

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
WESLEY CHAPEL TOWN HALL
6490 Weddington Road, Wesley Chapel, NC 28104
June 8, 2020 – 7:00 PM

The Village Council of Wesley Chapel, North Carolina met at the Town Hall at 6490 Weddington Road, Wesley Chapel, North Carolina.

Council Present: Acting Mayor Fuller, Council Members Como, Bailey, and Boyce
*Pursuant to G.S. 160A-70, the council has designated the Mayor Pro Tempore as Acting Mayor due to Mayor Smith's temporary incapacity.

Others Present: Mayor Smith (for part of meeting), Clerk/Finance Officer Cheryl Bennett, Planning and Zoning Administrator Robyn Byers, Attorney George Sistrunk

1. Call to Order, Pledge of Allegiance, Invocation *Time Stamp 0:00*

The meeting was called to order. The Pledge of Allegiance was led by Acting Mayor Fuller, and Council Member Boyce gave the invocation.

2. Public Comments *Time Stamp 1:07*

Mayor Smith thanked Council for functioning through these difficult times and her husband Bob who drives her everywhere. She referenced the agenda item about Mayor pay, and said whatever Council decides is okay with her. She talks to Acting Mayor Fuller once a week and reads emails. She suggested the Mayor Salary be paid to the Acting Mayor during her absence.

Frank Capella spoke regarding a proposed County development named Park Place on Willoughby Road, which would be next to the previously County approved development Cresswinds on Potter Road between Newtown Road and Hwy. 84. Cresswinds will have 650 high density homes and was approved despite uniform opposition. Park Place is proposed as 2,100 homes on 808 acres. Both developments are on narrow two-lane roads with chronic water run-off and flooding issues. Park Place would be in the Molly Branch Creek system; it flows into the Twelve Mile Creek system, which overflowed the Chambwood Road overpass twice in the last year, and has caused four water breaches on the Newtown Road overpass in 13 months. There are also concerns from the Board of Education, meanwhile DOT had a shortfall and fiscal audit showing they overspent 742 million dollars, which will cause road updates to lag or be non-existent. Another proposal is one on Billy Howey Road 115 homes on a blind turn, and another at Cureton with 453 new units. He believes the County is counting on apathy and the continued Covid issue to tamp down any opposition and may use these projects to help offset the water and sewer tax increases. Mr. Capella asked for Council to renew their displeasure with high density development nearby, partner with Weddington and Mineral Springs to speak together against these high density projects, and consider putting together a working group of residents from several towns that can help increase involvement and awareness of these high density projects. They could also report back to the towns and keep them informed.

3. Additions, Deletions and Adoption of Agenda *Time Stamp 13:00*

The agenda was amended as follows: an update on park trash was added to the Park and Rec Committee item, an update on the land sale added to the Finance Officer's Report, and an update on the survey added to the Planning Board item. An item was added to the agenda on Air Conditioner Repairs at Town Hall.

Council Member Como motioned to approve the amended agenda; Council Member Boyce seconded the motion.

The motion passed unanimously.

4. Consider Approval of Consent Agenda: *Time Stamp 13:44*

- a. Approve Minutes for May 15, 2020 special Council meeting
- b. Approve previous month planner's and code enforcement reports
- c. Approve previous month finance report

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

The motion passed unanimously.

A motion was made by Council Member Como to discuss item 11 next. Council Member Boyce seconded the motion.

The motion passed unanimously.

5. Park and Rec Committee Report – Request rental of skidsteer for \$1,500, purchase of pit gravel 10 tons \$500, riprap \$500, 2 monitor speakers \$2,500. Budget amendment to move \$3,000 from Park Maint. Contractor with \$200 going to Rentals, \$300 to Other Supplies and Materials and \$2,500 to Capital Outlay – Sound Equipment; Update on Trash at Park *Time Stamp 39:04*

Chair Lepke reported at their last meeting they discussed what remains in their budget. Repairs are needed which would include renting a skidsteer, purchasing gravel and rip rap. There are also deficiencies in the sound system where the performers in the back cannot hear themselves, so they would like to buy two monitor speakers costing \$1,400 plus tax. Maintenance of the weir side of the dam is not included in the pond contract and has in the past been taken care of by volunteers. Trees are growing there, and the landscaper gave him a price of \$1,850 to clean it up; on-going it would be \$250 three times per year. A woman in Weddington donated plants and another donated roses and all have been planted at the park. There were complaints on trash at the park due to the landscaper forgetting to empty them one week. We may need more frequent service and will monitor the situation. There were also complaints from fishermen about turtles taking bait and may need to be addressed down the road.

Council Member Como motioned to rent a bobcat for 7-9 days not to exceed \$1,500 and move \$200 to Rentals from Park and Rec Maintenance Contractor line items. Acting Mayor Fuller seconded the motion.

The motion passed unanimously.

Council Member Como motioned to spend up to \$1,400 on two monitors and move \$1,400 from Sound System Services to Capital Outlay: Sound Equipment. Council Member Bailey seconded the motion

The motion passed 3-1 with Boyce voting nay.

Council Member Como motioned to spend \$1,850 to clear the dam, from the Contractor Maintenance Services line item. He added the State has mandates on maintaining an earthen dam and we cannot let trees grow, because if one falls over it may compromise the dam. Acting Mayor Fuller seconded the motion.

The motion passed unanimously.

The park parking lot re-paving contractor is behind several weeks, and it was suggested to do the work after the playground is installed, We also need an amended contract with the playground company sub-contractor installer, and their Certificate of Insurance. Council Member Como motioned to approve the Acting Mayor signing the amended paperwork for the playground from the sub-contractor. Council Member Bailey seconded the motion.

The motion passed unanimously.

Chair Lepke noted the sound system warranty recommends an annual inspection by a JBL authorized service company for installed equipment. He will send the wording to the attorney. Finance Officer Bennett noted we do not have builder's risk insurance for the playground, and the bid excludes coverage once it is delivered. She will check on a rider. Council Member Como noted he did some repairs at the park. Acting Mayor Fuller said we will put up some "Use at your own risk; park items not sanitized" signs at the park.

6. Communication Committee Update *Time Stamp 1:14:50*

Chair Deb Bledsoe reported they met at town hall May 21, 2020 and have two framed photos of Mayors that will be put in the display cabinet. Three large photos, of the Church, cemetery and a cotton field are ready to hang. She will get two more photos done this month. Facebook posting continues twice weekly, and Instagram has 40 followers.

7. Finance Officer's Report and Update on Land Sale *Time Stamp 1:21:23*

Finance Officer Bennett reported we received the funds from the sale of the 2.6 acres. She checked on CD rates, but they are very low, and with the Federal Reserve meeting later this week, will get an update. Attorney Sistrunk said he had a call from the plaintiff about a proposal, and they could still re-file against us for up to one year. The Finance Officer reported the sales tax revenue is down, as is zoning permit revenue.

8. Public Hearing on question of annexation pursuant to G.S. 16A-31 *Time Stamp 1:26:08*

Acting Mayor Fuller opened the public hearing. There being no speakers the public hearing was closed.

9. Public Hearing on 2020-21 budget and fee schedule *Time Stamp 1:26:34*

Acting Mayor Fuller opened the public hearing. Council Member Como stated we all ran on land use, and with \$440,000 coming in for sale of the land, we could address the land use ordinances by farming them out to a third party. There being no other speakers, the public hearing was closed.

10. Review status of settlement agreement for 410 Cottonwood Circle *Time Stamp 1:28:50*

We do not have a signed offer from the property owner. The Planner will write a procedure for the liens. Once a lien amount is agreed upon, it becomes a finance issue for collection. The Finance Officer will check with the County Tax Office on whether they would handle collection. Council will have a closed session at the next meeting to approve a proposal to the property owner.

11. Consider changes to Rules of Procedure regarding meetings during state of emergency and Council/Mayor pay during absences *Time Stamp 15:00*

Council Member Bailey sent two proposals to amend Rule 2 of Council Rules of Procedure to allow electronic meetings in the event of a state-declared state of emergency, one with and without the remote attendance counting toward a quorum. Attorney Sistrunk noted that before the pandemic remote participation generally did not count toward a quorum, but recent legislation allows it with having roll call votes. He still advised against a quasi-judicial hearing remotely, but a public hearing is not a problem. The issue of electronic meetings was discussed; Council Member Boyce felt we have only had this problem once in the history of the Village and he felt we owe it to citizens to be before them. Another option was to canvas members on whether they want to hold an electronic meeting. Council Member Boyce motioned to table this to next month. Council Member Bailey seconded the motion.

The motion passed unanimously.

Council Member Bailey noted the last revision to Council Rules of Procedure allowed Council members to miss only two meetings before they would not be paid, but it did not mention the Mayor. Council Member Como motioned to include the Mayor in the Rules of Procedure wording, and to allow the Acting Mayor per G.S. 160A-70 to receive the Mayor pay. Attorney Sistrunk reported the statutes regarding Council and Mayor pay say you cannot reduce the Mayor's salary during their term unless the Mayor gives their consent. Council Member Boyce commented that all council members put in a lot of time and the Mayor and Acting Mayor probably put in double the time. He felt it was not the right time to discuss pay when the Mayor is fighting cancer. Mayor Jan Smith thanked him but noted she had suggested this item be brought forward and was willing to give her consent. Acting Mayor Fuller noted when the Rules of Procedure were amended the intent was to prevent Council members who did not show up for meetings from being paid. She was agreeable to making the change to Rules of Procedure effective for the next Mayoral election term. The Finance Officer noted we cannot change any council or mayor salaries during the year, it would have to be done before the budget is adopted. Council Member Como rescinded his motion. He made a new motion to table this to a future meeting. Acting Mayor Fuller seconded the motion.

The motion passed unanimously.

12. Consider approval of Ordinance 2020-03 to extend the corporate limits of the Village of Wesley Chapel, NC for annexed parcels *Time Stamp 1:55:20*

Council Member Como motioned to approve Ordinance 2020-03 to extend the corporate limits of the Village of Wesley Chapel, NC for annexed parcels, effective June 30, 2020. Council Member Boyce seconded the motion.

The motion passed unanimously.

Ordinance 2020-03
ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE VILLAGE OF WESLEY CHAPEL, NORTH CAROLINA

WHEREAS, the Village of Wesley Chapel has been petitioned under G.S. 160A-31 to annex the area described below; and

WHEREAS, the Village of Wesley Chapel Council has directed the Village Clerk to investigate the sufficiency of the petitions; and

WHEREAS, the Village Clerk has certified the sufficiency of the petitions and a public hearing on the question of this annexation was held at Wesley Chapel Town Hall at 7:00 PM on June 8, 2020 after due notice by publication on May 28 and June 4, 2020; and

WHEREAS, the Village of Wesley Chapel Council finds that the petition meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Wesley Chapel, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the Village of Wesley Chapel as of June 30, 2018:

Adelaide Estates Subdivision, lot 39 - parcel ID 06006271 Map 1 recorded in Plat Cabinet N, File 453-454 of Union County Register of Deeds; and common open space parcels 06006281, 06006282, 06006249, and 06006250 as recorded in Plat Cabinet N, File 185-187, File 236 – 238 and File 453-454

Estates at Wesley Oaks lot 45- parcel id 06048436, Map 2 as recorded in Plat Cabinet I-703 of Union County Register of Deeds; and lot 9 – parcel 06048342, Map 1 as recorded in Plat Cabinet I-619 of Union County Register of Deeds

An 8 acre parcel on Chambwood Road, parcel id 06105012, legal description: **BEGINNING AT A P.O. TREE, ARCHIE BYRUM'S AND W.A. FINCHER'S CORNER AND RUNS THENCE WITH SAID FINCHER'S LINE NORTH 30-45 WEST 132 FEET TO A P.K. BY A PINE, HOWARD LEE BOATRIGHT'S CORNER ON SAID FINCHER'S LINE; THENCE WITH HOWARD LEE BOATRIGHT'S LINE NORTH 7-30 WEST 967 FEET TO A POINT IN THE CENTER OF THE CUTHBERTSON ROAD, SAID BOATRIGHTS CORNER INDICATED BY AN IRON STAKE ON THE LINE S/S OF ROAD, THENCE WITH SAID ROAD 1ST – SOUTH 85 EAST 227 FEET; 2ND – SOUTH 78-00 EAST 76 FEET TO A POINT IN THE CENTER OF SAID ROAD, A NEW CORNER INDICATED BY AN IRON STAKE IN RANGE OF THE FOLLOWING LINE S/S OF THE ROAD; THENCE 2 NEW LINES, 1ST – SOUTH 3-30 WEST 268 FEET TO A P.O. TREE A NEW CORNER; 2ND – SOUTH 75 EAST 372 FEET TO AN IRON STAKE, A NEW CORNER ON ARCHIE BYRUM'S LINE BY A WHITE OAK; THENCE WITH SAID BYRUM'S LINES, 1ST – SOUTH 20-30 EAST 85 FEET TO AN IRON STAKE AND STONES BY 2 PINES; 2ND – SOUTH 38 WEST 734.6 FEET TO THE BEGINNING AND CONTAINING 8 ACRES.**

Section 2. Upon and after June 30, 2020, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Village of Wesley Chapel and shall be entitled to the same privileges and benefits as other parts of the Village of Wesley Chapel. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Village of Wesley Chapel shall cause to be recorded in the office of the Register of Deeds of Union County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Adopted this 8th day of June 2020.

Acting Mayor Amanda Fuller

ATTEST:

Clerk Cheryl Bennett

13. Consider approval of Ordinance 2020-04 to establish budget for 2020-21 and approve fee schedule effective July 1, 2020 *Time Stamp 1:56:13*

Council Member Como motioned to approve the revised fee schedule, effective July 1, 2020. Council Member Boyce seconded the motion.

The motion passed unanimously.

Council Member Bailey motioned to approve Ordinance 2020-04 (incorporated herein) establishing the 2020/2021 Budget. Council Member Boyce seconded the motion.
The motion passed unanimously.

Village of Wesley Chapel
2020/2021 Budget
Ordinance 2020-04

BE IT ORDAINED by the Governing Board of the Village of Wesley Chapel, North Carolina:

1. Section 1: The following amounts are hereby appropriated in the General Fund for the operation of the village government and its activities for the fiscal year beginning July 1, 2020, and ending June 30, 2021 in accordance with the chart of accounts heretofore established for this Village:

General Government Expenditures

Town Hall & Operating Expenditures	\$	72,492
Salaries		188,558
Capital Outlay		500
Planning & Zoning		96,655
Professional Fees		76,493
Parks and Recreation		89,550
Public Safety		101,141
Contingency		21,180
Total	\$	646,569

Section 2: It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2020, and ending June 30, 2021:

General Government Revenues

Appropriated Fund Balance	\$	0
Property Tax Income		187,434
Revenue Sharing Income		380,950
Fees and Licenses		73,685
Interest		4,500
Total	\$	646,569

Section 3: There is hereby levied a tax at the rate of one and 65/100 cents (\$.0165 per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2020.

This rate is based on a total valuation of real and personal property for the purposes of taxation of \$1,018,513,617 and an estimated rate of collection of 99%; public service property with a

value of \$11,640,962 and an estimated rate of collection of 99% and a valuation of motor vehicles of \$114,098,976 with an estimated collection of 99%.

Section 4: The Budget Officer is hereby authorized to transfer appropriations as contained herein under the following conditions:

- a. Transfer amounts between line item expenditures, or from Contingency, up to a dollar amount of \$1,000.
- b. An official report on all transfers should be made to Council at the next scheduled meeting.
- c. Transfers should not be made to salary accounts.

Section 5: Copies of this Budget Ordinance shall be furnished to the Clerk of the Governing Board and to the Budget Officer and Finance Officer to be kept on file by them for their direction in the disbursement of funds.

Adopted this 8th day of June 2020.

Village Clerk Cheryl Bennett

Acting Mayor Amanda Fuller

14. Planning Board – Accept resignation of Sandy Ells, appoint Sherry Killion and Karl Schneeberger to new three year terms ending 6-30-2023 as alternates, move Deb Bledsoe from alternate to regular position with term ending 6-30-2023, and consider appointing new alternate; and Update on Survey *Time Stamp 1:57:54*

Council Member Como motioned to accept the resignation of Sandy Ells, appoint Sherry Killion and Karl Schneeberger to new three-year terms ending 6-30-2023 as alternates, and move Deb Bledsoe from an alternate to regular position with term ending 6-30-2023; and advertise for a new alternate member. Council Member Boyce seconded the motion.

The motion passed unanimously.

Planner Byers reported the postcards are printed and the survey is ready to go. She needs four more focus group applicants and will wait on the joint Planning Board / Council meeting to work on the Chapter 160D ordinance updates instead.

15. Discuss plan to re-open town hall and meetings *Time Stamp 2:05:10*

Acting Mayor Fuller reported the Administrative Assistant is out on vacation next week; the Planner and Clerk will each be at Town Hall two days to provide coverage. The County meeting today on Covid-19 shows increases in cases and testing. Phase 3 may occur June 26th. Council Member Bailey said we should wait until Phase 3 for all staff to return to Town Hall, we are open, and are asking people to wear a mask in the building. Council Member Boyce agreed. Council Member Como asked about having Humane Society meetings in town hall and was

advised to wait. Acting Mayor Fuller noted there may be an option for Planning Board and Parks and Rec Committee to have electronic meetings. Planner Byers said a physical dropbox at town hall would be helpful. The Clerk will research the options.

16. Consider bids for new microphones ranging from \$3,261 to \$9,899 and possible budget amendment to fund them *Time Stamp 2:16:36*

Consensus was this item is not a problem right now.

17. Update on Air Conditioning Repair at Town Hall *Time Stamp 2:18:04*

Council Member Como had concerns over the recent air conditioning repairs, and he would like the Administrative Assistant to make some calls for prices on service contracts for twice yearly visits and a discount on repairs. He also asked about the life of the units.

18. Council Comments *Time Stamp 2:23:23*

Council Member Como appreciated Frank Capella's comments and concerns on high density development, and mentioned concerns on County water prices going up when there was an algae bloom problem.

Council Member Bailey thanked staff for their flexibility in work conditions and noted town hall never closed for business.

Council Member Boyce referenced a Margaret Mead quote and agreed the only way to share concerns on high density housing is to bring a group together, and thanked Frank Capella.

Acting Mayor Fuller added she will reach out to the other local towns' mayors. She thanked the Committees for taking budget concerns well. She added we did not address requests for donations and asked the Finance Officer to let them know we did not budget any donations; we can also make an official policy.

19. Adjournment *Time Stamp 2:28:35*

Council Member Bailey motioned to adjourn; Council Member Como seconded the motion.
The motion passed unanimously.

The meeting ended at approximately 9:30 pm.

Respectfully submitted,

Cheryl Bennett, Clerk

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