

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
WESLEY CHAPEL TOWN HALL
6490 Weddington Road, Wesley Chapel, NC 28104
February 10, 2020 – 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 Smith, Mayor Pro Tem Fuller, Council Members Como, Bailey, and Boyce

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*

Girl Scout members from Troop 1875 led the Pledge of Allegiance. Pastor Ralph Owen from Five Stones Church gave the invocation.

2. Public Comments *Time Stamp: 3:20*

David Williams, candidate for the Union County Board of County Commissioners, introduced himself and invited everyone to go to his website, Facebook page or to call him.

3. Opening Council Comments *Time Stamp 5:51*

Council Member Como was pleased to see the Girls Scouts present at the meeting. Council Member Bailey encouraged participation in early voting which starts February 13, 2020. Mayor Pro Tem Fuller thanked everyone for attending tonight's meeting. Council Member Boyce appreciated everyone working together. Mayor Smith explained the agenda to the Girl Scouts.

4. Additions, Deletions and Adoption of Agenda *Time Stamp 9:56*

Item 5d (approve repairs to town hall dry pond) and item 5b (Planner's report) were moved to the regular agenda, and the Girl Scout Proclamation was moved to the first item in the consent agenda. An item was added to consider hiring an administrative assistant. Council Member Bailey motioned to adopt the agenda as amended; Council Member Como seconded the motion. The motion passed unanimously.

5. Consider Approval of Consent Agenda *Time Stamp 12:20*

- a. Recognize Mayoral Proclamation for Girl Scout Week
- b. Approve minutes for January 13, 2020 Council meetings and closed minutes for item 10 and item 12 from January 13, 2020 Council meeting
- c. Approve previous month finance report

- d. Approve amendment to agreement with County to collect nuisance abatement and demolition fees
- e. Reduce bonds for the Pinnacle from \$2,196,820.19 to \$1,293,245.00
- f. Approve purchase of computer for Clerk for up to \$1,500

Mayor Pro Tem Fuller motioned to approve the amended consent agenda; Council Member Boyce seconded the motion.

The motion passed unanimously.

Mayor Smith read the Proclamation for Girl Scout Week to Girl Scouts who were present from Troop 1875.

Village of Wesley Chapel, NC Proclamation for Girl Scout Week



WHEREAS: March 12, 2020, marks the 108th anniversary of Girl Scouts of the USA, founded by Juliette Gordon Low in 1912 in Savannah, Georgia; and,

WHEREAS, throughout its distinguished history, Girl Scouting has inspired millions of girls and women with the highest ideals of courage, confidence, and character; and,

WHEREAS, girls discover, connect and take action to make their local communities and the world a better place; and,

WHEREAS, more than 3.5 million current Girl Scout members nationwide will be celebrating 108 years of this American tradition, with 59 million women who are former Girl Scouts and living proof of the impact of this amazing movement;

NOW, THEREFORE I, Jan Smith, 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 March 8-14, 2020 as

GIRL SCOUT WEEK

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Village of Wesley Chapel, North Carolina to be affixed this 10th day of February of the year of our Lord two thousand twenty.

Signed _____ SEAL Attest _____

Mayor Jan Smith

Clerk Cheryl Bennett

January 31, 2020 Balance Sheet

	<u>Jan 31, 20</u>
ASSETS	
Checking/Savings	
Fifth Third Bank checking	286,518.34
Fifth Third Maxsaver	294,440.67
NCCMT Government Portfolio	313,391.22
BB&T CD 9.26.2020	300,000.00
Cash Change Fund	<u>50.00</u>
Total Checking/Savings	1,194,400.23
Accounts Receivable	
Misc. Fees Receivable	<u>4,527.32</u>
Total Accounts Receivable	4,527.32
Other Current Assets	
Property Tax Rec.	1,024.00
Allow. for Doubtful Accounts	-491.00
Prepaid Exp.	<u>188.00</u>
Total Sales Taxes to be Received	<u>623.87</u>
Total Other Current Assets	<u>1,344.87</u>
Total Current Assets	1,200,272.42
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	<u>3,803.00</u>
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.	<u>-633,875.98</u>
Total Fixed Assets	2,571,737.02
Other Assets	
Def Outflow Contr to PenPlan CY	<u>18,207.00</u>
Total Other Assets	<u>18,207.00</u>
TOTAL ASSETS	<u><u>3,790,216.44</u></u>
LIABILITIES & Fund Balance	
Other Current Liabilities	

2020.02.10 Council meeting minutes

Due to Union County Schools	15.14
Deposits To Refund	875.00
Escrow from Developers	45,076.00
Deferred Revenue	<u>533.20</u>
Total Other Current Liabilities	<u>46,499.34</u>
Total Current Liabilities	46,499.34
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	54,848.34
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	122,530.85
Fund Bal. non-spendable	104,045.00
Fund Balance	805,107.73
Net Excess of Rev. over Exp.	<u>5,084.10</u>
Total Fund Balance	<u>3,735,368.10</u>
TOTAL LIABILITIES & Fund Balance	<u><u>3,790,216.44</u></u>

January 31, 2020 Budget Report

	<u>Jan 20</u>	<u>Jul '19 - Jan 20</u>	<u>Budget</u>	<u>% of Budget</u>
General Fund				
Income				
Appropriated Fund Balance	0.00	0.00	97,195.00	0%
Property Tax Income				
Current Year Property Tax	34,597.13	146,660.93	153,767.00	95%
Utility Ad Valorem	0.00	0.00	2,214.00	0%
Vehicle Registration	1,640.73	9,559.11	17,100.00	56%
Delinquent Property Tax	4.01	504.72	200.00	252%
Interest/Ad Fee on Taxes	15.90	117.97	240.00	49%
Total Property Tax Income	<u>36,257.77</u>	<u>156,842.73</u>	<u>173,521.00</u>	<u>90%</u>
Fees and Licenses				
Privilege Licenses - ABC	0.00	285.00	285.00	100%
Zoning Permit	2,375.00	24,375.00	25,000.00	98%
Engineering Fees Reimbursement	6,356.61	18,691.66	40,000.00	47%
Misc. Fees	100.00	2,021.73	1,500.00	135%

Fee in lieu -Open Space Land	0.00	51,573.04	0.00	100%
Total Fees and Licenses	8,831.61	96,946.43	66,785.00	145%
Interest Earned	75.42	3,389.02	6,000.00	56%
Shared Revenues				
Sales & Use Taxes	5,068.93	20,184.61	54,500.00	37%
Sales Tax on Telecom. Services	0.00	1,629.65	7,500.00	22%
Sales Tax on Video Programming	0.00	21,180.00	92,500.00	23%
Sales Tax on Electricity	0.00	61,623.53	195,000.00	32%
Sales Tax on Piped Natural Gas	0.00	3,351.81	12,000.00	28%
Alcoholic Beverage Tax	0.00	0.00	38,500.00	0%
Total Shared Revenues	5,068.93	107,969.60	400,000.00	27%
Total Income	50,233.73	365,147.78	743,501.00	49%
Expense				
Total Town Hall Operating Expense	5,662.92	18,791.03	34,800.00	54%
Total Operating Expenditures	1,783.46	39,092.91	70,717.00	55%
Total Planning & Zoning	5,414.60	43,205.80	90,550.00	48%
Total Gen. Govt. Salaries	12,109.58	95,716.53	169,869.00	56%
Total Professional Fees	7,326.61	38,516.29	73,855.00	52%
Total Capital Outlay	95.96	735.95	18,320.00	4%
Total Public Services / Safety	24,772.41	74,417.23	101,690.00	73%
Parks & Recreation				
Total Recreation Events	59.02	9,842.51	28,000.00	35%
Total Park Maint. Supplies& Mat.	298.03	1,376.93	4,000.00	34%
Total Park Maint. Services	4,980.82	37,046.88	107,700.00	34%
Total P&R Capital Outlay	0.00	1,321.62	44,000.00	3%
Total Parks & Recreation	5,337.87	49,587.94	183,700.00	27%
Total Expense	62,503.41	360,063.68	743,501.00	48%
Net Excess of Rev. over Exp.	-12,269.68	5,084.10	0.00	100%

6. Approve repairs to town hall dry pond by Unity Lawn & Landscape for \$825 *Time Stamp 15:42*

Needed repairs were noted in the annual storm water pond maintenance report issued by a professional engineer. The Clerk will send to Council the report and her emails with Unity Landscape Company. Council Member Como motioned to table this to next month; Council Member Boyce seconded the motion.

The motion passed unanimously.

7. Consider waiving stormwater maintenance security bond for Deer Creek Farm *Time Stamp 20:16*

Planner Byers noted an amendment to the ordinance in the last couple of years required a maintenance bond for stormwater pond maintenance in the amount of one third the cost of the pond. Deer Creek Farm is required to have a stormwater pond and requested a waiver of the bond. She ran the request by the attorney and engineer (who supported the waiver due to the single ownership as opposed to an owner/developer/HOA and provisions of Section 5, which allow the Village to recover costs, assess late fees, and place a lien on the property in the event the owner fails to meet the obligations and the Village is required to make repairs.)

Council Member Como motioned to waive the stormwater maintenance security bond for Deer Creek Farm; Council Member Boyce seconded the motion.

The motion passed unanimously.

8. Planning Board Report *Time Stamp 24:52*

Chair Souza reported their last meeting was a training session with three other towns that all eight members attended in Waxhaw. They learned new information and also that other towns are going through the same things we are. The next Planning Board meeting has a discussion on a conditional zoning permit, the Cavesson entrance sign, and continued work on amendments for RA-40 / R-40, tree ordinance, and an update on the comprehensive plan, including a public input meeting.

Planner Byers reported there has been two CRTPO meetings since last month, the TCC and the Project Oversight meeting. The TCC recommended approval of the NC 84 and Potter Road roundabout project, and it goes to the CRTPO Board next week. She also attended a Ch. 160-D training session by the School of Government; the new legislation will create some work for us to stay in compliance. An invitation to a stormwater meeting for elected officials on February 26, 2020 was received; Council Member Como and possibly a member from Planning Board will attend.

There was discussion at the training session regarding moratoriums. Attorney Sistrunk suggested having a closed session on the ins and outs of it.

9. Communications Committee Report *Time Stamp 37:05*

Communications Chair Deb Bledsoe reported the Facebook page ran profiles on the new Mayor and council members which were well received and had positive feedback. She has photos of two Mayors and is working on getting photos of other past Mayors. The latest photos for town hall are being framed. The next committee meeting is March 19, 2020. She and the Mayor met with art teachers from the two elementary schools and will coordinate an art show at town hall, with about forty-four pieces of student artwork.

10. Park and Rec Committee *Time Stamp 43:45*

Chair Lepke reported there was no January meeting due to lack of a quorum. He met with individual members to discuss playground options and gathered a consensus. The recent rainstorm caused some damage, and he requested we rent a bobcat and clear out the drains and repair the damage. Council Member Bailey motioned to approve moving \$1,215 from the Grounds line item to Rentals, and spending up to \$1,325 for a bobcat rental and up to \$500 for stone and gravel (budgeted). Council Member Como seconded the motion.

The motion passed unanimously.

It was noted the weir worked as it should in the heavy rains.

Chair Lepke handed out a summary of playground options, in the order of preference of the Park and Rec Committee. Compacting the site with wood chips saves money, but a poured in place (PIP) surface is best in the long term. They were not able to get everything within the \$100,000 budget and suggested taking funds from other line items that would be delayed, and \$100,000 from fee in lieu. Option 1 includes all equipment, a PIP surface and a fence for \$145,597.60. Option 2 includes all equipment, an Engineered Wood Fiber (EWF) surface and fence now and add a PIP surface later at \$153,917.41. Option 3 includes all equipment, a mixed surface and fence for \$36,035.42. Option 4 includes all equipment, EWF surface and fence now for \$143,144.23. Option 5 includes all equipment, EWF surface and fence for \$98,569.54. Omitting fencing from any option would deduct \$8,932. Four bids were received, and ranged from \$88,000 to \$95,000, they selected one in the middle. The fence requested is a four-foot high green vinyl chain link commercial fence. Annual maintenance cost of wood chips was estimated to be the same as original installation or \$9,000 per year. PIP surface lasts 15 years. They favored two toddler swings in lieu of the large disc swing. Council Member Bailey had concerns on the 45% price increase and delaying park maintenance items, as did Mayor Pro Tem Fuller. After discussion, Council decided to re-bid the playground. Mayor Pro Tem Fuller motioned to re-bid, taking out the \$100,000 budget, specifying a PIP surface and four-foot fence and toddler gate. Council Member Como seconded the motion.

The motion passed unanimously.

11. Deputy Report *Time Stamp 1:15:42*

Deputy Wicker reported crimes in November included car break-ins, a home breaking and entering, larcenies at Target and a building site, and nine motor vehicle crashes. In December there was a breaking and entering of the storage trailer behind PetSmart, larcenies at Target, drug arrests at Cuthbertson High School, and 14 motor vehicle crashes. January crime included two breaking and enterings at construction sites, a car break-in, larcenies at Target, a motor vehicle theft, possession of marijuana and eleven motor vehicle crashes. Mayor Smith requested a report on collisions at Potter and Potter and at Potter and Highway 84, compared to other intersections in Union County. Deputy Wicker will go to E-Crash to get the data.

12. Finance Officer's Report – Auditor present Audit Report *Time Stamp 1:24:46*

Finance Officer Bennett reported for January revenues were doing well, and we paid for the third quarter of the deputy services. During the month she made a budget transfer taking \$700 from

Contingency, and moving \$200 to Office Expense and \$500 to Planning/Zoning office expense for unanticipated expenditures. The auditor was ill and not present, but the 2018-19 audit on page 15 shows the Village fund balance decreased by almost \$61,000 primarily due to building the amphitheater. Please let her know if you have any questions. Expenditures have increased a lot in the last few years. Fund balance compared to expenditures has gone down but is still at an acceptable level. State requirement is to keep 8% of expenditures in fund balance, but our policy is to keep 25%, which is essential since we do not collect a lot of tax until November/December.

13. Consider Hiring Administrative Assistant *Time Stamp 1:29:46*

Mayor Pro Tem Fuller noted our previous administrative assistant resigned, and applicants were interviewed. She motioned to hire Amy Mumpower for 30 hours per week, appropriating \$13,081 from Fund Balance, and increasing the Administrative Assistant Salary line item by \$10,206, increasing Payroll taxes by \$781, and increasing Fringe Benefits – retirement by \$2,094; Amy will work 9 am to 5 pm Mondays – Thursday, with schedule changes for meeting night meetings, passing a background check, and starting on or after February 18, 2020. Council Member Como seconded the motion.

The motion passed unanimously.

A short break was held.

14. Public hearing (recessed from January 13, 2020) on CZ19-01 request for B-1 zoning on 2.631 acres on Waxhaw-Indian Trail Road, just north of the shopping center *Time Stamp 1:34:01*

Planner Robyn Byers reported this is for 2.6 acres that are Village owned, just north of the existing Shops at Wesley Chapel zoned B-2 and the applicant is asking for a conditional B-1 zone. It is currently zoned R-40 and the Future Land Use Plan has it as Office-Institutional. B-2 is a shopping center, and B-1 is a general business district, more local in nature. The applicant has had two public meetings; the biggest concerns were traffic and stormwater. The applicant does have to follow state and local requirements for stormwater, conceptual review and approval has been done at this point, and further approvals are needed before they can break ground. DOT has approved a full movement access (they looked at both phases as one project) and we asked the applicant reach out to the owner of the shopping center about potential connection between the parking lots. We also received communication from someone who is potentially purchasing the adjoining lot in the county that may be putting in parking and provide connectivity to Antioch Church Road and this property. Planning Board finalized review of the application in October 2019. There are two phases with the first one being the Carolina Pets building. Planning Board unanimously recommended approval of the application contingent on the sale of the land and Planning Board having architectural review of the Phase II building and then the Planner would handle the rest of the process. The Planner suggested that some permitted uses by right in B-1 not be allowed, and those are reflected in the attached Development Standards. Staff recommendation notes the project is in line with the Village's plans for the region, it is a natural barrier between residential and commercial, she did not see it going commercial further north on Waxhaw-Indian Trail Road. Staff recommendation is to approve this conditional re-zoning contingent on the sale of the land and update the Future Land Use Map accordingly.

The applicant's attorney Ty Schaefer introduced himself and the applicant Heather Myers.

Applicant Heather Myers, DVM, owner of Carolina Pets Animal Hospital, introduced herself and described how their vet office has grown, and outgrown their space. They are active members in the community and have served more than 1,800 families. She is also starting a student intern program. They have hired a veterinary specific architect. Animal boarding would be done indoors subject to sound controls. They will board animals who are patients and in general as well.

15. Decision on CZ19-01 *Time Stamp 1:51:32*

Mayor Pro Tem Fuller motioned to approve CZ 19-01, conditional on the closing of the sale, and that we update our Future Land Use Map accordingly; this request is reasonable in that it would move an existing use in the Village from one location, where the business cannot grow, to another location on an opposite corner within the Village's commercial hub; and is consistent with the Village Future Land Use Plan 2015 in that it locates an existing business in a non-residential development location (Goal 2 of the plan); while this specific property has an Office-Institution use on the Future Land Use Plan map, it is north adjacent to the commercial hub location and would not add new non-residential development outside of the overall strategic location for commercial. Council Member Como seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Fuller motioned to amend the zoning map per Ordinance 2020-01, incorporated herein as Attachment A. Council Member Boyce seconded the motion.

The motion passed unanimously.

The public hearing was closed.

16. Patrick Niland, Assistant County Manager with Resolution regarding restructuring of fire Funding *Time Stamp 1:55:07*

Patrick Niland noted currently there is a combination of fire fee districts (fees are limited to \$100 for residential and \$200 for commercial) and fire tax districts. About four years ago the fees stopped being adequate. Wesley Chapel has residents in the Wesley Chapel Volunteer Fire Department (VFD) tax district, the Springs tax district, and the Bakers fee district. Only two counties in the state still use fire fee districts. A fee district is considered urban if their tax base is over a billion and considered rural if the tax base is less than a billion. The County will subsidize the urban districts at 20%, and the rural districts at 40%. All three fire districts are considered urban. The County is changing Bakers Fire District from fee to tax, effective November, and they need to get approval of the municipalities they serve. Fire Chief Steve McLendon from Wesley Chapel VFD responded to questions. They could provide service to all of Wesley Chapel without an increase in the insurance rating. The fire district lines were drawn years ago. The Village can pursue changing the lines since the Village determines who they contract with for fire services. With a \$300,000 home in the tax district they would pay about

\$100 but depending on the home value their fire service cost could be more or less. The Chief was asked his opinion on this change; he noted overall the system is broken, 80/20 is not his favorite, but works overall. Citizens pay a district tax and an overall tax, which also subsidizes other parts of the county. Chief McLendon also noted that he would be glad to review new development plans if they are sent to him. Mr. Niland was asked how many homes in Wesley Chapel are affected by this change. The Village would like to see verbiage added to the Resolution to put all of Wesley Chapel in the Wesley Chapel VFD. Mr. Niland just asked that any verbiage be sent to him as soon as possible so the county legal staff could review it. Council Member Boyce motioned to bring this subject back in March. Mayor Pro Tem Fuller seconded the motion.

The motion passed unanimously.

17. Code Enforcement Report *Time Stamp 2:32:24*

Planner Byers noted one property violation has been sent to the attorney for a civil citation; the attorney noted they are seeking fees and cessation of the nuisance. Another option is to do our own abatement to clean up the property. So far, the homeowner has ignored the Village violation letters, but they may react to the civil action. If there is a trial, you get a judgment by the court. It went in the mail today and will be filed next week; the resident has 30 days to respond, and 60 days if they respond and defend. The next option is to do abatement. We continue to get complaints from neighbors. The Code Enforcement report will note any progress next month.

18. Discuss and Review of last Advance *Time Stamp 2:42:17*

Mayor Smith noted we seem to be on target. Planner Byers noted planning related items will be addressed in the Comprehensive Plan.

19. Discuss possible update of Council Rules of Procedure *Time Stamp 2:45:25*

Council members were asked to send any recommendations for changes to Mayor Pro Tem Fuller. Mayor Pro Tem Fuller motioned to address this item in March. Council Member Bailey seconded the motion.

The motion passed unanimously.

20. Budget requests to be submitted earlier *Time Stamp 2:47:54*

Council Member Bailey noted with three new council members, to put our money where our priorities are, and with expenditures for the comp plan, we should start budget earlier and start with the 2020/21 budget process and move to a five-year horizon. More detailed requests should be sent in by March 31st to the Finance Officer, and a preliminary budget can go to Council for the April meeting. Revenue numbers may not all be in at that time. The Finance Officer will send out a memo requesting expenditure requests.

21. Discuss recommendation and possible budget amendment to fund quote to create personnel policies *Time Stamp 2:54:09*

Council Member Bailey and Mayor Pro Tem Fuller will meet with the MAPS group recommended by the League of Municipalities Wednesday, and this item will come back to the agenda in March.

22. Fee Schedule review/changes *Time stamp 2:55:42*

Planner Byers compared our fees to Indian Trail, Mineral Springs, Marvin and Weddington. She proposed the following fees:

1. Change of use for non-residential properties \$50
2. Customary Home Occupation \$25
3. Zoning Map / Text Amendment increase from \$350 to \$500
4. Conditional Zoning Minor Amendment \$300
5. Pre-submittal meeting proposed \$200 but in view of having another attendee to take minutes revised to \$300
6. Major subdivisions preliminary review increases of \$115 per lot to \$275 per lot plus engineering/TIA deposit of \$1,000
7. Major subdivision resubmittal fee after four reviews \$250
8. Major subdivision final plat \$50 / lot (increase of \$25 over 10 lots)
9. Major subdivision final plat revision \$300
10. Future Land Use Text/Map Amendment – remove from fee schedule

These changes will fall under the new fee schedule with the new budget year.

23. Approve previous month planner's report *Time Stamp 3:16:05*

24. Council Comments *Time Stamp 3:16:07*

Council Member Como reminded members of the Elected Officials reception at the Chamber of Commerce and noted that Five Stones Church will bring a tractor and volunteers for a workday at the park.

Council Member Bailey thanked Planning Board for attending the training session and thanked John Lepke for all his work.

Council Member Boyce thanked everyone for stepping up and helping.

Mayor Smith reported she will be away February 14th and back before the 26th. She added she thinks everyone will be happy with the new hire.

Mayor Pro Tem Fuller added our new hire would like to start on February 19th.

25. Adjournment *Time Stamp 3:23:18*

Council Member Como motioned to adjourn; Council Member Boyce seconded the motion.

The motion passed unanimously.

2020.02.10 Council meeting minutes

The meeting ended at approximately 10:25 pm.

Respectfully submitted,

Cheryl Bennett, Clerk

Amanda Fuller, Acting Mayor Per G.S. 160A-70