

VILLAGE OF WESLEY CHAPEL  
COUNCIL MEETING MINUTES  
WESLEY CHAPEL TOWN HALL  
6490 Weddington Road, Wesley Chapel, NC 28104  
September 9, 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, Rodriguez and Fuller

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

**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 *Time Stamp: 0:51*

Diana Bowler gave an update on the October 26, 2019 Fall Bash preparations. There will be vendors, games and food. She asked if Officer Wicker could be present at the event.

3. Additions, Deletions and Adoption of Agenda *Time Stamp 3:10*

Added were: Final Plat Phase II of Addington Crossing, and update on town hall security cameras. 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 6:00*
  - a. Approve minutes for August 12, 2019 Council meeting
  - b. Approve previous month planner's and code enforcement reports
  - c. Approve previous month finance report
  - d. Recognize Proclamation for Constitution Week
  - e. Recognize Proclamation for Domestic Violence Awareness Month
  - f. Recognize Proclamation for Red Ribbon Week
  - g. Approve Annual Settlement for Taxes from Union County Tax Administrator for Current and Delinquent Taxes for Fiscal Year 2018-19 and FY 2019-20 Order of Collection

Council Member Como motioned to approve the consent agenda; Mayor Pro Tem Kaperonis seconded the motion.

The motion passed unanimously.

**August 31, 2019 Balance Sheet**

**ASSETS**

**Current Assets**

**Checking/Savings**

Fifth Third Bank checking	116,336.77
Fifth Third Maxsaver	185,188.64
NCCMT Government Portfolio	311,077.66
BB&T Money Market	408,929.17
Cash Change Fund	50.00

**Total Checking/Savings** 1,021,582.24

**Accounts Receivable**

Misc. Fees Receivable	3,569.52
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**Total Accounts Receivable** 3,569.52

**Total Sales Taxes to be Received** 5,169.59

**Total Current Assets** 1,108,222.51

**Fixed Assets**

**Land** 813,423.00

**Dogwood Park**

Dogwood Park Amphith.,S/L Equip	116,297.00
Dogwood Park Improvements	775,861.00
Dogwood Park fountain	12,960.00
Dogwood Park Water Improvement	8,440.00
Dogwood Park Gate	8,283.00
Dogwood Park Signs	3,803.00

**Total Dogwood Park** 925,644.00

**Town Hall** 1,361,869.00

**Furniture & Equipment** 40,485.00

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

**Accumulated Deprec.** -633,875.98

**Total Fixed Assets** 2,571,737.02

**Other Assets**

**Def Outflow Contr. to Pension Plan CY** 18,207.00

**Total Other Assets** 18,207.00

**TOTAL ASSETS** 3,698,166.53

**LIABILITIES & Fund Balance**

**Liabilities**

**Other Current Liabilities**

**Deposits To Refund** 820.00

2019.09.09 Council meeting minutes

Escrow from Developers	45,076.00
Deferred Revenue	533.20
Due to Union County Schools	0.30
<b>Total Other Current Liabilities</b>	<u>46,429.50</u>
<b>Long Term Liabilities</b>	
Net pension liability	8,306.00
Deferred inflows Pension	43.00
<b>Total Long Term Liabilities</b>	<u>8,349.00</u>
<b>Total Liabilities</b>	54,778.50
<b>Fund Balance</b>	
Fund Bal. inv. in Fixed Assets	2,571,737.02
Fund Bal. Assigned for Sidewalk	36,000.00
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	856,680.77
Net Excess of Rev. over Exp.	<u>-86,895.97</u>
<b>Total Fund Balance</b>	<u>3,643,388.03</u>
<b>TOTAL LIABILITIES &amp; Fund Balance</b>	<u><u>3,698,166.53</u></u>

**August 31, 2019 Budget Report**

	<u>Aug 19</u>	<u>Jul - Aug 19</u>	<u>YTD Budget</u>	<u>% of Budget</u>
<b>General Fund</b>				
<b>Income</b>				
Appropriated Fund Balance	0.00	0.00	97,195.00	0%
<b>Property Tax Income</b>				
Current Year Property Tax	14.78	14.78	153,767.00	0%
Utility Ad Valorem	0.00	0.00	2,214.00	0%
Vehicle Registration	1,770.80	1,770.80	17,100.00	10%
Delinquent Property Tax	39.21	39.21	200.00	20%
Interest/Ad Fee on Taxes	16.80	16.80	240.00	7%
<b>Total Property Tax Income</b>	<u>1,841.59</u>	<u>1,841.59</u>	<u>173,521.00</u>	<u>1%</u>
<b>Fees and Licenses</b>				
Privilege Licenses - ABC	0.00	285.00	285.00	100%
Zoning Permit	2,300.00	6,555.00	25,000.00	26%
Engineering Fees Reimbursement	4,838.80	4,838.80	40,000.00	12%
Misc. Fees	300.00	401.00	1,500.00	27%
Fee in lieu -Open Space Land	0.00	3,599.08	0.00	100%
<b>Total Fees and Licenses</b>	<u>7,438.80</u>	<u>15,678.88</u>	<u>66,785.00</u>	<u>23%</u>

<b>Interest Earned</b>	62.78	743.60	6,000.00	12%
<b>Shared Revenues</b>				
<b>Sales &amp; Use Taxes</b>	0.00	0.00	54,500.00	0%
<b>Sales Tax on Telecom. Services</b>	0.00	0.00	7,500.00	0%
<b>Sales Tax on Video Programming</b>	0.00	0.00	92,500.00	0%
<b>Sales Tax on Electricity</b>	0.00	0.00	195,000.00	0%
<b>Sales Tax on Piped Natural Gas</b>	0.00	0.00	12,000.00	0%
<b>Alcoholic Beverage Tax</b>	0.00	0.00	38,500.00	0%
<b>Total Shared Revenues</b>	0.00	0.00	400,000.00	0%
<b>Total Income</b>	9,343.17	18,264.07	743,501.00	2%
<b>Expense</b>				
<b>Total Town Hall Operating Expense</b>	2,152.65	4,745.86	34,800.00	14%
<b>Total Operating Expenditures</b>	9,847.32	22,155.94	89,150.00	25%
<b>Total Planning &amp; Zoning</b>	5,056.48	10,304.43	77,500.00	13%
<b>Total Gen. Govt. Salaries</b>	10,499.19	23,762.63	170,586.00	14%
<b>Total Professional Fees</b>	4,956.30	4,956.30	67,855.00	7%
<b>Total Capital Outlay</b>	249.99	639.99	18,320.00	3%
<b>Total Public Services / Safety</b>	0.00	24,772.41	101,590.00	24%
<b>Parks &amp; Recreation</b>				
<b>Total Recreation Events</b>	427.43	3,024.89	28,000.00	11%
<b>Total Park Maint. Supplies &amp; Mat.</b>	0.00	0.00	4,000.00	0%
<b>Total Park Maintenance Services</b>	1,255.85	10,797.59	107,700.00	10%
<b>Total P&amp;R Capital Outlay</b>	0.00	0.00	44,000.00	0%
<b>Total Parks &amp; Recreation</b>	1,683.28	13,822.48	183,700.00	8%
<b>Total Expense</b>	34,445.21	105,160.04	743,501.00	14%
<b>Net Excess of Rev. over Exp.</b>	<b>-25,102.04</b>	<b>-86,895.97</b>	<b>0.00</b>	<b>100%</b>

Village of Wesley Chapel, NC  
Proclamation for Constitution Week



**WHEREAS:** The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

**WHEREAS:** September 17, 2019, marks the two hundred thirty anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

**WHEREAS:** It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and

**WHEREAS:** Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

**NOW, THEREFORE I,** Brad S. Horvath, by virtue of the authority vested in me as Mayor of the Village of Wesley Chapel in North Carolina, do hereby proclaim the week of September 17 through 23, 2019 as

### **CONSTITUTION WEEK**

and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

**IN WITNESS WHEREOF,** I have hereunto set my hand and caused the Seal of the Village of Wesley Chapel, NC to be affixed this 9<sup>th</sup> day of September of the year of our Lord two thousand nineteen.

Signed \_\_\_\_\_ SEAL Attest \_\_\_\_\_  
Mayor Brad S. Horvath Clerk Cheryl Bennett

### **Village of Wesley Chapel, NC Proclamation for Red Ribbon Week**



**WHEREAS:** communities across America have been plagued by the numerous problems associated with illicit drug use and those that traffic in them; and

**WHEREAS:** there is hope in winning the war on drugs, and that hope lies in education and drug demand reduction, coupled with the hard work and determination of organizations such as the Mecklenburg County Young Marines of the Marine Corps League to foster a healthy, drug-free lifestyle; and

**WHEREAS:** governments and community leaders know that citizen support is one of the most effective tools in the effort to reduce the use of illicit drugs in our communities; and

**WHEREAS:** the red ribbon has been chosen as a symbol commemorating the work of Enrique "Kiki" Camarena, a Drug Enforcement Administration Special Agent who was murdered in the line of duty, and represents the belief that one person can make a difference; and

**WHEREAS:** the Red Ribbon Campaign was established by Congress in 1988 to encourage a drug-free lifestyle and involvement in drug prevention and reduction efforts; and

**WHEREAS:** October 23-31 has been designated National Red Ribbon Week with the theme of “Send a message. Stay drug free.”, and encourages Americans to wear a red ribbon to show their support for a drug-free environment;

**NOW, THEREFORE BE IT PROCLAIMED,** that I, Brad S. Horvath, Mayor of the Village of Wesley Chapel, North Carolina, do hereby proclaim October 23-31, 2019 as RED RIBBON WEEK in Wesley Chapel, North Carolina and urge all citizens to join me in this special observance.

**IN WITNESS WHEREOF,** I have hereunto set my hand and caused the Seal of the Village to be affixed this 9th day of September 2019.

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

Mayor Brad S. Horvath

Cheryl Bennett, Village Clerk



**VILLAGE OF WESLEY CHAPEL, NC PROCLAMATION  
DOMESTIC VIOLENCE AWARENESS MONTH**

**WHEREAS,** domestic violence affects all Union County residents, and far too many people suffer abuse at the hands of a spouse, partner, parent, child, or sibling; these victims can be of any age, race, religion, or economic status and the resulting damage is inflicted not only on the victims, but their children, families, and communities; and

**WHEREAS,** domestic violence includes not only physical but also mental abuse, emotional abuse, financial abuse, sexual abuse, and isolation; and

**WHEREAS,** domestic violence is widespread, including one in three Americans who have witnessed an incident of domestic violence with an annual cost to US companies of \$3.5 billion in lost work time, increased health care costs, higher turnover, and lower productivity; and

**WHEREAS,** according to the North Carolina Coalition Against Domestic Violence, there have been 1,244 women, men, and children murdered as a result of domestic violence since January 1, 2002 in North Carolina; and

**WHEREAS,** according to the North Carolina Council for Women, domestic violence programs across the state responded to over 120,000 crisis calls and provided services to over 52,000 victims last year; and

**WHEREAS**, the key to prevention is education, community awareness, having zero tolerance for domestic violence, and requiring accountability by the abuser; and

**WHEREAS**, Union County recognizes the importance of having collaborations by multiple partners to promote social norms, policies and laws that support gender equity and foster intimate partnerships based on mutual respect, equality, and trust; and

**NOW, THEREFORE**, be it resolved that I, Brad Horvath, Mayor of the Village of Wesley Chapel, do hereby proclaim October 2019 as Domestic Violence Awareness Month in Union County and urge all citizens to support this observance. I further urge our citizens to increase their awareness and education of this destructive force which deeply affects a large number of families in our State each year and to become part of the efforts to stop violence in families.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the Village of Wesley Chapel to be affixed this the 9th day of September 2019.

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Mayor Brad S. Horvath

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Attest: Cheryl Bennett, Village Clerk

5. Youth Council Committee Report *Time Stamp 7:04*

Mayor Pro Tem Kaperonis reported the Youth Council will be meeting this Thursday.

6. Planning Board Report, Code Enforcement Discussion *Time Stamp 9:32*

Planning Board Chair John Souza reported at their last meeting they reviewed the final plat phase 2 of Addington Crossing (including discussion on large power lines and poles being on individual lots), discussed refining the Table of Uses, continuing work on the Tree Ordinance update, Land Use Plan updates (will take a year or so), zoning districts RA-40 vs. R-40, and the County/municipal land use planning meeting. This month there are no new applications so work will continue on old items.

A little later in the meeting code enforcement was briefly discussed, an email was sent to the attorney today with several questions to make sure we get things done properly.

7. Parks and Rec Committee Report *Time Stamp 15:35*

Parks and Rec Chair Lepke reported Parks and Rec attended the vendor fair at Epcon, and signed up 15 potential volunteers. He and Council Member Como did repairs at the park while the bobcat was rented. Our PARTF grant application was not funded, there were \$16 million in applications and \$4 million awarded. He suggested Council consider whether to go ahead and build a children's playground with Village funds alone.

Mr. Lepke passed out information on funding requested for the October 26<sup>th</sup> Fall Bash. He also reported there was strong support for an evening event and selling beer, so he approached the Monroe-Union Breakfast Rotary Club, who has an ABC permit and insurance. The Rotary has volunteers to sell beer, and could partner with the town, and in return the profits would be shared with us. Mr. Lepke assumed 1,000 people, purchasing 1,600 beers at \$5 each, a cost of \$2,400, gross profit of \$5,600, and if we received 40% we would get \$2,240. Union County Sheriff's Office want us to have barriers at the event, and we would need ten officers for five hours each. He proposed \$3,750 in event expenses before any offset from beer sales. The proposed agreement for the November 2nd event, Bonfire, Brews and Boogie Music Festival, has not yet gone to the Park and Rec Committee who will review it tomorrow night; they are also looking at revisions to the sponsorship policy. Mr. Lepke will be speaking to area businesses to sponsor expenses for the event. Barriers would have to be purchased before the event; we need three quotes and Council approval. Mr. Lepke said the barriers could be stored in the park storage container. The budget for the barriers is \$12,000, and he anticipates purchasing 100 eight foot long barriers at \$120 each.

Council Member Como motioned to spend up to \$1,200 for the Fall Bash (for DJ, porta-pots, and advertisement). Council Member Rodriguez seconded the motion.

The motion passed unanimously.

Council agreed on the Clerk and attorney working on the bids for the barriers. Event expenses include deputies, porta-jons, banners/printing/advertising, musicians and a sound tech. Council Member Como motioned to spend up to \$4,000 for the November 2, 2019 Bonfire, Brews and Boogie Music Festival, conditional on purchasing barriers, and the attorney approving the agreement with the Rotary Club. Council Member Fuller seconded the motion.

The motion passed unanimously.

#### 8. Finance Officer's Report *Time Stamp 48:45*

Finance Officer Bennett noted the August statements reflect most of the year-end adjustments. During August we paid for renewal of the emails, our liability insurance, July attorney and engineer bills, and expenses for the July park event. Expenditures due to the bobcat rental include \$261.01 for wood and supplies at Lowe's, and \$169.52 for gas and chain saw repairs at Ace Hardware.

### **Public Hearing and Old Business**

#### 9. Public Hearing on Future Land Use Plan designation for lots annexed June 30, 2019 *Time Stamp 51:16*

Mayor Horvath opened the public hearing. Planner Robyn Byers noted 56 lots were annexed, one in the Estates at Wesley Oaks, and the others in Adelaide Estates. We need to assign Future Land Use Map designation and a zoning district. This is not a re-zoning, just applying zoning. She recommended low density residential. Mayor Horvath closed the public hearing.

10. Public Hearing on Zoning Designation for lots annexed June 30, 2019 *Time Stamp 53:44*

Mayor Horvath opened the public hearing. Planning and Zoning Administrator Robyn Byers noted zoning is based on the Future Land Use designation, so these lots are recommended for RUC, and setbacks will recognize their original plats. The public hearing was closed.

11. Approve Ordinance 2019-07 to apply Future Land Use Designations and Initial Zoning to recently Annexed Lots *Time Stamp 58:45*

Council Member Fuller motioned to establish low-density residential as the land use designation for recently annexed lots in Adelaide Estates and The Estates at Wesley Oaks. This is consistent with the surrounding area and supports Goal 1 of the Village Land Use Plan, to maintain the strong single family low-density residential character of the Village. Council Member Como seconded the motion.

The motion passed unanimously.

Council Member Fuller motioned to set zoning to RUC for recently annexed lots in Adelaide Estates and The Estates at Wesley Oaks. The zoning classification is reasonable in that the RUC zoning district was created for this specific purpose and the surrounding area is designated low-density residential on the future land use plan map. This is consistent with the designated land use district. Council Member Como seconded the motion.

The motion passed unanimously.

Council Member Fuller motioned to approve Ordinance 2019-07, incorporated herein, to apply future land use designations and initial zoning to recently annexed lots. Council Member Como seconded the motion.

The motion passed unanimously.

**Village of Wesley Chapel, North Carolina**  
**Ordinance 2019- 07**  
**TO APPLY FUTURE LAND USE DESIGNATIONS AND INITIAL ZONING TO**  
**RECENTLY ANNEXED LOTS**

**WHEREAS**, the Village Council annexed 66 lots; parcel ID 06048434, 06006211, 06006212, 06006213, 06006214, 06006215, 06006216, 06006218, 06006219, 06006220, 06006221, 06006222, 06006223, 06006224, 06006226, 06006227, 06006228, 06006229, 06006230, 06006231, 06006232, 06006233, 06006234, 06006236, 06006237, 06006238, 06006240, 06006241, 06006242, 06006243, 06006244, 06006245, 06006246, 06006247, 06006248, 06006251, 06006252, 06006253, 06006254, 06006255, 06006256, 06006257, 06006258, 06006259, 06006260, 06006261, 06006262, 06006263, 06006264, 06006265, 06006266, 06006267, 06006268, 06006269, 06006270, 06006272, 06006273, 06006274, 06006275, 06006276, 06006277, 06006278, 06006279, and 06006280; into the corporate limits with an effective date of June 30, 2019; and

**WHEREAS**, according to the NC General Statutes, local governments have up to sixty (60) days from the effective date of an annexation to apply municipal zoning regulations on an annexed

piece of property, after which time no zoning requirements apply unless so adopted by the local jurisdiction; and

**WHEREAS**, the property owners requested to be annexed into the Village, and

**WHEREAS**, the lots are located in established single-family residential subdivisions, Adelaide Estates and the Estates at Wesley Oaks, where adjacent lots are designated as “Low-density Residential” on the Future Land Use Plan map and are zoned R-40 and RUC, respectively, by the Village; and

**WHEREAS**, by applying specific zoning and future land use designations to these subject parcels the Village of Wesley Chapel considers such action to be consistent with the surrounding land use of the respective neighborhoods; to be in the public interest; and to be consistent with currently adopted plans; and

**WHEREAS**, it is recommended that each lot be designated as follows:

- All parcels listed: “Low-Density Residential” future land use designation, and
- All parcels listed: “Residential Union County – RUC” zoning district; and

**WHEREAS**, a public hearing was conducted on the matter at the Village Council’s September 9, 2019, meeting;

**NOW THEREFORE BE IT RESOLVED** that the Zoning and Future Land Use Maps of the Village of Wesley Chapel are hereby amended to apply future land use designations and initial zoning.

Adopted this 9th day of September, 2019.

Attest:

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

\_\_\_\_\_  
Cheryl Bennett, Village Clerk

12. Public Hearing for Conditional Use Permit 19-02 for Deer Creek Farm at 5428 New Town Road *Time Stamp 1:01:19*

Mayor Horvath opened the public hearing. He swore in Sarah Beason, Skip Notte, and Robyn Byers.

Planner Robyn Byers presented her staff report, as follows, as Exhibit A.

*Background: Location: 5428 New Town Rd.*

*Size of tract: 25.98 acres*

*Proposed Use: Horse-riding academy*

*Zoning: R-40*

*Future Land Use: Low-Density Residential*

*Minimum lot size: 40,000 square feet*

*Yard requirements: Front setback – 150’; Rear setback – 150’; Side setbacks – 150’ each*

*Minimum lot width: 120’*

*Buffering: 50’ if non-residential abutting residential-zoned property*

**Proposal:**

*Deer Creek Farm, LLC, has requested a conditional use permit to allow for a horse-riding academy on their property at 5428 New Town Rd. The proposed barn structure has a total of 24 stalls, for 24 horses. In addition, there is a small residential component to the barn structure, which would allow for one employee to live on-premise. Traditionally, the Village allows a residential primary use, with associated accessory uses, but for this site, the primary use would be the riding academy while the residential structure would be accessory. As this would still retain one dwelling unit on the lot, this plan is in keeping with the Village ordinances.*

*The property will be served with well and septic, at this time; there is adequate room for these facilities, but this will be reviewed and approved by Union County prior to the construction documents/zoning permit approval. There is adequate room for parking, with some improvements to the existing driveway to allow for horse trailers to move without issue; this will be reviewed and approved by NCDOT before the construction documents/zoning permit is approved.*

*Considering the primary structure being a barn and a small attached residence, this structure is within the 150' setback required of barns (as a primary use) housing livestock. It is important to note that horses, as an accessory use, require only a 60' setback, but as horses are the primary use, the 150' setback is maintained. The proposed paddocks (fenced-in, grassed areas) and the training arena (fenced in and pervious) are considered accessory to the primary structure and therefore can be within the setback. This is similar to a house having to following building setbacks, but a shed being allowed in rear 2 setbacks. However, due to the nature of the proposed project, a 60' setback is maintained even for the accessory use areas.*

*Similarly, the proposed location for the stormwater detention facility encroaches into the 150' setback, but not within 60' feet from the property line.*

**Location/Surrounding Land Uses:**

*The site is located north on New Town Rd. between Waxhaw-Indian Trail Rd. to the west and Billy Howie Rd. The surrounding properties have rural residential or agricultural uses, with the closest subdivision being Silver Creek just to the east on the south side of New Town Rd. The horse-riding academy is in keeping with the Village's vision and retains the rural character of the immediately surrounding area.*

**Zoning/Future Land Use:**

*The current zoning for the property is R-40, which allows horse-riding academies under a conditional use permit. Additional standards for the use includes larger setbacks for barns that house livestock. This site is surrounded by R-40 zoned properties to the north, east and west, and is designated as low-density residential on the Village's Future Land Use Map. It is important to note that adjacent properties on the south side of New Town Rd. are zoned RA-40, which specifically highlights the agricultural nature of the properties.*

*As can be seen on the site plan, a natural buffer to the north, east, and west provide for screening. Additional landscaping along the west of the property, where there is no natural vegetation has been requested and provided on the attached site plan. The structures are located*

*outside of the setbacks, with some accessory portions of the use, paddocks and arena, encroaching into the 150' setback, but still outside of a 60' setback. Adequate parking has been included in the site plan, in accordance with the Village's Zoning Ordinance.*

***Stormwater/Erosion Control:*** *The proposed use will need to include stormwater detention. An area has been designated on the plan for this facility; specific details for stormwater will be prepared and approved by the Village Engineer prior to zoning permit approval. Given the potential size for stormwater detention and the general site conditions, the location for a stormwater facility encroaches the 150' setback, but not within 60' from the property line. The Village Engineer and Village Planner will work with the applicant to locate any facility outside of the setback as much as possible.*

*Currently, the site is under review with NCDEQ for erosion and sediment control. All state permitting will be required prior to Village zoning approval.*

***Parking/Traffic:***

*The site already has an approved driveway that will be utilized for this use. There are no anticipated issues at this time, but formal approval by NCDOT will be required to final zoning approval.*

***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; This use is compatible with the rural residential and agricultural uses already in the area and poses no identifiable threat to health or safety of existing residents.*
- 2. The use meets all required conditions and specifications; The submitted plans meet 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; This use supports the character of the existing community and that of the Wesley Chapel by retaining its rural and agricultural nature. By developing a horse-riding academy, this land will be used for a low-impact use in an area under residential development pressure. This will likely maintain or increase property values and will support future low-density development in the area.*
- 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; This rural/agricultural use is in keeping with the Village of Wesley Chapel's vision to maintain its rural village character. The use will not disrupt the integrity of any land use or zoning intentions for the area and supports the Village's land development plan.*
- 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 site currently has a driveway off of New Town Rd. The amount of trips likely generated by this use are below the Village's TIA threshold and will not likely increase traffic congestion on New Town Rd. NCDOT approval will be required prior to final zoning approval.*

*7. Adequate safety and emergency services (police, fire, and EMS); and The site currently allows for police, fire, and EMS access.*

*8. Additional review criteria, as stated in this chapter, shall also be considered and addressed where required.*

*There is a portion of the site, along the western border, that does not currently have existing vegetation. This area will be planted according to the Village's ordinance to allow for a complete screen between this site and adjacent properties.*

**Planning Board:** *The Planning Board heard this application at their July 22nd, 2019 meeting. Discussion focused upon any potential traffic and the width of the driveway. The Planning Board voted unanimously to recommend approval of this CUP.*

**Staff Recommendation:** *Based on the submitted application and meetings with the applicant, I recommend approval of the Conditional Use Permit. While the Village has been dealing with development pressure for dense residential developments, this conditional use is in keeping with the overall vision for the Village of Wesley Chapel maintaining its rural character. This use will protect a large property from increased development, while enhancing the character of the surrounding area. The site plans have been reviewed and discussed numerous times to ensure compatibility with the Village. 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. The Planning Board may wish to reference these findings when making their recommendation to Village Council.*

Dr. Byers also presented Exhibit B – Conditional Use Permit Checklist, Exhibit C – Stormwater Management Plan Review letter from LaBella Associates, and Exhibit D – Conditional Use Permit Application. The use is for private use, not public use. The owner has eight horses of her own, and the barn will also be used for a few friends' horses.

Sarah Beason, attorney for the applicant from K&L Gates, LLP, presented a Powerpoint showing location, current zoning, future land use, and the proposed site plan. Skip Notte, from Dewberry, referred to the site plan on sheet 2.0 noting the 2% of impervious area impact with sheet flow and drainage swales to convey storm water runoff to the storm water management and treatment facility at the southwest corner of the property. The existing drive will be used. The parking lot should be big enough for a horse trailer, and twenty required parking spots. There is a fifty foot planting buffer to the west side of the property. There will be a dry basin. Planner Byers noted there was an issue with the initial clearing of the lot, and the applicant is working with the State on it. A few neighbors called with questions, but were generally okay with the project, one neighbor was not happy with it.

The applicant Elizabeth Taurumianz was sworn in as a witness by the Mayor. She noted that a company named Palmetto Organics will pick up the horse manure weekly.

Council Member Mike Como noted he lives nearby, no Council Member asked him not to vote.

The public hearing was closed.

13. Findings of Fact and Decision on CUP 19-02 *Time stamp 1:25:02*

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. Council Member Fuller motioned to approve this finding based on the use being compatible with the rural residential and agricultural uses already in the area and poses no identifiable threat to health or safety of existing residents. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

2. The use meets all required conditions and specifications. Council Member Fuller motioned to approve this finding based on the submitted plans meet all of the required conditions and specifications as presented by the Village's ordinances. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

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. Council Member Fuller motioned to approve this finding based on the use supports the character of the existing community and that of Wesley Chapel by retaining its rural and agricultural nature. By developing a horse-riding academy, this land will be used for a low-impact use in an area under residential development pressure. This will likely maintain or increase property values and will support future low-density development in the area. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

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. Council Member Fuller motioned to approve this finding based on this rural/agricultural use is in keeping with the Village of Wesley Chapel's vision to maintain its rural village character. The use will not disrupt the integrity of any land use or zoning intentions for the area and supports the Village's land development plan. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

5. Availability of services including water, wastewater treatment, gas, stormwater as required by the project. Council Member Fuller motioned to approve this finding because all services needed for the site are available for this project. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

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. Council Member Fuller motioned to approve this finding because the site currently has a driveway off of New Town Road. The amount of trips likely generated by this use are below the Village's TIA threshold and will not likely increase traffic congestion on New Town Rd. NCDOT approval will be required prior to final zoning approval. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

7. Adequate safety and emergency services (police, fire, and EMS). Council Member Fuller motioned to approve this finding because the site currently allows for police, fire, and EMS access. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

8. Additional review criteria, as stated in this chapter, shall also be considered and addressed where required. Council Member Fuller motioned to approve this finding because there is a portion of the site, along the western border, that does not currently have existing vegetation. This area will be planted according to the Village's ordinance to allow for a complete screen between this site and adjacent properties. Council Member Rodriguez seconded this motion.

The motion passed unanimously.

Council Member Rodriguez motioned to approve CUP 19-02 for Deer Creek Farm at 5428 New Town Road. Council Member Fuller seconded the motion.

The motion passed unanimously.

#### 13A. Final Plat Phase 2 of Addington Crossing *Time Stamp 1:33:24*

Planner Byers noted this is the final plat for 21 lots in this 51 lot subdivision. The subdivision is bisected by a creek, and these lots are accessed by Hudson Church Road. Planning Board unanimously recommended approval on August 26, 2019, and commented on the power lines and easements on individual lots, which should have been addressed at preliminary plat. Gil Squires from Lennar Homes noted they have a standard disclosure form for property owners, he is not sure how it work on the sales side. Probably six homes have the power lines. There is a bigger Duke easement that runs through the center of the development. The fee in lieu of \$3,599.08 has been paid. The village engineer approved the bond amount of \$751,267.63.

Council Member Como motioned to approve the final plat of phase 2 of Addington Crossing. Mayor Pro Tem Kaperonis seconded the motion.

The motion passed unanimously.

#### 14. Discussion of speed limit reduction request *Time Stamp 1:41:10*

Council Member Fuller reported she spoke to the NC DOT traffic engineer, and they recommended a traffic study which they will do; it takes six to eight weeks to complete.

15. Update on items from March 2019 Advance *Time Stamp 1:43:28*

This was tabled to next month; Mayor Horvath will work on this item.

16A. Update on town hall security cameras *Time Stamp 1:44:00*

Council Member Como reported he was not happy with the locations and talked with the camera installer. Mayor Pro Tem Kaperonis also spoke to the installer, and said the issue is the structure of the building and accessibility; perhaps conduit could be used in pipes from the soffits. If the deputy feels the cameras are not set up correctly, then they can be re-done. Mayor Pro Tem Kaperonis volunteered to work on this item.

16. Review staff job descriptions *Time Stamp 1:55:00*

If Council members have any feedback on the job descriptions please send it to the clerk, she will share it with the Mayor. Staff and Council will complete job evaluations. Council Member Como questioned the wording of the administrator position title, the job description says "Administrator".

17. Review of Board of County Commissioners Land Use Planning Retreat *Time Stamp 1:58:11*

Mayor Horvath reported each town had 30-45 minutes to share their town's information at the meeting and our planner did an excellent presentation. Council Members Como and Fuller, and Planning Board Chair Souza attended. The County Commissioners had thoughtful questions. Mayor Horvath made the point that County re-zonings from R-40 to R-4 invalidates prior planning. The decision on the parcel on Potter Road where they are considering 600+ homes is postponed to their October meeting. The public hearing on the project was well attended and most people had concerns. Commissioner Stony Rushing stated since sewer taps were available, use them. That doesn't factor into our decisions. Council Member Fuller noted the schools are reaching full capacity - with the average age of retirement being 71, people can live in a 55+ community and still have kids in schools. A realtor at the meeting noted people don't want to have home maintenance, but with monthly HOA fees being so high in senior developments, it is cheaper to stay in their current homes and hire someone to do yard work.

Concerns at the meeting ranged from Fairview where wells have high levels of arsenic and county water is not available, to Stallings where a strip of the town is in Mecklenburg County and they requested water and sewer for a business project since the land abuts I-485 and Mecklenburg would have difficulty providing those services.

**New Business**

18. Proposed changes to Solicitation Ordinance *Time Stamp 2:14:29*

Due to recent calls from citizens and input from the Deputy, Clerk Bennett presented proposed changes to the solicitation ordinance. Currently the requirement is to have a no-soliciting sign at the home, whereas residents prefer to just require a sign at the entrance to the subdivision. Also

there is an exception for when a privilege license is held, but we no longer issue them. The third change is to allow leaving marketing or other communicative materials in a newspaper box, instead of a mailbox, since a mailbox is only to be used by the USPS. This ordinance would not apply to political candidates going to residents. Mayor Horvath questioned if the Sheriff's office will enforce the ordinance with changes.

Council Member Como motioned to approve Ordinance 2019-08, incorporated herein, conditional that the UCSO will enforce it. Mayor Pro Tem Kaperonis seconded the motion.

The motion passed unanimously.

**Village of Wesley Chapel, North Carolina Ordinance 2019 - 08  
TO AMEND VILLAGE CODE CHAPTER 111: SOLICITATION**

**THAT WHEREAS**, the Village of Wesley Chapel residents have had concerns about solicitation at their homes; and

**WHEREAS**: the current ordinance requires a no-soliciting sign at each individual home, instead of at the subdivision entrance; privilege licenses are no longer issued; and mailboxes are not to be used to leave marketing or communicative materials; 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 CODE CHAPTER 111: SOLICITATION IS HEREBY AMENDED AS FOLLOWS** (proposed changes with all new proposed text shown in ***bold, underlined, and italicized*** type, and text to be deleted being ~~struck-out~~):

**CHAPTER 111: SOLICITATION**

Section

- 111.01 Statement of purpose
- 111.02 Definitions
- 111.03 Prohibited acts
- 111.99 Penalty

**§ 111.01 STATEMENT OF PURPOSE.**

(A) It is the intent of the Council to recognize and protect the privacy interests of homeowners by preventing uninvited entry onto residential private property for the purpose of commercial solicitation.

(B) The Council further intends to prevent crime and prohibit deception, fraud and misrepresentation by limiting such door-to-door solicitation for commercial purposes. (Ord. 2015-01, passed 3-9-2015)

**§ 111.02 DEFINITIONS.**

For the purpose of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

**CLERK.** The Clerk of the Village of Wesley Chapel, located at 6490 Weddington Road, Wesley Chapel, NC 28104.

**COMMERCIAL PURPOSE.** To solicit, beg or otherwise ask for any monetary contribution, fare, fee, rate, charge or other consideration that will directly or indirectly benefit any business, entity or individual whose main purpose is to generate a profit.

**COUNCIL.** The Village of Wesley Chapel Council.

**NOT FOR PROFIT.** A group or cause organized for purposes other than generating a profit.

~~**PRIVILEGE LICENSE.** A license to any person, business or organization according to the provisions of Ch. 110 of this code of ordinances or any subsequent revision thereof. (Ord. 2015-01, passed 3-9-2015)~~

### **§ 111.03 PROHIBITED ACTS.**

(A) *Prohibited acts.* It shall be unlawful for any person to solicit, beg or otherwise ask for money or other things of value for any commercial purpose on residential private property where a no soliciting sign or other notice discouraging solicitation is visible from the front door, drive or walkway, **or is visible at the entrance to the subdivision** except for mailing or depositing marketing or other communicative materials in a ~~mailbox~~ **newspaper box** on the private property.

(B) *Exceptions.* The prohibitions of this section are not intended to apply and shall not apply to:

~~(1) Any person, business or organization holding a valid privilege license issued by the village; or~~

~~(2) Any person, business or organization that holds a current license issued by the state, pursuant to G.S. § 131F-5 and is engaging in a not for profit activity. (Ord. 2015-01, passed 3-9-2015) Penalty, see § 111.99~~

Adopted this 9<sup>TH</sup> day of September, 2019.

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Mayor Brad S. Horvath

Attest:

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Cheryl Bennett, Village Clerk

### **Ending Items**

19. Council Comments *Time Stamp 2:19:17*

Council Member Como asked that we get someone to fix the microphones in chambers.

Council Member Kaperonis appreciated the meeting with the County and building communication.

Council Member Rodriguez appreciated having our planner represent us, and being concise in getting to the point.

Council Member Fuller asked about the timeline for the Potter Road / Highway 84 double roundabout; it is not yet funded, and the other two that are funded are scheduled for summer of 2020. She noted old political signs at Beulah Church Road need to be picked up.

Mayor Horvath reported he had a message from Sean Epperson at NCDOT about the Potter and Potter roundabout, if there is a delay, he will ask for the Village contribution to be returned.

There is a candidate forum held by the League of Women Voters here on October 10, 2019 at 7 pm; notice will be sent to the Sunshine List and Facebook. Mayor Horvath is meeting with the candidates here Monday to share information about the Village.

20. Adjournment *Time Stamp 2:31:24*

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

The motion passed unanimously.

The meeting ended at 9:33 pm.

Respectfully submitted,

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Cheryl Bennett, Clerk

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Mayor Brad Horvath