC Wildlife has not come out yet to look at pier repairs, and a contractor is coming out to look at it for a scope of work. A letter was sent out regarding a private entity using the park for organized sports. Mayor Pro Tem Kaperonis said Union Power offers grant funding, and he will put Mr. Lepke in touch with them.

12. Communications Committee Report *Time Stamp 1:00:41*

- a. Approve amendment to Charter
- b. Approve Facebook Policy
- c. Approve who will post to Facebook page
- d. Approve what types of info will be posted to Facebook

An amendment was proposed to their Committee Charter Introduction to add:

*The committee is a standing committee, which shall provide communications recommendations to the Village Council.*

*The committee will encourage and solicit public input concerning various matters important to the town; using email, surveys and Social Media, such as Facebook and Twitter. This community input will then be shared with Council when appropriate.*

Council Member Fuller motioned to approve the amended charter; Council Member Como seconded the motion.

The motion passed unanimously.

Council Member Como motioned to approve the Facebook policy as amended by the attorney. Mayor Pro Tem Kaperonis seconded the motion.

The motion passed unanimously.

Council Member Como motioned to approve people to post to Facebook and the other social media sites: Committee Chair and Co-Chair, Administrative Assistant and Clerk. Council Member Fuller seconded the motion.

The motion passed unanimously.

Council Member Como motioned to approve the proposed types of comments that will be posted: town sanctioned events notices and photos, traffic situations or public safety problems, no sales promotions, no political or copyright infringement comments. Mayor Pro Tem Kaperonis seconded the motion.

The motion passed unanimously.

The Facebook page will go live immediately. The next goal will be to go on Twitter and Instagram and create an overall social media policy. Regarding archiving, clerk Bennett noted if they send information to the clerk on things they are posting, it will serve as the record copy, and the social media sites will be the reference copy.

### Old Business

13. Consider having legal review of estimates of park right of way funds regarding return of those funds to PARTF *Time Stamp 1:09:06*

Council Member Como felt that while we will get the funds from NC DOT for the improvements they are taking, the easements are just moving over, and we should not have to return the funds to PARTF. Mayor Horvath noted that he got a letter from PARTF agreeing we can keep the funds for the improvements, but felt we might sacrifice a future grant by requesting the easement funds. Mayor Pro Tem Kaperonis agreed. The attorney said it would take a couple of hours of his time to look at it. Council Member Como motioned to have the attorney review the rules. Council Member Fuller seconded the motion.

The motion passed unanimously.

14. Discuss allowing non-residents to be members of Parks and Rec Committee *Time Stamp 1:15:58*

Council Member Como commented there was a master gardener from Weddington who goes to the park often but could not join the committee, and motioned to change the policy to allow non-residents on the Park and Rec committee. Mayor Pro Tem Kaperonis seconded the motion. Mayor Horvath noted that even though the committee cannot spend money, they still make recommendations on expenditures. Other considerations were discussed; the general policy for committees requires members to be residents, would this open up the Youth Council to western Union County, could non-residents be referred to Friends of Park and Rec, or be non-voting members. The second was rescinded. Council Member Como amended the motion that this be specific to Parks and Rec, and only two members could be non-residents. Mayor Pro Tem Kaperonis seconded the amended motion.

The motion passed 2-1 with Fuller voting nay.

15. Closed session per NC GS 143-318.11(a)(4) related to location or expansion of industries and businesses in the area served by this body *Time Stamp 1:25:22*

Council Member Como motioned to go into closed session and include David Pohorence. Mayor Pro Tem Kaperonis Fuller seconded the motion.

The motion passed unanimously.

Discussion was held.

Council Member Como motioned to leave closed session; Mayor Pro Tem Kaperonis Fuller seconded the motion.

The motion passed unanimously.

16. Any decisions arising out of closed session *Time Stamp 1:26:20*

None.

17. For 2.63 acre parcel; discuss possible need for more funds to pay for appraisal and possible sale of 2.63 acres (GS 160A-12 govern procedures for any sale of land) *Time Stamp 1:26:25*

Item deleted from the agenda.

18. Update on items from Advance *Time Stamp 1:26:34*

Mayor Horvath reviewed the list of high priority items from the Advance, and what progress has been made on them. Many of the items have been completed. The band shell, tree ordinance, sign ordinance, and land use plan amendment process are still in process. Council Member Como reported he is attending the Silver Creek and Blackstone HOA meetings offering the opportunity to annex into Wesley Chapel. The capital improvement plan, community events not at the park, and investigating the process for an ABC store have not begun.

### **New Business**

19. Discuss park survey details for future PARTF grant *Time Stamp 1:35:44*

Council Member Como noted our old survey is too old to get us points should we apply for a new PARTF grant. The expenditures may fall in the next fiscal year. While a survey may cost \$4,000 to print and mail, a potential grant could be \$50,000. Discussion was held on whether the survey could be done on line, etc.

20. Resolution 2018-06 to adopt code of ordinances and motion to approve updates annually or semi-annually *Time Stamp 1:42:15*

We have received the new Code of Ordinances, which is required by State law. The Code will be posted on the website, and updates will be done periodically for changes made. The Clerk looked at how other towns handled the distribution of copies of the Code, and most towns have a copy given to the Planner, Clerk, Mayor, and Planning Board Chair, which is what we are doing.

2018.11.12 Council meeting minutes

Council Member Como motioned to approve Resolution 2018-06, incorporated herein, to adopt the Code. Mayor Pro Tem Kaperonis seconded the motion.

The motion passed unanimously.

**Village of Wesley Chapel, North Carolina Resolution 2018-06  
To Adopt Code of Ordinances for Village of Wesley Chapel, NC**

WHEREAS North Carolina General Statutes Section 160A-77 authorizes the Village to adopt a code of its ordinances,

NOW, THEREFORE, BE IT RESOLVED the Ordinances of the Village have been compiled into book form and are hereby adopted as the Code of Ordinances of the Village of Wesley Chapel and that such Code of Ordinances currently has the following Table of Contents:

Charter  
Title I: General Provisions  
Title III: Administration  
Title V: Public Works  
Title VII: Traffic Code  
Title IX: General Regulations  
Title XI: Business Regulations  
Title XIII: General Offenses  
Title XV: Land Usage  
Table of Special Ordinances  
Parallel References  
Index

Adopted this 12th day of November, 2018.

\_\_\_\_\_  
Brad S. Horvath, Mayor

ATTEST: \_\_\_\_\_  
Cheryl Bennett, Village Clerk

Council Member Como motioned to have the Code updated annually. Council Member Fuller seconded the motion. Upon further discussion, the second and motion were rescinded. We will get more information on the update process and input from the planner.

**Ending Items**

21. Council Comments *Time Stamp 1:53:35*

Council Member Fuller reported she got a report that there were only 17 false alarms in 2016 and 20 false alarms in 2017, so it is probably not worth our while to have an alarms ordinance. We can ask if they are repeat offenders, or a variety of locations.

2018.11.12 Council meeting minutes

Mayor Pro Tem Kaperonis reported the Leadership Union graduation is Thursday, and it has been a great experience.

Council Member Como appreciated our three new seals on the wall in town hall. He and the Park and Rec Chair went to a Parks conference, and noticed other towns had nice maps of their parks. He will bring a cost for a rendering of the park for flyers.

Mayor Horvath reported Angela Lubinecky, the artist who drew the seal and the history book cover, was here earlier and we may have an article in the local paper. Deb Bledsoe is taking photos around town, and for possible framing them for the walls here; he will ask her for estimates of cost.

22. Adjournment *Time Stamp 2:03:13*

Mayor Pro Tem Kaperonis motioned to adjourn; Council Member Como seconded the motion.  
The motion passed unanimously.

Respectfully submitted,

---

Cheryl Bennett, Clerk

---

Mayor Brad Horvath