

VILLAGE OF WESLEY CHAPEL
COUNCIL WORK SESSION MEETING
MINUTES

February 19, 2008 – 7:00 P. M.

The Council of the Village of Wesley Chapel, North Carolina, met in the Fellowship Hall of the Wesley Chapel United Methodist Church at 120 Potter Road South, Wesley Chapel, North Carolina, with Mayor Tracey Clinton presiding.

Present: Mayor Clinton, Mayor Pro-tem Croffut, Council Members Bradford, Horvath, Pierce

Others Present:

Village Clerk/Finance Officer: Cheryl Bennett

Planning/Zoning Administrator: Justin Krieg

Concerned citizens: Kathy Patterson, Mike Patterson, Stephen Keeney, Tony Patterson, Jim Andrews

Meeting was called to order at 7:00 PM and a quorum was present.

1. PLEDGE OF ALLEGIANCE / INVOCATION

Mayor Clinton led the pledge, and Croffut did the invocation.

2. ADDITIONS, DELETIONS, AND / OR ADOPTION OF AGENDA

Bradford made a motion to approve the agenda; Horvath seconded the motion. The motion was approved unanimously.

3. DISCUSSION WITH PLANNING BOARD (Public Water/Sewer vs. Private Well/Septic, Additional Information on Liquor by the Drink, Planning Related Advance Topics, APFO Text Amendment)

Krieg led the discussion on the “subject to availability” clause in section 405.12 of the Subdivision Ordinance. He spoke with David Cunningham from Environmental Health, who leaned toward the definition that the current water/sewer situation is temporary, and if the lines are there, they are available. Weddington took out sewer, and forces developers to connect to water, they do not have a “subject to” clause. Marvin is a little more restrictive, they apply it to water and sewer, and use a distance computation that depends on number of dwelling units. Fire safety was discussed; in a subdivision without public water, they would not have fire hydrants, and would depend on tanker trucks to fight fires. That is one reason why Weddington required water. There was a meeting in Concord, and they are discussing requiring sprinkler systems in homes not connected to public water. Krieg also talked to Mike Garbark from Public Works, but could not get him scheduled to come to our meeting. There is not a lot of land suitable for septic in Wesley Chapel. Croffut expressed concerns on liability regarding having to use fire tanker trucks. Mayor Clinton questioned if Union County would allow hook-ups for fire hydrants since it would be only a limited

use of water. Krieg said there are dry flow permits, but didn't think they are being issued now. Ray Davis asked if Mr. Harrell's system would be hooked to the houses, Krieg said he didn't think the lines for those homes can be installed at this time. Ray Davis said the use of tankers is not unusual in fighting major fires. Mayor Clinton thought it okay to use well/septic systems, but was hesitant about splitting a neighborhood. The question arose if one house, or less than five could hook up to a water line or not. Croffut said the State said there's no water, and thought we shouldn't usurp their authority by finding a way around it. Krieg noted with less than ten lots we don't regulate. Pierce said she was conflicted on this issue, and she did not want to see subdivisions split either; she noted use of wells can also dry up the aquifer. Horvath said there has been use of well/septic in this area for decades. Bradford said some places might be safe with wells, we probably need fire hydrants, and can we put that in as a safety concern, or look at it case by case. Ray Davis said hydrants are 1000 feet apart, so they can run hose 500 feet without any problem.

The Planning Board is still deliberating this topic; a summary will be given to Council before drafting text.

Liquor by the drink – Bradford researched the definition of a private club further; the ABC board said a private club is different from a country club, which is considered a sports club. Non-profit groups are considered totally different, ABC said they usually don't apply for a liquor license, so if we preclude private clubs, we won't hurt these clubs. Krieg noted in the Table of Uses we list "Fraternal Lodges", and Bradford suggested we make a category "Non-profit – see Fraternal Lodges". Bradford said a private club needs a license whether they want to sell liquor or not. Krieg said in theory what we consider a private club could be considered a restaurant per ABC. Bradford said bars and lounges are more controlled in B2, versus in B1; and would like to remove restaurants from B1 to prevent bars. Krieg noted restaurants are currently allowed in B1, B2 and LI, but if more than 2,000 sq. ft. require a CUP. Mayor Clinton said she theoretically agrees with taking restaurants out of B1 and LI, but also noted Wachovia is a B1 parcel within the shopping center. Stephen Keeney said if you take it out of B1 you eliminate restaurants, yet the B1 definition is to provide for the convenience of residents of local neighborhoods. He felt we need to look at form based codes and encourage small stand alones that serve the community. Keeney said parking ordinances, and land values alone will restrict cinder block establishments; or on the Table of Uses we could make it an Xs. He noted he would rather go to a country type restaurant than one next to a Target. Bradford wondered if we could make a distinction between family restaurants and others; she was concerned less with how a structure looks than what is in it. Krieg said he didn't think we could deny a use because it was not family friendly. Croffut noted the land value will help control uses. Mayor Clinton agreed with Keeney on form based codes. She said we do have existing B1 that could turn into a bar, and would like to see it limited from B1; we will also address it when we get the plan from UNCC. Horvath said there are only 3 parcels of B1 in the Village; how far do we go to

restrict something that has very little likelihood. The Planning Board is presently waiting for Bradford to bring more info back to them on this issue.

Topics for the Advance will include form based codes; and any topics the Planning Board comes up with at their meeting.

Attorney Sistrunk suggested we add APFO language to our Ordinance; Krieg got the suggested language from the County: they recommend it be added as an Appendix to our Zoning Ordinance. The Planning Board could waive the 15 day requirement, and Mayor Clinton requests they consider this change.

4. HAMPTON MEADOWS UPDATE

Mayor Clinton called Christie Putnam regarding the water pipes in Hampton Meadows; Putnam sent an engineer out, and said the report shows the engineering is lacking, but doesn't believe the road is causing water problems. The Mayor attended a mayors meeting, and Tony Dennis and Barry Moore from DOT were there, she explained for some years DOT had filled holes in the roads; they asked for a timeline report and will consider it at a higher level.

Horvath said Mary Oakes is getting an estimate; Krieg is getting four estimates, the first came in higher at \$350K. Oakes should be back in town tomorrow; he will call her. Council confirmed that the proposal will be for Mary Oakes and Bowie Motors to take on 100% of the cost.

5. UPDATE ON GUN RANGE

Bradford said Dr. Land wants to postpone the range review, and make more improvements. The NRA said Dr. Land wants to be the sole point of contact; he will pay for the study and not share it with us. He did not return Bradford's call. Bradford inquired regarding whether we still want to hold a public information session, the schools won't attend but will answer questions beforehand; NRA didn't respond on attending, and she is not sure if ATF will attend. Croffut said the public wants to know what weapons are allowed, he was not sure if it makes sense to have a session without professionals there. Horvath said we do have some facts, the Sheriff said he has a machine gun permit, and the previous Sheriff signed off on one or two, concern was expressed about use of machine guns, which are considered weapons of mass destruction. Kathy Patterson read sections from the NC Firearms Laws, and felt there was an inherent danger to the public, and said the attorney for the Sheriff's office expressed personal concerns. Horvath will continue to talk to the Sheriff; and hopefully have a lunch meeting with the Sheriff and his attorney. The question arose if the ATF permit becomes a public record since the Sheriff would have a copy of it.

It was noted that Waxhaw and Weddington had adopted ordinances banning shooting, and whether Wesley Chapel would like to pursue such an ordinance, as well as whether grandfathering would occur. Croffut said he is in favor of some rules while respecting hunters, perhaps with distances from a residence. Pierce thought it bore more research, she did not want to take hunters' rights away.

Horvath said he was in favor of some limitations, certainly with automatic

weapons, and the rules need to make sense. Bradford noted Weddington requires approval of adjacent property owners. Mayor Clinton questioned who would enforce it; would the Sheriff enforce the ordinance without a contracted deputy. Bradford and Horvath will pursue this further.

It was decided not to have the March 11 meeting unless the NRA and ATF representatives could attend.

6. ACCEPT RESIGNATION OF JACKIE MORGAN

Pierce made a motion to accept Jackie Morgan's resignation from the Planning Board; Croffut seconded the motion.

The motion was approved unanimously.

7. ANNOUNCE BOARD VACANCIES

The Mayor noted we have several openings: one regular and one alternate on the Planning Board, two alternates on the Board of Adjustment; 2 alternates on the Safety Committee; and several openings on the Welcome Committee. Applicants are encouraged to apply.

8. DISCUSS ADVERTISING OF ADVANCE AND AGENDA TOPICS

Please send any topics to Mayor Clinton or Horvath. We will publicize by putting notice on the website, sunshine list, Mayor's e-mail list, press release, to HOA's and on bulletin board at Village Commons.

9. APFO CONTINUATION

Discussed under Item 3.

10. REINVESTMENT OF CERTIFICATE OF DEPOSIT MATURING IN FEBRUARY

Bennett noted we have a CD coming due February 28th of approximately \$108,000; she will check with local banks to see what the best rate is that we can get.

11. ANNOUNCEMENTS (UNION COUNTY COMMUNITY FORUM ON COMPREHENSIVE PLAN)

Mayor Clinton reported the Union County Community Forum on Comprehensive Plan Meeting is February 26, from 7-9 pm at the Ag Center; residents are encouraged to attend; their draft plan will be discussed. Announcement of this will be sent to the Sunshine list.

MUMPO is having meetings on the transportation system, one in Charlotte and one in Monroe at SPCC on the 28th from 2-7 pm. They encourage public feedback; if you cannot attend comments can be e-mailed or mailed to them.

Krieg said he is going to a MUMPO ranking meeting on Friday from 12-4 pm, and he will encourage the widening of Hwy. 84.

Minutes 2008.02.19

Approved 03.10.08

12. OTHER BUSINESS - none
13. COUNCIL COMMENTS - none
14. ADJOURNMENT

Pierce made a motion to adjourn; Bradford seconded the motion.

The motion was approved unanimously.

The meeting was adjourned at 9:10 pm.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Tracey Clinton