

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
WESLEY CHAPEL TOWN HALL
6490 Weddington Road, Wesley Chapel, NC 28104
October 14, 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 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: 1:29*

Diana Bowler gave an update on the October 26, 2019 Fall Bash preparations. There will be vendors, games and food, and the Youth Council will hold a scavenger hunt.

John Lepke asked about the trees that were cut down at the newly permitted natural gas facility on Waxhaw-Indian Trail Road.

3. Additions, Deletions and Adoption of Agenda *Time Stamp 10:46*

Added were: item g. on the Consent Agenda and an item to discuss and consider a resolution on the Cresswind re-zoning request. 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 13:15*
 - a. Approve minutes for August 28, 2019 special meeting, and September 9, 2019 Council meeting
 - b. Approve previous month planner's and code enforcement reports
 - c. Approve previous month finance report
 - d. Approve release of landscaping bond in amount of \$68,750 for Five Stones Church
 - e. Approve 2019 Local Government Agencies General Records Retention and Disposition Schedule and administrative value items periods
 - f. Approve renewal of contract with Botanica Lights LLC for town hall seasonal lights for \$1,457.50

g. Amend Regular Meeting Schedule to add December 2, 2019 organizational meeting

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

September 30, 2019 Balance Sheet

| | |
|---|---------------------|
| Current Assets | |
| Checking/Savings | |
| Fifth Third Bank checking | 134,695.91 |
| Fifth Third Maxsaver | 185,249.41 |
| NCCMT Government Portfolio | 311,616.59 |
| BB&T Money Market | 108,929.17 |
| BB&T CD 9.26.2020 | 300,000.00 |
| Cash Change Fund | 50.00 |
| Total Checking/Savings | 1,040,541.08 |
| Total Accounts Receivable | 3,062.56 |
| Other Current Assets | |
| Property Tax Rec. | 1,024.00 |
| Allow. for Doubtful Accounts | -491.00 |
| Total Sales Taxes to be Received | 5,397.80 |
| Total Other Current Assets | 5,930.80 |
| Total Current Assets | 1,049,534.44 |
| 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 PenPlan CY | 18,207.00 |
| Total Other Assets | 18,207.00 |

2019.10.14 Council meeting minutes

| | |
|---|-----------------------------------|
| TOTAL ASSETS | <u><u>3,639,478.46</u></u> |
| LIABILITIES & Fund Balance | |
| Other Current Liabilities | |
| Due to Union County Schools | 1.07 |
| Deposits To Refund | 1,820.00 |
| Escrow from Developers | 45,076.00 |
| Deferred Revenue | <u>533.20</u> |
| Total Other Current Liabilities | <u>47,430.27</u> |
| Long Term Liabilities | |
| Net pension liability | 8,306.00 |
| Deferred inflows Pension | <u>43.00</u> |
| Total Long Term Liabilities | <u>8,349.00</u> |
| Total Liabilities | 55,779.27 |
| Fund Balance | |
| 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>-146,584.81</u> |
| Total Fund Balance | <u>3,583,699.19</u> |
| TOTAL LIABILITIES & Fund Balance | <u><u>3,639,478.46</u></u> |

September 30, 2019 Budget Report

| | <u>Sep 19</u> | <u>Jul - Sep 19</u> | <u>YTD Budget</u> | <u>% of Budget</u> |
|----------------------------------|-----------------|---------------------|-------------------|--------------------|
| Ordinary Income/Expense | | | | |
| Income | | | | |
| Appropriated Fund Balance | 0.00 | 0.00 | 97,195 | 0% |
| Property Tax Income | | | | |
| Current Year Property Tax | 4,435.32 | 4,450.10 | 153,767 | 3% |
| Utility Ad Valorem | 0.00 | 0.00 | 2,214 | 0% |
| Vehicle Registration | 0.00 | 1,770.80 | 17,100 | 10% |
| Delinquent Property Tax | 10.03 | 49.24 | 200 | 25% |
| Interest/Ad Fee on Taxes | <u>0.68</u> | <u>17.48</u> | <u>240</u> | <u>7%</u> |
| Total Property Tax Income | 4,446.03 | 6,287.62 | 173,521 | 4% |
| Fees and Licenses | | | | |
| Privilege Licenses - ABC | 0.00 | 285.00 | 285 | 100% |
| Zoning Permit | 4,745.00 | 11,300.00 | 25,000 | 45% |

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|-------------------------------------|-------------------|--------------------|----------------|-------------|
| Engineering Fees Reimbursement | 483.04 | 5,321.84 | 40,000 | 13% |
| Misc. Fees | 300.75 | 701.75 | 1,500 | 47% |
| Fee in lieu -Open Space Land | 0.00 | 3,599.08 | 0 | 100% |
| Total Fees and Licenses | 5,528.79 | 21,207.67 | 66,785 | 32% |
| Interest Earned | 60.77 | 1,343.30 | 6,000 | 22% |
| Shared Revenues | | | | |
| Sales & Use Taxes | 205.24 | 205.24 | 54,500 | 0% |
| Sales Tax on Telecom. Services | -84.34 | -84.34 | 7,500 | -1% |
| Sales Tax on Video Programming | -3,285.74 | -3,285.74 | 92,500 | -4% |
| Sales Tax on Electricity | 132.79 | 132.79 | 195,000 | 0% |
| Sales Tax on Piped Natural Gas | 1,406.41 | 1,406.41 | 12,000 | 12% |
| Alcoholic Beverage Tax | 0.00 | 0.00 | 38,500 | 0% |
| Total Shared Revenues | -1,625.64 | -1,625.64 | 400,000 | 0% |
| Total Income | 8,409.95 | 27,212.95 | 743,501 | 4% |
| Expense | | | | |
| Total Town Hall Operating Expense | 1,940.58 | 6,686.44 | 34,800 | 19% |
| Total Operating Expenditures | 1,293.71 | 23,449.65 | 89,150 | 26% |
| Total Planning & Zoning | 8,736.00 | 19,040.43 | 77,500 | 25% |
| Total Gen. Govt. Salaries | 21,027.59 | 44,790.22 | 170,586 | 26% |
| Total Professional Fees | 3,884.04 | 8,840.34 | 67,855 | 13% |
| Total Capital Outlay | 0.00 | 639.99 | 18,320 | 3% |
| Total Public Services / Safety | 24,772.41 | 49,544.82 | 101,590 | 49% |
| Parks & Recreation | | | | |
| Total Recreation Events | 0.00 | 3,024.89 | 28,000 | 11% |
| Total Park Maint. Supplies& Mat. | 684.21 | 684.21 | 4,000 | 17% |
| Total Park Maint. Services | 6,299.18 | 17,096.77 | 107,700 | 16% |
| Total P&R Capital Outlay | 0.00 | 0.00 | 44,000 | 0% |
| Total Parks & Recreation | 6,983.39 | 20,805.87 | 183,700 | 11% |
| Total Expense | 68,637.72 | 173,797.76 | 743,501 | 23% |
| Net Excess of Rev. over Exp. | -60,227.77 | -146,584.81 | 0 | 100% |

5. Youth Council Committee Report *Time Stamp 13:37*

Mayor Pro Tem Kaperonis reported the Youth Council held a meeting and will hold a scavenger hunt at the Fall Bash. John Lepke asked if they could manage the bonfire at the November 2, 2019 event. Minutes for the second half of 2018 are still needed.

6. Planning Board Report *Time Stamp 15:23*

Planning Board Chair John Souza reported at their last meeting they had a discussion with the Mayor, discussed the Table of Uses, Land Use Plan updates, zoning districts RA-40 vs. R-40,

and got an update on the County/municipal land use planning meeting. This month they will look at a conditional zoning request, and continue work on the items from the last month.

Mayor Pro Tem Kaperonis asked what the most urgent items are to get ahead of the curve and whether the Planning Board should meet more frequently now that we have a full time planner. Chair Souza replied Table of Uses, tree ordinance, and stormwater; there are some things they cannot control such as traffic and roads; he also suggested the Planning Board could see where they can help the Planner, such as with the Land Use / Comprehensive Plan.

Council Member Fuller asked about work at the Piedmont Natural Gas facility on Hwy. 84. Planner Byers said they did not have an access road, and NCDOT approved a temporary driveway, and will take out three large trees. They will send her a landscape plan (two rows of trees and a fence) and be getting a zoning permit. When the substation was built, the owner at the time never got a zoning permit, so it is a non-conforming use on a non-conforming lot. They are doing work to get ready for the pigging work at the newly approved substation on Waxhaw-Indian Trail Road. Council Member Fuller asked about the age census reports for Epcon; the Planner said she received them October 1st, but has not looked at it yet.

7. Communications Committee Report *Time Stamp 31:03*

Chair Bledsoe noted the Committee voted to run the election candidate questions and answers that were in the Enquirer-Journal on the Facebook page, in alphabetical order, one per day, (comments will be turned off), but the question of political information on the Facebook page came up. The attorney thought it would be okay. Mayor Pro Tem Kaperonis motioned to allow the questions and answers to be published on the Village Facebook page. Council Member Como seconded the motion.

The motion passed unanimously.

8. Parks and Rec Committee Report *Time Stamp 41:05*

- a. Approve Expense of up to \$1,400 for purchase of barriers for events
- b. Approve increase to budget for Nov. 2, 2019 event
- c. Approve issuing RFP to bid park landscaping including replacement of dead trees in parking area, dead/missing shrubs between park and homes, screening behind stage and addition of irrigation zone – budgeted as North Shore Trail Beautification at \$10,000
- d. Consider approval to get bids on playground costing up to \$99,135 – amount proposed as match in PARTF application

Parks and Rec Chair Lepke reported the planner attended their last meeting and invited their input on the Park section of the Comprehensive Plan. The Committee recommended the Village sound and light system not be rented out, and only used for a Village event, or Village-partnered event. He and Council Member Como spoke to a vendor that can resurface the parking lot and trails without contributing chemicals that cause fish toxicity, they will use their generic specs, i.e. to do the work without generating more than X amount of chemicals and look for more vendors. Park cameras are budgeted at \$20,000. They met with Sonitrol who recommended their least

expensive passive system, however costs are at least \$31,000 with a recurring fee of \$4,600. They will talk to more vendors.

The ABC Commission and Union County Sheriff's Office agreed on the use of the orange mesh flexible barricades; while they are not as durable, they are a lot cheaper. Ten rolls of 100 feet length barriers cost \$957.50 plus any shipping at Grainger and 70 posts from Lowe's are \$328. The enclosed area will include the bathrooms and fire pit; beer cannot be taken out of the area. Council Member Como motioned to spend up to \$1,400 for orange mesh barriers and posts and excuse ourselves from the Purchasing Policy requirement of three bids. Council Member Fuller seconded the motion.

The motion passed unanimously.

The budget for the event does not need to be increased, since Union County Sheriff's Office is requiring only seven deputies at the event. They also confirmed we do not need to rent lights, but will bring their own temporary lights in case they are needed. The Sheriff's office has to sign off on the ABC permit that Rotary is obtaining. Pending from Rotary is the Certificate of Insurance and an updated Memorandum of Understanding to include detail on the split of funds.

Parks and Rec have started planning for a December 14, 2019 event, "Carols, Carriage Rides and Cocoa" and for a 2020 Memorial Day event with music and trucks that would hopefully contribute funds to a veteran cause.

The current line item for landscaping is "North Shore Trail Beautification", but instead they want to issue an RFP to bid park landscaping including replacement of dead trees in the parking area, dead/missing shrubs between the park and homes, screening behind the stage and to add an irrigation zone. Council Member Como motioned to rename the line item to "General Park Landscaping Repairs" and to prepare an RFP. Mayor Pro Tem Kaperonis seconded the motion.

The motion passed unanimously.

Park and Rec Chair Lepke asked a vendor for some illustrations of what type of playground we could get for \$100,000. Currently we do not have a playground budgeted, but do have about \$90,000 in fund balance assigned for future park improvements, and \$70,957 in fund balance restricted for Park and Rec from fee in lieu. Conversation was held on spending for the many park projects, that the park is one of the few things we offer, how could we make this regional park self-sustaining so the whole burden is not on Wesley Chapel taxpayers and whether we could have user fees (noting Marvin charges non-residents for parking). Council Member Como motioned to prepare an RFP for a playground. Council Member Fuller seconded the motion.

The motion passed unanimously.

Council Member Fuller asked that Park and Rec prepare a list of all the upcoming park items for the park phases to get an idea of the total expenditures that will be upcoming.

9. Finance Officer's Report *Time Stamp 1:38:40*

Finance Officer Bennett reported in September a budget transfer was made to move \$472 from Contingency to the line item Insurance – Workers' Comp to pay the 2018/19 workers' comp

audit invoice since we moved from contracted planning and zoning services to an employee mid-year. Final numbers for the 2018/19 financial audit show revenues (excluding fee in lieu) at \$658,169 and expenditures of \$711,595, using \$73,059 of fund balance. During the month a one year \$300,000 CD was opened at BB&T earning 1.25%. The Finance Officer asked Council if they wanted to amend the agreement with the County Property Tax Office to have them also collect any code enforcement liens; they agreed. A proposal was received to update our e-mail accounts, with new council members coming in December 2, 2019 the timing works well to do this on that date. Council Member Fuller motioned to spend up to \$2,550 from the "Town Office Maintenance Services" account to update our e-mail accounts on December 2, 2019. Council Member Como seconded the motion.

The motion passed unanimously.

The attorney and planner had reported it was difficult to search our code online, so the clerk contacted our codification company, and for approximately \$900-\$1,000 more per year we could have the code in easily searchable software online. Council will look at the on-line code, and the item will be on next month's agenda for a decision.

During September we received our quarterly state shared revenue payment and the Heritage Phase 2 preliminary plat fee, and paid for the monitor for the town hall cameras, and for the second quarter deputy services.

Old Business

10. Attorney Update on sale of 2.631 acres *Time Stamp 2:04:15*

Attorney Sistrunk reported some shopping center covenants were discovered through the title search; the language might exclude the boarding of animals. The shopping center owner alleges the sale is improper due to how the donation of the land was set up in 2004/2005 for public use, and now it is being sold for non-public use. Mayor Horvath noted there was discussion of an EMS station there years ago, but the County EMS went to a roving model mode. A closed session will be held on this next month. Meanwhile the conditional zoning application will go to Planning Board this month.

11. Staff Review Process *Time Stamp 2:12:55*

Mayor Horvath got the job descriptions and performance evaluations ready. He asked the Clerk to e-mail them to Council, for Council to send back their evaluations by the end of the month. A closed session will be held next month.

12. Update on items from March 2019 Advance *Time Stamp 2:19:10*

Mayor Horvath reported he and the planner met with Aston Properties, they said their original horizon to complete was 10-12 years, so with the economy going south for three years, they felt they were still on track. The widening of Hwy. 84 and the roundabout near Hickory Tavern will take out two of the outparcels. They asked if we would consider other options, and for the number of how many rooftops we have approved so they can update their number of households within a one mile, three mile and five mile radius. They are not the owners of the new Food

Lion shopping center down the road, they were just hired to build the store. More frequent conversations will be held.

13. Update on Audio Visual Repairs/IT projects *Time Stamp 2:33:33*

Council Member Como noted the new town hall cameras have been adjusted, and asked Council to take a look; if they are happy with them, he will agree. He noted there are two ways to store the data, record continuously, or record only when there is motion. We are only recording motion, and per the State records retention requirements we need to maintain 30 days of recordings.

A vendor came out last Friday regarding the broken microphones, he will send us a price for eight microphones plus one cordless microphone.

New Business

14. Discussion on Cresswind and possible Resolution *Time stamp 2:43:18*

Council Member Fuller noted she has been asked repeatedly by residents to take a stronger position about the Cresswind subdivision re-zoning request on County land bordering the Village.

Council Member Como motioned to draft a Resolution, incorporated herein, to address that specific property and have the Mayor sign it. Council Member Fuller seconded the motion.

The motion passed unanimously.

Village of Wesley Chapel, NC Resolution 2019-06

RESOLUTION OPPOSING THE CRESSWIND SUBDIVISION REZONING REQUEST



WHEREAS, the Village of Wesley Chapel Council's purpose is to represent the desires of its citizens and to serve as a voice for the greater good of the community; and

WHEREAS, the Village of Wesley Chapel recognizes that the proposed R-4 CZ high density (615 homes) Cresswind subdivision has been proposed to Union County in an area bordering our Village; and

WHEREAS, the Village of Wesley Chapel recognizes that a large majority of citizens in Wesley Chapel and in the neighboring area are not in favor of high density development and wish to preserve the current standard of living and not become urbanized; and

WHEREAS, the Village of Wesley Chapel recognizes that high density development puts a burden on the infrastructure and encourages growth outpacing needed improvements; and

WHEREAS, traffic in the area is over capacity as evidenced by the poor ratings of the intersections of Potter Road and Highway 84 as well as Chambwood Road and Potter Road; and cannot sustain additional impact from high density development which will negatively impact existing property owners; and

WHEREAS, floodplain and floodway as well as a stream are on this land and flooding/stormwater control problems are frequent complaints in this area, and are heightened by high density development;

NOW, THEREFORE be it resolved that the Village of Wesley Chapel hereby requests the Union County Board of County Commissioners listen to the desires of the citizens and stay consistent with existing low density County zoning of surrounding parcels.

Adopted this the 14th day of October, 2019.

Mayor Brad Horvath

Attest:

Cheryl Bennett, Clerk

15. Consider Draft Policy for Viewing Camera Recordings *Time Stamp 2:50:15*

In writing the policy, it was learned and confirmed by the attorney that the camera recordings are open to public record requests. Mayor Horvath asked that the policy include that a log be kept of viewing requests. The policy will be discussed next month when the attorney is still present.

Ending Items

16. Council Comments *Time Stamp 2:58:09*

Council Member Como commented that with the Highway 84 widening, maybe we could tap into the water line at the road so it would be easier to refill the water at the dog park. The landscaper will seed and aerate this week.

Council Member Fuller noted all of the local schools are near or over capacity, and if you get stuck in a traffic line at school opening or closing, you will have a half hour wait.

Mayor Pro Tem Kaperonis noted the prior school re-districting was why he ran for office. He had concerns on the design of Highway 84 and Potter Road and traffic problems. He added he did vote against the Epcon development due to it being across from the Cuthbertson schools, and would welcome conversations with the schools. He offered thanks to the League of Women Voters for holding the candidate forum.

Mayor Horvath reminded everyone to vote on November 5th or at early voting.

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17. Adjournment *Time Stamp 3:05:50*

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

The motion passed unanimously.

The meeting ended at 10:06 pm.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath