

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
WESLEY CHAPEL TOWN HALL
6490 Weddington Road, Wesley Chapel, NC 28104
August 12, 2019 – 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: Council Member Rodriguez

Others Present: Clerk/Finance Officer Cheryl Bennett, Planning and Zoning Administrator Robyn Byers Ph.D., Attorney Keith Merritt

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: 1:22*

3. Additions, Deletions and Adoption of Agenda *Time Stamp 2:25*

Added were: Item 16B. Synopsis of meeting regarding Billy Howey Road water line extension, Item 16C. Update on cameras, and Item 6B. Next steps on code violations. Item 4E. was changed to call for two public hearings, one to apply zoning, and one to apply future land use designation. Mayor Horvath also noted that Patriots Day is September 11, 2019, and he asked citizens remember those who gave their lives eighteen years ago, and observe a moment of silence at 8:46 am on September 11th. 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 6:19*
 - a. Approve minutes for July 2, 2019 special Council meeting, and July 8, 2019 Council meeting
 - b. Approve previous month planner's and code enforcement reports
 - c. Approve previous month finance report
 - d. Call for public hearing on September, 9th, 2019 at 7 pm for Conditional Use Permit 19-02 for Deer Creek Farm at 5428 New Town Road
 - e. Call for two public hearings on September 9th, 2019 at 7 pm (a) to apply Future Land Use Map designation, and (2) to apply zoning for recently annexed parcels

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

The motion passed unanimously.

July 31, 2019 Balance Sheet

ASSETS

Checking/Savings	
Fifth Third Bank checking	140,236.25
Fifth Third Maxsaver	185,125.86
NCCMT Government Portfolio	310,492.20
BB&T Money Market	408,896.57
Cash Change Fund	50.00
Total Checking/Savings	1,044,800.88
Misc. Fees Receivable	1,060.96
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Total Sales Taxes to be Received	5,140.47
Total Other Current Assets	86,743.69
Total Current Assets	1,132,605.53
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 Deprec.	-518,210.98
Total Fixed Assets	2,519,031.02
Other Assets	
Def Outflow Contr to PenPlan CY	11,815.00
Total Other Assets	11,815.00
TOTAL ASSETS	<u>3,663,451.55</u>
LIABILITIES & Fund Balance	
Other Current Liabilities	
Due to Union County Schools	36.56
Deposits To Refund	2,000.00
Escrow from Developers	45,076.00
Deferred Revenue	201.20

Deferred Tax Revenue	14.78
Total Other Current Liabilities	<u>47,328.54</u>
Long Term Liabilities	
Net pension liability	6,113.00
Deferred inflows Pension	<u>3,405.00</u>
Total Long Term Liabilities	<u>9,518.00</u>
Total Liabilities	56,846.54
Fund Balance	
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	70,957.81
Fund Bal. non-spendable	104,045.00
Fund Balance	860,119.77
Net Excess of Rev. over Exp.	<u>-62,411.99</u>
Total Fund Balance	<u>3,606,605.01</u>
TOTAL LIABILITIES & Fund Balance	<u><u>3,663,451.55</u></u>

July 31, 2019 Budget Report

	<u>Jul 19</u>	<u>Budget</u>	<u>% of Budget</u>
Income			
Appropriated Fund Balance	0.00	97,195.00	0%
Property Tax Income			
Current Year Property Tax	0.00	153,767.00	0%
Utility Ad Valorem	0.00	2,214.00	0%
Vehicle Registration	0.00	17,100.00	0%
Delinquent Property Tax	0.00	200.00	0%
Interest/Ad Fee on Taxes	<u>0.00</u>	<u>240.00</u>	<u>0%</u>
Total Property Tax Income	0.00	173,521.00	0%
Fees and Licenses			
Privilege Licenses - ABC	285.00	285.00	100%
Zoning Permit	4,255.00	25,000.00	17%
Engineering Fees Reimbursement	0.00	40,000.00	0%
Annexation Exp Reimbursed	0.00	0.00	0%
Misc. Fees	101.00	1,500.00	7%
Fee in lieu -Open Space Land	<u>3,599.08</u>		
Total Fees and Licenses	8,240.08	66,785.00	12%
Interest Earned	62.76	6,000.00	1%

Shared Revenues			
Sales & Use Taxes	0.00	54,500.00	0%
Sales Tax on Telecom. Services	0.00	7,500.00	0%
Sales Tax on Video Programming	0.00	92,500.00	0%
Sales Tax on Electricity	0.00	195,000.00	0%
Sales Tax on Piped Natural Gas	0.00	12,000.00	0%
Alcoholic Beverage Tax	0.00	38,500.00	0%
Total Shared Revenues	0.00	400,000.00	0%
Total Income	8,302.84	743,501.00	1%
Expense			
Total Town Hall Operating Expense	2,593.21	34,800.00	7%
Total Operating Expenditures	12,308.62	89,150.00	14%
Total Planning & Zoning	5,247.95	77,500.00	7%
Total Gen. Govt. Salaries	13,263.44	170,586.00	8%
Total Professional Fees	0.00	67,855.00	0%
Total Capital Outlay	390.00	18,320.00	2%
Total Public Services / Safety	24,772.41	101,590.00	24%
Parks & Recreation			
Event Services	2,597.46	28,000.00	9%
Total Recreation Events	2,597.46	28,000.00	9%
Other Supplies and Materials	0.00	4,000.00	0%
Total Park Maint. Services	9,541.74	107,700.00	9%
Total P&R Capital Outlay	0.00	44,000.00	0%
Total Parks & Recreation	12,139.20	183,700.00	7%
Total Expense	70,714.83	743,501.00	10%
Net Excess of Revenue over Exp.	-62,411.99	0.00	100%

5. Deputy Report *Time Stamp 6:36*

Deputy Wicker reported on crime in the Village in the last three months, including some larcenies, car break-ins, traffic accidents, and assaults.

6. Planning Board Report *Time Stamp 9:55*

Planning Board Chair John Souza reported Dr. Ells was elected Vice Chair. They reviewed two CUP's, and recommended approval of both. The Board looked at the as-yet incomplete conditional zoning request to go to B-1 for an animal hospital. They recommended zoning for annexed parcels, and are working on the Table of Uses and looking toward updating the Land Use Plan.

6.B. Next Steps on Code Violations *Time Stamp 12:22*

Planning and Zoning Administrator Byers reported one code violation has exhausted our notices, and the next step would be either civil penalty or abatement. She noted she goes out to the violations with Council Member Como, and she has sent a warning letter and two notices. Mayor Pro Tem Kaperonis preferred she go out with the Deputy instead to avoid any problems. Attorney Merritt noted the code violation process is set out in the ordinance, and we would next send a letter that we are commencing fines or beginning the process of abatement. Council Member Fuller motioned for Dr. Byers to move forward with civil penalties per the ordinance. Council Member Como seconded the motion.

The motion passed unanimously.

7. Parks and Rec Committee Report; update on event; move regular member Pam King to alternate, and move alternate Julie Thomas to regular member *Time Stamp 16:56*

Parks and Rec Chair Lepke reported about 650 people attended the first event done by Parks and Rec and the town. Participants were surveyed with 136 responding, and showed a strong preference for evening events, and to have beer and wine. They also preferred rock and roll, country, bluegrass, and hard rock music. Most heard of the event from social media and word of mouth. The car show was a main draw with 41 cars. September 7th is too soon for the next event, so they will delay and possibly combine with the Fall Festival.

There is an approved Eagle Scout project extending the fence, and Council approved renting a bobcat. Council Member Como said he needed to purchase wood, concrete, and gas, and motioned to spend up to \$500 for materials when the bobcat is rented. Council Member Fuller seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Kaperonis noted people had asked if they could sponsor an event, and maybe tie it in with t-shirts, noting the Youth Council 5K had sponsors. Mr. Lepke suggested giving out envelopes and requesting voluntary donations.

Mayor Horvath moved Parks and Rec regular member Pam King to alternate, and moved alternate Julie Thomas to regular member.

8. Finance Officer's Report *Time Stamp 34:10*

Finance Officer Bennett noted in July we received \$3,599.08 in Addington Phase 2 fee-in-lieu. The July reports reflect two months of expenditures on the lawn and pond contracts and the first quarter for the deputy. We paid the annual fee for the ASCAP music license.

Public Hearing and Old Business

9. Public Hearing on Conditional Use Permit 19-01 to construct a natural gas receiver site on the east side of Waxhaw-Indian Trail Road, across from the intersection with Will Plyler Road (parcel ID 06075022) *Time Stamp 38:00*

Attorney Merritt noted this is a quasi-judicial hearing, and any conversations on the item need to be disclosed; council members need to be in a position to make an unbiased decision based on evidence from this hearing. Council Member Fuller reported she received a couple of calls on it, and directed the callers to staff. Mayor Horvath reported he had a call from the property owner, and a call from the company on what they were proposing and he directed them to the planner. Council Member Como said he looked up what a pig launcher is. All of Council agreed they could render an impartial decision based on the evidence received this evening. Attorney Merritt noted three votes are needed to approve this, so with one council member absent, it would require a unanimous vote. The applicant agreed to proceed tonight.

The Mayor swore in the following witnesses: Adam Staubitz, Dan Jester, Keith Gualtieri, attorney Jamie Schwedler, and Robyn Byers.

Planning and Zoning Administrator Robyn Byers presented her staff report, incorporated herein and submitted as Exhibit 1, as follows.

Background: Location: Waxhaw-Indian Trail Rd. east of intersection with Will Plyler Rd. Size of tract: 2.7 acres Proposed Use: Piedmont Natural Gas Line Retrofit Receiver Site Zoning: R-40 Future Land Use: Low-Density Residential Minimum lot size: 40,000 square feet Yard requirements: Front setback – 75’; Rear setback – 15’; Side setbacks – 15’ each Minimum lot width: 120’ Buffering: 30’ natural buffer

Proposal: Piedmont Natural Gas (PNG) is seeking a conditional use permit to place a new receiver site in the area, located off of Waxhaw-Indian Trail Rd. In March of this year, an administrative subdivision was recorded to create the 2.7-acre tract from a larger parcel owned by Mr. and Mrs. Davis. The property is being purchased by PNG and will close pending Village Council decision on the CUP. The station would allow for a pigging operation and ease of maintenance of the existing natural gas line 118 and 223. There is ample room for additions to the site without requiring additional land, though additional construction would trigger a CUP amendment at that time. A representative with PNG has had numerous meetings with the Village Planner to establish requirements that need to be followed, including screening and minimum yard requirements. PNG has worked diligently to get all outside approvals prior to the Planning Board meeting. The application has also been reviewed by the Village Engineer for compliance with the Village Codes. Attached is the Village Engineer’s acceptance letter and the site plans. It is important to note that this is a conditional use review and not zoning approval – construction documents will be reviewed again by the Village Planner and Village Engineer, along with other pertinent agencies, before zoning approval is granted.

Location/Surrounding Land Uses: The site is located on the east side of Waxhaw-Indian Trail Rd., across from the intersection with Will Plyler Rd. The site is surrounded by forested or farmed land, with a single-family residential lot and a 2 Light Industrial-zoned lot across Waxhaw-Indian Trail Rd. PNG has secured permanent and temporary easements for this project.

Zoning/Future Land Use: The current zoning is R-40, which allows Essential Services II, Natural Gas Substations, under a conditional use permit. Additional standards for the ES II use includes all structures be screened, no more than 60 percent of the lot shall be used for structures

and related storage and facilities, structures be reasonably located on property to mitigate visual impact, noise levels be compatible with the existing area noise background levels, dedicated access and service to facilities from a public street, and documented safety and disaster mitigation plans. As can be seen on the site plan, a natural buffer and fence, internal of the buffer, are provided for screening. Less than half of the lot will be used for structures and facilities. The structures are located well behind the natural buffer to mitigate visual impact. Noise levels would be highest at 56.3 dB, as seen on the plans (G-801), which is lower than our ordinance's maximum of 70dB and not more than 10 dB above standard noise levels of the area (around 60dB with pick-up truck traffic noise). The noise level given is the highest noise level expected when the system's heaters are utilized. Dedicated access and service are from Waxhaw-Indian Trail Rd. and access is being granted by NCDOT. We also have a letter discussing the safety and disaster plans and training available from Piedmont Natural Gas, attached.

Stormwater/Erosion Control: PNG is using a type of stone that the state considers pervious, allowing the flow of water to infiltrate the soils. This allows the project to have a low impervious surface area. All plans have been reviewed by the State for Erosion and Sediment, UNION-2019-070, as well as Stormwater, permit number SW319054. While there are some approved stormwater provisions in the plan set, they pertain to the temporary construction under Waxhaw-Indian Trail Rd. and are not permanent.

Parking/Traffic: NCDOT has reviewed the plans and have sent the final driveway permits to the Village Planner for signatures. It is important to note that some of the trees along Waxhaw-Indian Trail Rd. need to be removed as per NCDOT for site visibility. The established driveway and stoned area provide room enough for equipment and maneuvering on the site. Additionally, traffic to the site will be minimal, as there may be a truck entering the site once a month; the pigging operation will occur once every seven years.

Findings of Fact:

1. The use will not materially endanger the public health, safety or welfare if located where proposed and developed according to the submitted plan and not create dangerous traffic conflict points, noxious odors/sounds/glare or environmental hazards; The site will be screened, utilizing existing natural buffers and with additional planted evergreens. A security chain link fence with barbed wire will surround the active site but be located behind the buffer to reduce negative visual impact. PNG does have a statement regarding safety, which is included in this packet. NCDOT has reviewed the driveway and transportation impact and has offered suggestions, including thinning the trees along Waxhaw-Indian Trail Rd. to improve visibility around the curve in the road. There are no anticipated negative impacts due to odors, sounds, glare, or environmental hazards that have not been addressed by these plans. It is also 3 important to note that developing this station at its proposed location would not deem any adjacent properties as High Consequence Areas, as defined by PNG.
2. The use meets all required conditions and specifications; the submitted plans meet or exceed all of the required conditions and specifications as presented by the Village's ordinances.
3. The use will not substantially injure the value of adjoining or abutting property and will not hinder future development potential of adjacent properties by the introduction of incongruous land use or incompatible development scale/intensity; The plans for this site are to help improve the operation and maintenance of an existing essential utility in the area, which, by its nature, significantly reduces additional options for the location of this site. As submitted, the property

has a significant amount of natural and proposed screening, which would retain the rural look and feel of the surrounding area and makes this site as compatible as possible. Additionally, the adjacent areas are not considered High Consequence Areas by PNG definition, which reduces conflict for future development. The neighboring properties can still be developed under its current zoning with little to no impact.

4. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located, will not disrupt the integrity of existing land use districts, and will be in general conformity with this chapter and the Village's Land Development Plan; The area in question is a rural area with sparse development and an industrial use across Waxhaw-Indian Trail Rd. The proposed use is sufficiently screened to not negatively impact the visual character of the area and provides an essential use for the region. Given the location-specific criteria needed for this site, other site options are limited.
5. Availability of services including water, wastewater treatment, gas, stormwater as required by the project; All services needed for the site are available for this project.
6. Access to public streets and the adequacy of those streets to carry anticipated traffic; and on-site circulation for both pedestrian and on-site and off-site vehicular traffic circulation patterns; The NCDOT has reviewed plans and offered suggested improvements, which PNG plans to implement, i.e. clearing trees for adequate site distance. The driveway area within the site is large enough to accommodate equipment and any traffic for the site, which is anticipated to be minimal as someone may visit the site once monthly and the maintenance operations will occur once every seven years. No pedestrian access will be granted to the site for safety reasons.
7. Adequate safety and emergency services (police, fire, and EMS); and Please see the letter from PNG legal counsel concerning safety and disaster management.
8. Additional review criteria, as stated in this chapter, shall also be considered and addressed where required. 4 Additional screening was requested by Planning Board and is considered in the various findings of fact above.

Planning Board: The Planning Board discussed this CUP at their July 2019 meeting. Overall concerns were about traffic and road safety and screening. The Board unanimously recommend approval of CUP-19-01 with the condition that evergreen trees be added where possible surrounding the site, including along Waxhaw-Indian Trail Rd., to improve screening, provided the addition does not harm existing trees.

Staff Recommendation: The applicant has provided an updated landscaping plan, attached, to accommodate the Planning Board's recommendations. To be clear, §156.126.(G) states that "The foregoing divisions (A) through (F) above [Regulations for screening and landscaping] shall be construed to require screening alongside and/or rear property lines adjacent to residential zoning, but in no case shall screening be required along a public street, except as provided in divisions (C) and (D) above [Off-street parking and loading facilities, dumpsters, and open-air storage requirements]." Our ordinances do not require screening along public streets, but as this is a conditional use permit, the Council can ensure this is a condition placed on the property. Furthermore, the applicant is willingly leaving as many trees as allowed by NCDOT along the roadway, as well as offering the requested additional evergreen trees to accommodate resident and Planning Board concerns (see updated landscape plan). Based on the proposed plans, along with the updated landscaping plan, I recommend approval of the Conditional Use Permit, conditioned on the applicant paying all invoices with the Village. The available options for

development of this station are extremely limited due to location and this site enhances maintenance and operation of an existing essential service. The site plans have been reviewed and discussed numerous times to ensure compatibility with the surrounding area. Any expansion of the use would need an amendment to the approved CUP documents in the future. A copy of the Findings of Fact that the Village Council must find in the affirmative is referenced above.

Dr. Byer's Conditional Use Permit Checklist was submitted as Exhibit 2. Exhibit 3 was the Conditional Use Permit Application. Exhibit 4 is the letters of approval from NCDENR, the stormwater permit, and the signature of the property owners, Jerry and Shirley Davis for the administrative subdivision which created the 2.7 acre parcel. Exhibit 5 is the NCDOT letter for the access permit. Exhibit 6 is the letter from the Village engineer noting approval of the site and storm water management plans dated June 3, 2019. Exhibit 7 is a letter from Piedmont Natural Gas to Robyn Byers regarding safety and disaster mitigation plan and training for public safety services. Exhibit 8 is the landscape plan dated 1/10/2019. Exhibit 9 is a four page document: page 1 marked G-801 Conditional Use Site Plan dated 04/09/2019, page 2 marked Line 111 Retrofit Stormwater plan dated 06/03/2019, page 3 marked Line 111 Retrofit Erosion Control and Site details dated 06/03/2019 and page 4 marked Line 118 Retrofit Tree Survey Exhibit dated 06/03/2019. Exhibit 10 is marked Line 18 Retrofit Receiver site landscape plan dated 08/02/2019. Exhibit 11 is 3 large pages with page 1 marked conditional Use Site Plan G-801 dated 04/09/2019, page 2 marked PNG Exhibit 1, dated 1/10/2019 superseded, and page 3 marked PNG C021-0001190 Revision B.

The applicant's attorney Jamie Schwedler, spoke on behalf of the applicant. She noted this CUP is to authorize the construction of a receiver, regulator and launcher on the 2.7 acre site which is necessary for the function of two lines.

Dan Jester submitted an affidavit marked Exhibit 12. He testified to his 23 years' experience in civil engineering and land planning, and that the site is to include a natural gas receiver, regulator, and launcher to serve two different natural gas lines, (where one line ends, and one line starts) needed for the reliable provision of natural gas in this area. He included the site plan marked Exhibit A to Exhibit 12, showing setbacks from Waxhaw-Indian Trail Road of 75 feet and enclosed by a chain link fence. A 30 foot bufferyard surrounds the project on all sides, except in two places where it crosses an easement and to allow for an access drive. Less than 60% of the lot is used for structures, there is no lighting plan, it is not in a flood zone, and there is an above ground launcher and receiver. At most one to two vehicle trips will be generated monthly, no Traffic Impact Analysis is needed. DOT has issued the driveway permit, and will help traffic by cutting certain trees in the curve. The adjacent street is adequate to handle the additional traffic. A safety letter was submitted to the Village, and public safety will have access to the plan. Every seven years, there will be an additional inspection for 7-10 days to meet federal compliance requirements (the pigging operation), and consist of up to seven trucks accessing the site up to four trips each day. There will be impervious stone, no odors, and the site does not require utilities. A landscape plan was shown (reference Exhibit B on Exhibit 12), and additional evergreens were added. All state approvals have been received. The overall heights are: 14-18 feet for the heater stack, plants will be 7-10 feet at planting, and the fence will be ten feet tall. They chose to use trees instead of slats in the fence as a more natural look. The site is graded up, and trees are on the slopes, and stay away from existing trees. The project does not

fall under our tree save ordinance. The launcher for line 118 is in Monroe, and this will serve more than all the homes in Wesley Chapel. The sounds level of 56.3 dB takes into account the future launcher, which is six feet tall. The fence is behind the trees. The usual minimum lot size for a facility like this is less than an acre per Mr. Jester.

Keith Gualtieri, a PE with a Mechanical Engineering degree and over 27 years' experience in the natural gas utility field presented his affidavit as Exhibit 13. He calculated the sound level in the planned project, and the level is 57.4 dBs at the nearest property line, per his Exhibit A attached to Exhibit 13. Noise from a typical two lane road is 70-80 dB at fifty feet from the highway. He noted the thirty foot buffer yard and new trees that will be planted will help to buffer the noise.

Adam Staubitz, a NC/SC Certified General Real Estate Appraiser submitted Exhibit 14, which is a preliminary impact study. He reviewed land use, existing zoning, the CUP and inspected the site personally and took photos. His opinion was the use will not substantially injure the value of adjoining or abutting property and will not hinder future development potential of adjacent properties by the introduction of incongruous land use or incompatible development scale/intensity with the caveat that any and all easements located on adjacent properties, be compensated at market value. He also found it congruent with current and future adjacent land uses. He did not talk to adjacent property owners, and when questioned said he would buy a house that backs up to this. He did an analysis of a project on Cuthbertson Road that is not screened, where the closest adjacent lot is 45 feet away, and found no appreciable difference in price per square foot.

Mayor Horvath swore in two more witnesses; Terry Shore (the Davis's attorney), and one of the Davis's sons. Attorney Shore said the sons do not oppose the project, and the Davis's entered into the land sale agreement.

Attorney Jamie Schwedler summarized how she felt the project met the findings of fact. Planning and Zoning Administrator Robyn Byers confirmed adjacent property owners were notified, with letters mailed July 24th. She received one phone call with general questions.

The public hearing was closed.

10. Findings of Fact and Decision on CUP 19-01 *Time stamp 1:40:00*

Finding 1: The use will not materially endanger the public health, safety or welfare if located where proposed and developed according to the submitted plan and not create dangerous traffic conflict points, noxious odors/sounds/glare or environmental hazards; based on evidence presented and the findings by staff, Council agreed to this with a unanimous vote.

2. The use meets all required conditions and specifications; based on evidence presented and the findings by staff, Council agreed to this with a unanimous vote.

3. The use will not substantially injure the value of adjoining or abutting property and will not hinder future development potential of adjacent properties by the introduction of incongruous land use or incompatible development scale/intensity; based on evidence presented and the findings by staff, Council agreed to this with a unanimous vote.

4. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located, will not disrupt the integrity of existing land use districts, and will be in general conformity with this chapter and the Village's Land Development Plan; based on evidence presented and the findings by staff, Council agreed to this with a unanimous vote.
5. Availability of services including water, wastewater treatment, gas, stormwater as required by the project; based on evidence presented and the findings by staff, Council agreed to this with a unanimous vote.
6. Access to public streets and the adequacy of those streets to carry anticipated traffic; and on-site circulation for both pedestrian and on-site and off-site vehicular traffic circulation patterns; based on evidence presented and the findings by staff, Council agreed to this with a unanimous vote.
7. Adequate safety and emergency services (police, fire, and EMS); based on evidence presented and the findings by staff, Council agreed to this with a unanimous vote.
8. Additional review criteria, as stated in this chapter, shall also be considered and addressed where required. Additional screening as set forth in Exhibit B attached to Exhibit 12; based on evidence presented and the findings by staff, Council agreed to this with a unanimous vote.

An additional condition was that the applicant pay all invoices from the Village.

A vote was held to approve CUP 19-01, on 2.7 acres on Waxhaw-Indian Trail Road, subject to additional screening and that the applicant pay all invoices. The vote was unanimous.

11. Discuss/consider approval of policy on remote attendance at meetings *Time Stamp 55:25*

Council Member Fuller motioned to deny having a policy on remote attendance at meetings. Council Member Como seconded the motion. Discussion was held that it is the duty of Council members to attend the publicized council meetings scheduled each year.

The motion passed 2-1, with Kaperonis voting nay.

New Business

(Note: Item 16 was discussed at this time).

12. Consider re-appointment of Elaine Rosoff and Taiwo Jaiyeoba to new terms on Board of Adjustment *Time Stamp 2:15:31*

Council Member Como motioned to re-appoint Elaine Rosoff and Taiwo Jaiyeoba to new terms on Board of Adjustment; Council Member Fuller seconded the motion.

The motion passed unanimously.

13. Consider approval of final plat of The Pinnacle and bond in amount of \$2,196,820.19 *Time Stamp 2:16:38*

Planner Byers reviewed the staff report for The Pinnacle. Originally approved as The Ridge, this is a senior housing development, with 24 acres on the south side of NC 84. There are 60 lots on

9.1 acres. The new owner Taylor Morrison submitted an updated landscaping plan for the buffer along NC 84, and updates species and includes more natural looking landscaped areas, with two additional large maturing trees and eight more small maturing trees than previously approved. The Planner asked that all necessary documents from preliminary plat approval be resubmitted under the Taylor Morrison name and the developer complied. Taylor Morrison met with the Price Mill HOA and gave a signed update to the agreement between the two for tree plantings; the letter was included. Planning Board recommended approval of final plat at their June meeting with a 3-2 vote; the letter which was not received until after packets went out to Planning Board was a concern. Final drawings were presented, and the fee-in-lieu of \$14,491.34 has been paid to the Village. Approval letters have been received, except the Union County Public Works letter as they are still reviewing the final plans. The Village engineer recommended the bond amount. Council Member Como motioned to approve the final plat of The Pinnacle and the bond amount of \$2,196,820.19, conditional on Union County Public Works approval. Mayor Pro Tem Kaperonis seconded the motion.

The motion passed unanimously.

14. Discuss process to review staff job descriptions *Time Stamp 2:25:06*

Mayor Horvath asked Council to review the job descriptions with comments due by the next meeting, and for staff to make any suggestions for changes. Council Member Como asked that we create an employee handbook; Administrator Bennett will work on that in the next 90 days,

15. Discuss Board of County Commissioners Land Use Planning Retreat; call for special meeting for August 28, 2019 at AG Center *Time Stamp 2:30:37*

Council Member Como called for a special meeting on August 28, 2019 from 8 am to 5 pm at the Agricultural Center, 3230-D Presson Road, Monroe, NC 28112 to listen and discuss Land Use Planning with other municipalities and Union County Board of County Commissioners. Mayor Pro Tem Kaperonis seconded the motion.

The motion passed unanimously.

Three council members plus the Mayor, along with the Planner and Clerk will attend the meeting. Eleven towns will be attending, and given 30-45 minutes to present, leaving 10 minutes for questions. Topics will include the town vision, long range plans, growth near borders, and planning issues. The Planner will put together a presentation by August 20th, and Council should provide feedback by August 22nd.

16. Discussion of speed limit reduction request *Time Stamp 1:56:20*

Mayor Horvath noted Council received an email from a legislator who had been asked by a citizen in Blackstone to request the speed limit on Highway 84 be reduced from 45 to 35. Mayor Horvath noted we requested a speed limit reduction at the intersections of NC 84 and Waxhaw Indian Trail Roads, and NC DOT only reduced it for a short stretch on Waxhaw Indian Trail Road. NCDOT did a speed test, and said if the average speed is less than the speed limit, then the speed limit is accurate. Council Member Fuller noted she had talked to DOT when the Ridge was approved, and they said to lower the speed limit would increase accidents. Deputy Wicker

noted the accidents he sees are when people get impatient and pull out. If you lower the speed limit, people get more impatient. He noted accidents by Blackstone are mostly people hitting deer. On Highway 16, drivers go 60 miles per hour or more in the 35 mph zone. This item was deferred to the next meeting, and Council Member Fuller volunteered to reach out to NC DOT.

16B. Synopsis of meeting regarding Billy Howey Road water line extension *Time Stamp 3:13:27*

Council Member Como noted Public Works had a meeting here Thursday, and they are extending a new water line up from New Town Road on the Wesley Oaks side of the road which will create a loop in case water goes out when road improvements are done on NC 84.

16C. Update on cameras *Time Stamp 3:15:05*

Council Member Como suggested hooking up a password protected monitor into the cameras in the computer room; Council agreed. Council Member Como motioned to move up to \$500 from Contingency to spend on hardware or software to resolve this. Council Member Fuller seconded the motion.

The motion passed unanimously.

17. Update on items from March 2019 Advance *Time Stamp 3:20:58*

Mayor Horvath asked everyone to get their update on the items to the Clerk two weeks before the next meeting.

Ending Items

18. Council Comments *Time Stamp 3:22:47*

Council Member Como asked about the dates for the Rea Rd. Extension project, and for the sale of our 2.6 acres. Mayor Horvath will check with the attorney on the land sale.

Council Member Kaperonis had no comments.

Council Member Fuller noted earlier she heard about an acre for a gas substation, and across from Price Mill the gas substation is only one quarter acre. Planner Byers noted it was put in by NC Natural Gas, and is a non-conforming lot and use. If they make a lot line change or expand the use, they would have to bring it up to Code.

Mayor Horvath noted he cannot attend the CRTPO meeting August 21st, and asked Mayor Pro Tem Kaperonis to attend.

19. Adjournment *Time Stamp 3:31:30*

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

The motion passed unanimously.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath