

VILLAGE OF WESLEY CHAPEL  
COUNCIL MEETING MINUTES  
WESLEY CHAPEL TOWN HALL  
6490 Weddington Road, Wesley Chapel, NC 28104  
December 10, 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, Planning and Zoning Administrator 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: 2:10*

Travis Manning, from Kolter, spoke noting that Union County Public Works had an issue with their second copy of the final plat, our staff and engineer approved it, and asked the Mayor to sign it. The Mayor stated he had just signed it.

3. Additions, Deletions and Adoption of Agenda *Time Stamp 3:30*

An item was added for an update on the Union County Sheriff's Office meeting regarding deputy services. Council Member Como motioned to adopt the amended agenda; Mayor Pro Tem Kaperonis seconded the motion.

The motion passed unanimously.

4. Consider Approval of Consent Agenda *Time Stamp 4:35*
  - a. Approve minutes for October 18, 2018 Special Council Meeting and November 12, 2018 Council Meeting
  - b. Approve previous month planner's and code enforcement reports
  - c. Approve previous month finance report
  - d. Approve reduction in Phase 2 bonds for the Courtyards at Wesley Chapel from \$489,702.50 to \$224,812.50
  - e. Adopt Council regular meeting schedule for 2019

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

The motion passed unanimously.

**November 30, 2018 Balance Sheet**

**ASSETS**

**Current Assets**

**Checking/Savings**

<b>Fifth Third Bank checking</b>	19,568.18
<b>Fifth Third Maxsaver</b>	184,573.94
<b>NCCMT Government Portfolio</b>	305,930.40
<b>BB&amp;T Money Market</b>	508,559.27
<b>Cash Change Fund</b>	50.00
<b>Total Checking/Savings</b>	<u>1,018,681.79</u>
<b>Misc. Fees Receivable</b>	<u>1,242.00</u>

**Other Current Assets**

<b>Property Tax Rec.</b>	691.00
<b>Allow. for Doubtful Accounts</b>	-490.00
<b>Prepaid Exp.</b>	282.00
<b>Due from Union County</b>	<u>47.75</u>
<b>Total Sales Taxes to be Received</b>	<u>764.35</u>

<b>Total Other Current Assets</b>	<u>1,295.10</u>
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<b>Total Current Assets</b>	1,021,218.89
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**Fixed Assets**

<b>Land</b>	813,423.00
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**Dogwood Park**

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

<b>Total Dogwood Park</b>	757,750.00
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<b>Town Hall</b>	1,361,869.00
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<b>Furniture &amp; Equipment</b>	40,008.00
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<b>Town Hall Driveway/Irrigation</b>	64,192.00
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<b>Accumulated Depreciation</b>	<u>-518,210.98</u>
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<b>Total Fixed Assets</b>	2,519,031.02
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**Other Assets**

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Def Outflow Contr to Pension Plan CY	10,458.00
Total Other Assets	10,458.00
<b>TOTAL ASSETS</b>	<b>3,550,707.91</b>
<b>LIABILITIES &amp; Fund Balance</b>	
<b>Other Current Liabilities</b>	
Due to Union County Schools	6.67
Deposits To Refund	1,000.00
Escrow from Developers	45,076.00
Deferred Revenue	201.20
<b>Total Other Current Liabilities</b>	<b>46,283.87</b>
<b>Long Term Liabilities</b>	
Net pension liability	6,113.00
Deferred inflows Pension	3,405.00
<b>Total Long Term Liabilities</b>	<b>9,518.00</b>
<b>Total Liabilities</b>	<b>55,801.87</b>
<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
Net Excess of Rev. over Exp.	-234,741.15
<b>Total Fund Balance</b>	<b>3,494,906.04</b>
<b>TOTAL LIABILITIES &amp; Fund Balance</b>	<b>3,550,707.91</b>

**November 30, 2018 Budget Report**

	<u>Nov 18</u>	<u>Jul - Nov 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	5,103.35	15,295.59	151,081.00	10%
Utility Ad Valorem	0.00	0.00	2,236.00	0%
Vehicle Registration	1,317.39	4,678.97	15,669.00	30%

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Delinquent Property Tax	10.90	138.54	300.00	46%
Interest/Ad Fee on Taxes	0.54	31.92	250.00	13%
<b>Total Property Tax Income</b>	<b>6,432.18</b>	<b>20,145.02</b>	<b>169,536.00</b>	<b>12%</b>
<b>Fees and Licenses</b>				
Privilege Licenses - ABC	0.00	285.00	300.00	95%
Zoning Permit	1,775.00	10,725.00	25,000.00	43%
Engineering Fees Reimbursement	242.00	6,180.75	50,000.00	12%
Misc. Fees	300.00	822.00	1,500.00	55%
<b>Total Fees and Licenses</b>	<b>2,317.00</b>	<b>18,012.75</b>	<b>76,800.00</b>	<b>23%</b>
Interest Earned	0.00	2,514.45	2,400.00	105%
<b>Shared Revenues</b>				
Sales & Use Taxes	4,435.75	8,934.64	52,000.00	17%
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>4,435.75</b>	<b>9,452.53</b>	<b>408,700.00</b>	<b>2%</b>
<b>Total Income</b>	<b>13,184.93</b>	<b>50,124.75</b>	<b>880,036.00</b>	<b>6%</b>
<b>Expense</b>				
Transportation	0.00	0.00	0.00	0%
Total Town Hall Operating Expense	2,303.49	10,952.13	29,400.00	37%
Total Operating Expenditures	400.87	24,379.22	77,389.00	32%
<b>Total Planning &amp; Zoning</b>	<b>14,163.38</b>	<b>42,643.99</b>	<b>106,016.00</b>	<b>40%</b>
Total Gen. Govt. Salaries	8,640.10	50,411.03	152,422.00	33%
Total Professional Fees	6,420.64	18,500.64	81,200.00	23%
Total Capital Outlay	0.00	6,828.75	29,000.00	24%
Total Public Services / Safety	0.00	48,099.60	99,535.00	48%
<b>Parks &amp; Recreation</b>				
Total Recreation Events	183.00	1,741.00	8,260.00	21%
Total Park Maint. Supplies& Mat.	322.39	583.49	6,000.00	10%
Total Park Maint. Services P&R Capital Outlay	5,290.62	24,245.05	80,640.00	30%
<b>Total P&amp;R Capital Outlay</b>	<b>10,890.00</b>	<b>56,481.00</b>	<b>210,174.00</b>	<b>27%</b>
<b>Total Parks &amp; Recreation</b>	<b>16,686.01</b>	<b>83,050.54</b>	<b>305,074.00</b>	<b>27%</b>
<b>Total Expense</b>	<b>48,614.49</b>	<b>284,865.90</b>	<b>880,036.00</b>	<b>32%</b>
<b>Net Excess of Rev. over Exp.</b>	<b>35,429.56</b>	<b>-234,741.15</b>	<b>0.00</b>	<b>100%</b>

5. Public Hearing on text amendment for Essential Services Class V for Solar Power Generating Facility and possible decision on Ordinance 2018-12 to adopt text amendment regarding Essential Services Class V *Time Stamp 4:56*

Mayor Horvath opened the public hearing. Planner Robyn Byers, Ph.D. noted the ordinance needs to be changed to reflect rear and side setbacks are from the property line, and have consistent terminology as a solar power generating facility. Front setbacks are still measured from the edge of pavement. This Ordinance creates a new Essential Services Class V, which allows the use as a conditional use with specific standards in all zoning districts. Citizen Jeff Nurkiewicz asked why transformer noise was not addressed, what was the basis for fifty and one hundred foot setbacks, and why is it allowed in all property types. He went to a solar generating facility and recorded the noise at the fence line on his phone, relative to traffic noise, and played it for council. He also noted at 290 feet you could still hear the transformers. There was not much buffering there, you can increase setbacks or require transformers be in the center of the facility, or that they be enclosed in something. Planning Board Chair John Souza noted we had an expert speak at length at Planning Board, and they said noise is not an issue. The only property types in Wesley Chapel that can accommodate the setbacks is in residential districts; he felt it is a good option, and should be an available option to land owners; the use does require a CUP. The Planner added in her experience you can add a condition to a CUP. Planning Board member Deb Bledsoe added the facility on New Town Road is on a narrow strip of land, and it is hard to get the transformers away from the property edges. Mayor Horvath added that the use needs to be near a trunk line which will limit it to only a few areas in Wesley Chapel, and the electric company will not look at a small site. The public hearing was closed.

Council Member Como motioned to approve the ordinance subject to the Zoning Administrator making tweaks so it will be consistent with verbiage, and to the rear and side setbacks. Mayor Pro Tem Kaperonis seconded the motion. Council Member Fuller asked about adding sonic impact, to Section 11, item 2 of the ordinance. Planning Board Chair John Souza said as an engineer, the parameters were not well defined. The Planner noted Class II and III of Essential Services define existing noise levels and allow no more than 10 additional dB of noise than the existing noise level. Section 156.136 of our Code also restricts noise. Mayor Pro Tem Kaperonis asked if this is the direction we want to go, and where were the constraints on this type of use. It was noted we would receive taxes on the structures. Council Member Como amended the motion to include the noise stipulation from Code 156.089(G)(4) with the statement of reasonableness that the proposed text amendment is reasonable since it will add a new class of essential service that reflects new technology for solar electric generation, and the amendment will allow the zoning ordinance to remain relevant, and the statement of consistency that the proposed text amendment is consistent with the Future Land Use Plan as it is incorporated into all zoning districts equally as a conditional use. Council Member Fuller seconded the amended motion.

The motion was voted on with two yea votes (Como and Fuller) and one nay vote (Kaperonis). The Attorney noted because this is the first reading of the ordinance, it must pass as a 3/4 vote, so we cannot approve it tonight.

Council Member Como motioned to hold a special meeting on December 17, 2018 at 6 pm to consider a vote on this ordinance. Council Member Fuller seconded the motion.

The motion passed unanimously.

6. Presentation by Michael James, Assistant to the County Manager on Fire Service District Funding Study *Time Stamp 36:40*

Michael James presented a PowerPoint on current funding methods used to fund fire protection services in Union County. Five fire service districts are funded through a local tax as established by the County Commission; twelve are funded through a local fee as provided by the NC General Assembly with a \$100 cap. The City of Monroe and the Town of Weddington provide for their own fire protection services. The fiscal year 2019 operating appropriations are \$13.778 million, an increase of 50% from 2009. \$2.691 million is needed from the countywide rate to fully fund fire services in the fee districts. Eighty per cent of calls for service are non-fire related and provide general life-safety to residents and visitors. The majority of dispatched calls are in response to roadway accidents, falls and other medical issues. Agricultural land "Farm Parcels" account for about 10% of all fire fee and fire tax revenue, 72% of the farm parcel value falls under the deferment programs. The fire fee districts include about 66% of the county population and 69% of the land area. Most of the fire fee districts are rural and have a lesser number of parcels available for fee or taxation. Fire funding options include one self-funding district, a countywide tax, self-funding plus a county % subsidy, and local legislation fire fee methodology. The other option of a 6<sup>th</sup> district has been removed from consideration. The different scenarios were reviewed. The Fire Chiefs were surveyed to see which method worked best to meet their needs, and six chose the self-funding fire tax; five chose the fire tax district with a County subsidy. None supported the fire fee district, or the 6<sup>th</sup> fire tax district. The County would like a letter from the town by mid-January on which method they prefer. Questions were asked. The Wesley Chapel rate under the countywide district goes up almost double. Only two counties in the state have a fire fee. The volunteer fire departments are 501(c) (3)'s, and have an annual audit requirement.

7. Planning Board Report *Time Stamp 1:17:35*

Planning Board Chair John Souza reported they do not have a December meeting; at the last meeting they looked at the Land Use Plan amendment process and voted unanimously to have no text to do that. If a developer comes to us, we decide if it makes sense to revise our plan. They reviewed progress on the tree ordinance, and the sign ordinance is a priority for the planner. They discussed having time blocks for their meeting agendas. Mayor Pro Tem Kaperonis asked what needs to be done to work more pro-actively. Chair Souza noted we are doing that with our Land Use Plan, and it shows primarily residential; we hear residents want the rural feel.

8. Communications Committee Report *Time Stamp 1:28:06*

Chair Deb Bledsoe reported they adopted their 2019 meeting schedule with meetings on the third Thursday of each month. After having the Face book page up a month, they have 237 followers and reached 527 people. The most viewed post is the one on the Village's 20<sup>th</sup> anniversary. They have received two questions, and have a list for future posts including historical facts, spotlight on residents, and they could promote a survey. Council Member Fuller asked if they can pay a fee to make their page more prominent. We will put a link to the Facebook page on our website. There are no negative comments so far.

9. Youth Council Committee Report *Time Stamp 1:37:50*

Mayor Pro Tem Kaperonis reported they discussed minutes (but they have not been submitted to the Clerk), their time capsule monument and finishing the wall at the park.

10. Parks and Rec Committee Report *Time Stamp 1:40:25*

Council Member Como reported the band shell has paperwork and behind the scenes work done, and expect completion in January. The Sheriff's office attended their last meeting to give advice on having alcohol at a park event, they suggested fencing off the area. The DOT funds from the road widening were discussed, and the attorney said the funds for the permanent easement PARTF would likely keep, the temporary easement may fall out of the area of conversion unless it is more than a one year easement, and the funds for improvements, if not originally funded from PARTF, we would likely keep. Council Member Como is sending PARTF photos of when we made the improvements, and our attorney suggested also looking at the Park and Rec minutes to determine when they were constructed. The irrigation system is installed and the vendor included winterization, as well as winterizing the backflow preventer and standpipe for about \$80. The gate vendor is still busy, and the project pending. There was concern on the pond maintenance contract since the vendor's employee who had the aquatic certification had left, and the vendor is working on obtaining certification. Events in 2019 were also discussed at the committee meeting.

11. Finance Officer's Report *Time Stamp 1:53:45*

Finance Officer Bennett reported that the council member spent \$22.42 at Lowe's Home Improvement during the month for keys to the irrigation system and 9 padlocks. About \$22,000 in tax payments came in to the County in September but was not included in our deposit due to an error on their part, and should be sent to the Village in this week's deposit. We have had several HOA meetings here, and some wear and tear on furniture has been visible. Our quarterly state shared revenues come in December 15. We received the .pdf of the audit, and should have the hard copies by next month. The park electrical upgrades were paid for on November 2, 2018.

**Old Business**

12. Code of ordinances – updates schedule *Time Stamp 1:57:28*

Administrator Bennett checked with the codification company and they had us on a six month schedule for updates, which is also the schedule the planner preferred. We can change it at any time if we want to move to annual updates.

13. Update on 2019 Advance *Time Stamp 1:58:51*

Council would like more focus on the discussion, and less on the food at the Advance. We will check on au d'oeuvres prices, what dates SPCC is available, as well as get facilitator contacts.

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14. Update on 2.63 acre parcel and appraisal *Time Stamp 2:08:03*

The appraisal was received, and sent to four interested parties. Council is not interested in just selling part of the parcel.

### **New Business**

15. Update on Union County Sheriff's Office meeting *Time Stamp 2:15:20*

Administrator Bennett attended a meeting called by the Sheriff's Office on Law Enforcement Services Planning on December 6, 2018. They gave an update on statistics, as well as possible changes for the 2019/20 budget year for contract deputy organization and supervision. Council would like to see if Marvin and Weddington are interested in meeting with us and the Sheriff's Office regarding potential changes.

16. Closed Session per NC GS 143-318.11(A)(6) to discuss possible year-end bonuses *Time Stamp 2:27:00*

Council Member Como motioned to go into closed session to discuss possible year-end bonuses. Council Member Fuller seconded the motion.

The motion passed unanimously.

Council discussed year-end bonuses.

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

The motion passed unanimously.

17. Any action from closed session *Time Stamp 2:27:39*

Mayor Pro Tem Kaperonis motioned to give the following bonuses: Deputy and Clerk \$250 each, and Admin. Assistant and Planner \$50 each. Council Member Mike Como seconded the motion.

The motion passed unanimously.

Council Member Como motioned to do a budget amendment to move the funds for the bonuses from the Allowance for Salary Adjustment to the salary and related payroll tax accounts.

Council Member Fuller seconded the motion.

The motion passed unanimously.

### **Ending Items**

18. Council Comments *Time Stamp 2:30:12*

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Council Member Fuller thanked Planning Board Chair Souza, Deb and Bob Bledsoe, and Cheryl Bennett for their work the past year, and appreciated the cooperative environment on Council.

Mayor Pro Tem Kaperonis agreed and expressed his appreciation noting none of the roles are easy.

Council Member Como stated it has been a great year and wished everyone a safe holiday.

Mayor Horvath thanked everyone for the big strides taken, for working together and listening to each other. We are moving forward for the betterment of the town.

19. Adjournment *Time Stamp 2:34:00*

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

Respectfully submitted,

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Cheryl Bennett, Clerk

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Mayor Brad Horvath