

VILLAGE OF WESLEY CHAPEL  
COUNCIL MEETING  
MINUTES  
May 14, 2007 – 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 Horvath, Mullis and Pierce

Others Present:

Interim Village Clerk/Finance Officer: Cheryl Bennett

Planning/Zoning Administrator: Justin Krieg

Village Attorney: George Sistrunk (arrived during informal public comments)

Attorney Elizabeth Martineau

Concerned citizens

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

1. PLEDGE OF ALLEGIANCE / INVOCATION

Mayor Tracey Clinton led the Pledge of Allegiance, and Croffut gave the invocation.

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

Item 16A was added, "Closed Session: MOTION TO CALL FOR CLOSED SESSION PER NC GS 143-318.11(a) (3) Attorney Client Privilege re: Plyler lawsuit". Mullis made a motion to approve the agenda with this addition; Pierce seconded the motion.

The motion was approved unanimously.

3. INFORMAL PUBLIC COMMENTS

Joan Beaulieu, former tax collector for the Village, addressed the Council, she expressed concern regarding the wording of Master Plan Survey question # 4 asking if citizens wanted a town hall and were willing to raise taxes to build a town hall; she felt it was a loaded question. She wondered if citizens knew we had over \$200,000 for a town hall, that time had been spent hashing out where it should be, that six acres had been donated to the town. She noted a lot of money had been spent in legal fees for the electric substation hearings, how could no one realize it could be built just down the street, and we would lose control of how it was built. Ms. Beaulieu said she had given her reason for resigning as it was unlikely to have a town hall built in the near future, she was keeping records at her house, receiving tax calls on her personal phone; the town did not pay her phone bill, she used her own computer, and fax machine; because she wanted to contribute to the savings for a town hall. She noted the previous finance officer did not take a salary for at least a year, and other instances of savings in benefits and salaries for saving toward the common goal. She noted the prior newsletter praised the former

Council on their frugality. Ms. Beaulieu felt that the Council ran on two platforms, no substitution by Stonegate, which happened, and we will keep our citizens informed and do as they wish. She felt the wording of the question prevented the second goal from being met; and said we will find out in November.

4. APPROVE MINUTES FOR:

Council Meeting, April 16, 2007

Closed Minutes – Item 18 and Item 19, April 16, 2007 Council Meeting

Council Work Session Meeting, April 24, 2007

Special Council Meeting April 25, 2007

Special Council Meeting April 30, 2007

Closed Minutes – Item 1, April 30, 2007 Special Council Meeting

Pierce made a motion to approve the minutes from the Council Meeting, April 16, 2007; Council Work Session Meeting, April 24, 2007; Special Council Meeting April 25, 2007; and the Special Council Meeting April 30, 2007. Horvath seconded the motion.

The motion was approved unanimously.

Croffut made a motion to approve the closed session minutes for Item 18 and Item 19 from the April 16, 2007 Council Meeting; and the Closed Minutes – Item 1, from the April 30, 2007 Special Council Meeting. Mullis seconded the motion.

The motion was approved unanimously.

5. STAFF REPORTS

- a. Review and approve the Village Financial Reports dated April 30, 2007, submitted by Cheryl Bennett, Finance Officer. (*See Attachment A*)

Bennett reported she made a budget transfer of \$500 from Land Maintenance to Misc. Town Office to cover lawn mowing expenses. She also reported a CD is coming due May 28, 2007 of approximately \$103,781 in general fund monies. Pierce made a motion to renew the CD and check on the best available rates; Croffut seconded the motion.

The motion was approved unanimously.

Pierce made a motion to approve the April 2007 financial statements; Horvath seconded the motion.

The motion was approved unanimously.

- b. Approve audit contract for 2007-08 with Robert Burns, for \$3,000  
Mullis made a motion to approve the audit contract for 2007-08 with Robert Burns, COA for \$3,000. Horvath seconded the motion.

The motion was approved unanimously.

- c. Tax Report Update April 30, 2007 prepared by Cheryl Bennett.  
Taxes receivable for 2006 are down to \$3,014.60; approximately \$400 was collected during April. (*See attachment B*). Croffut made a motion to approve the tax report; Pierce seconded the motion.

The motion was approved unanimously.

d. Approve tax refund to Stockbridge Homes, parcel 06021005, for \$15.96  
Pierce made a motion to approve a tax refund to Stockbridge Homes, parcel 06021005, for \$15.96. Croffut seconded the motion.

The motion was approved unanimously.

e. Monthly planning report, submitted by Justin Krieg, Planning and Zoning Administrator.

Krieg noted 10 permits were issued in April and 12 in May. There was nothing new to report on Quintessa II. The School System has not submitted all the necessary documents for their addition to Wesley Chapel Elementary School. Krieg is working on the Target landscape plans to preserve as many trees as possible on the Wesley Oaks side. BB&T did receive their zoning approval. Mark Ball at JDH has not been able to give an update on the progress of their site, but Walgreen's has contacted Krieg and hope to move forward soon. Krieg has also talked with representatives from McDonalds. Regarding the Hampton Meadows roads, a group meeting was held, and we are now waiting to hear back from NCDOT and Mary Oaks to determine the next steps. Piedmont Gas had started working on a site on New Town Road; our setbacks are much more than they were planning on. Since it is in the ETJ area, we may need a joint approval process with the County. Fines began on May 1, 2007 for a non-conforming use in an R-40 zoning district; the business in violation is expected to relocate by the beginning of June.

6. JON WILLIAMS, DEPUTY FIRE MARSHALL, UNION COUNTY; AND  
CONSIDER APPROVAL OF RESOLUTION 2007-05, VILLAGE OF  
WESLEY CHAPEL RESOLUTION CONSENTING TO INCLUSION IN THE  
WESLEY CHAPEL FIRE AND RESCUE SERVICE DISTRICT

Jon Williams noted they are moving service district lines to go with municipal boundaries. There are some parcels on Cuthbertson Road, in Champion Forest and Stonegate that are now serviced by the Waxhaw Fire Department. Marvin had initiated the process last year. Berkshire for example is split between Springs and Wesley Chapel fire departments. To initiate that change, we should contact those two fire departments. The tax will start July 1, 2008. Changes in the service line would be immediate. The Department of Insurance recommends the lines match the municipality lines. Mullis made a motion to approve Resolution 2007-05, incorporated herein.

Resolution 2007-05

VILLAGE OF WESLEY CHAPEL  
RESOLUTION CONSENTING TO INCLUSION IN THE  
WESLEY CHAPEL FIRE AND RESCUE SERVICE DISTRICT

WHEREAS, certain property (the "Subject Property") located within the municipal limits of the Village of Wesley Chapel lies within the boundaries of the Waxhaw Fire and Rescue Service District (the "Waxhaw Fire Service District"), while most of the remaining property located within the municipal limits of the Village of

Wesley Chapel lies within the boundaries of the Wesley Chapel Fire and Rescue Service District (the “Wesley Chapel Fire Service District”), as shown on Exhibit A, attached and incorporated herein by reference; and

WHEREAS, pursuant to The County Service District Act of 1973, G.S. §§ 153A-301 through 153A-310 (the “Act”), the Union County Board of Commissioners (the “Union County Board”) created the Wesley Chapel Fire Service District to fund the provision of fire and rescue services within that District; and

WHEREAS, in accordance with the Act, tax revenues collected to support a particular Fire Service District may be used only to provide fire and rescue services within that District and may not be reallocated to any other County fund or program; and

WHEREAS, the Union County Board is considering altering the boundaries between the Waxhaw and Wesley Chapel Fire Service Districts, such that the Subject Property would be included in the Wesley Chapel Fire Service District; and

WHEREAS, a resolution of the governing body of the Village of Wesley Chapel consenting to inclusion of the Subject Property in the Wesley Chapel Fire Service District is required by the Act; and

WHEREAS, in the event the Union County Board alters the boundaries of the Waxhaw and Wesley Chapel Fire Service Districts as described above, the Union County Board would also likely seek to alter the boundaries of the underlying Waxhaw and Wesley Chapel Fire Insurance Districts, pursuant to N.C.G.S. § 153A-233, to match the boundaries of the Waxhaw and Wesley Chapel Fire Service Districts.

NOW, THEREFORE, BE IT RESOLVED that the Village of Wesley Chapel consents to inclusion of the Subject Property, and any other territory hereinafter annexed by the Village of Wesley Chapel, in the Wesley Chapel Fire Service District and in the corresponding Wesley Chapel Fire Insurance District, as shown in Exhibit A.

This resolution is adopted this the 14<sup>th</sup> day of May, 2007.

Attest:

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

\_\_\_\_\_  
Mayor Tracey Clinton

Pierce seconded the motion.

The motion was passed unanimously.

7. **CONSIDER APPROVAL OF CHANGES TO ZONING ORDINANCE  
FOR CHANGES TO TABLE OF USES**

Seven items were changed in the Table of Uses in the Zoning Ordinance:

\*Automobile/Motorcycle Race Track – Conditional Use will be removed from R-80 and B-1, this change eliminates the use from existing in any WC zoning district

\*Bus Charter Service – Conditional Use will be removed from R-80 and added to B-1 and B-2.

\*Carnivals, Circus, Festivals, Fairs – Conditional Use removed from R-80.

\*Greenhouses as Accessory Res. Use – Permitted by right added to R-20.

\*Horses as accessory use – Permitted by right with supplemental regulations added to RA-20 and R-20.

\*Horse stable – Conditional Use added to RA-20 and R-20.

\*Riding Academy – Conditional Use added to RA-20 and R-20.

Mayor Clinton inquired as to whether a use can be completely eliminated; Sistrunk said he would research it and get back to Council on that topic. Croffut made a motion to table this item until the Work Session. Pierce seconded the motion.

The motion was approved unanimously.

#### 7. CONSIDER APPROVAL OF TEXT AMENDMENTS TO ZONING ORDINANCE FOR ADDITION OF MENU BOARD LANGUAGE

Pierce made a motion to table this until the Work Session; Mullis seconded the motion.

The motion was approved unanimously.

#### 9. CONSIDER APPROVAL OF TEXT AMENDMENTS TO SUBDIVISION ORDINANCE FOR CHANGES IN ROAD WIDTHS AND CUL-DE-SAC DIAMETERS

Mayor Clinton said she had talked to Scott Cole from NC DOT, and they said the road width of 26 feet is on the high end, but okay; concerns are additional runoff and tends to encourage on-street parking and speeding. The cul de sac size he felt was very large. Horvath said the whole point is safety; people still will park on both sides of the road. It was noted that the sheriff will come out after 4 days and give a ticket.

Horvath made a motion to approve the text amendments to the Subdivision Ordinance for changes in road widths and cul-de-sac diameters. Mullis seconded the motion.

The motion was approved unanimously.

The changes are as follows: (new text is underlined, deleted text is shown with a ~~striketrough~~)

#### **405.1 Public Roads (Revised 09.13.04)**

All subdivision lots, except as provided for in Section 409, shall abut public roads. All public and private roads shall be built with a minimum of ~~twenty (20) feet of pavement~~ twenty-six (26) feet not including curb and gutter, and built to construction standards of the North Carolina Department of Transportation (NCDOT) for subdivision roads. Streets which are not eligible to be placed in the NCDOT System because there are too

few lots or residences shall, nevertheless, be offered for dedication to the public and shall be designed and constructed in accordance with the above referenced standards. A written maintenance agreement with provision for maintenance of any and all streets until acceptance as part of the NCDOT System shall be included in the proposed preliminary plat.

#### **405.6 Street Design and Standards**

Right-of-Way/Pavement Widths: The minimum pavement width for subdivision roads in Wesley Chapel is twenty-six (26) feet not including curb and gutter. Minimum street right-of-way ~~and pavement widths~~, as well as other engineering design standards shall be in accordance with the minimum design criteria for subdivision roads as established from time to time, by the Division of Highways, North Carolina Department of Transportation publication entitled Subdivision Roads - Minimum Construction Standards.

#### **405.7 Cul-de-sacs    *(Revised 03.12.01, and 01.05.06)***

Permanent dead end streets should not exceed six hundred (600) feet in length unless a modification is granted by the Village Council per Section 206. Said modification may be granted as part of the plat approval process. The length of the cul-de-sac shall be computed from the point where the center line of the dead end street intersects with the center of a through street to the center of the turnaround of the cul-de-sac. Where one cul-de-sac intersects with another cul-de-sac, the end of each cul-de-sac shall be no more than 600 feet from a through street, measured as stated above, unless a modification is granted by the Village Council. The minimum radius of cul-de-sacs shall be sixty (60) feet and a minimum diameter of one hundred twenty (120) feet as measured from the center of the turnaround.

#### **10.    DISCUSS EMPLOYEE POLICIES**

Pierce reported she had started reviewing other town's personnel policies, and didn't feel qualified to be coming up with an entire personnel policy, noting we must be complying with current laws. Bennett offered to check with the League of Municipalities, and come up with basic operating policies, and report back to Council at the July meeting.

#### **11.    CONSIDER PROPOSED 2007/08 BUDGET AND CALL FOR PUBLIC HEARING FOR JUNE 19, 2007**

Bennett reported that annexation expense had been increased to \$5,000; election expense to \$10,000; \$2,000 put in for each of the Safety and Welcome Committees; took out \$2314 for Planning and Zoning employee search; COG administration reduced to \$10,000; Planning and Zoning Board salaries increased to \$4,540 for additional ETJ members; and Capital Improvement was added for \$22,830. The proposed budget has been sent to the Finance Committee members Todd Bennington, Britt Michaelson, and

Roger Reynolds, for their review and comments. Mullis made a motion to call for a public hearing on the budget for 7 pm on June 19, 2007 at Wesley Chapel United Methodist Church, 120 Potter Road. Horvath seconded the motion.

The motion was approved unanimously.

12. CONSIDER ACCEPTING CERTIFICATES OF SUFFICIENCY FROM CLERK REGARDING PROPOSED ANNEXATION PETITIONS

The following seven (7) Certificates of Sufficiency were presented to Council.

**Certificate of Sufficiency**

To the Wesley Chapel, North Carolina Village Council:

I, Cheryl Bennett, Village Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all the owners of real property lying in the area described therein, in accordance with G.S. 160A-31.

In witness whereof, I have here unto set my hand and affixed the seal of the Village of Wesley Chapel, this 14<sup>st</sup> day of May, 2007.

SEAL

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

Attached: Petitions for Silver Creek Subdivision: Parcels of Homeowners Association 06-051-001,06-051-001B, 06-051-110, 06-051-211, 06-051-212; and Lots 1-5, 7,9-13, 15, 17, 19-20, 22, 24-25, 27-32, 34-42, 46-47, 49, 51-74, 76-83, 85-96, 98-104, 106-127, 129-135, 137, and 141.

**Certificate of Sufficiency**

To the Wesley Chapel, North Carolina Village Council:

I, Cheryl Bennett, Village Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all the owners of real property lying in the area described therein, in accordance with G.S. 160A-31.

In witness whereof, I have here unto set my hand and affixed the seal of the Village of Wesley Chapel, this 14<sup>st</sup> day of May, 2007.

SEAL

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

Attached: Petitions for Contiguous lots in Estates of Wesley Oaks: lots 3, 5, 6 and 11.

**Certificate of Sufficiency**

To the Wesley Chapel, North Carolina Village Council:

I, Cheryl Bennett, Village Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all the owners of real property lying in the area described therein, in accordance with G.S. 160A-58.1.

In witness whereof, I have here unto set my hand and affixed the seal of the Village of Wesley Chapel, this 14<sup>st</sup> day of May, 2007.

SEAL

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

Attached: Petitions for Lots 8, 14-18, 22-25, 29-31, 34-35, 37-39, 47, 51-54, and 56-59, in the Estates at Wesley Oaks; see the Estates at Wesley Oaks map, and plat maps I-467, I-701, I-702, and I-703.

**Certificate of Sufficiency**

To the Wesley Chapel, North Carolina Village Council:

I, Cheryl Bennett, Village Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all the owners of real property lying in the area described therein, in accordance with G.S. 160A-31.

In witness whereof, I have here unto set my hand and affixed the seal of the Village of Wesley Chapel, this 14<sup>st</sup> day of May, 2007.

SEAL

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

Attached: Petitions for Contiguous lots in Wesley Oaks: lots 316-318, 309-310, 301, 29-30, 32-34, 61, 63-67, 25-27, 19, and 57: see plat maps I-268, I-801, and I-802.

**Certificate of Sufficiency**

To the Wesley Chapel, North Carolina Village Council:

I, Cheryl Bennett, Village Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all the owners of real property lying in the area described therein, in accordance with G.S. 160A-58.1.

In witness whereof, I have here unto set my hand and affixed the seal of the Village of Wesley Chapel, this 14<sup>st</sup> day of May, 2007.

SEAL

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

Attached: Petitions for Lots 2-5, 14-15, 17, 36-37, 40-41, 70-72, 77-79, 81, 103, 119, 121-133, 135, 137-138, 140-145, 147-149, 152-153, 160-161, 164, 167, 170, 177, 179, 182, 185-186, 188-190, 192-195, 197, 199-201, 204-207, 210, 218-219, 221-226, 228-237, 239-240, 242, 246-248, 252-253, 257-265, 268-269, 280, 283-285, 289-290, 327-328, 330-331, in the Wesley Oaks; see the Wesley Oaks plat maps I-799, I-804, I-801, I-800, I-218, I-220, I-217, I-881, and I-268.

**Certificate of Sufficiency**

To the Wesley Chapel, North Carolina Village Council:

I, Cheryl Bennett, Village Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all the owners of real property lying in the area described therein, in accordance with G.S. 160A-31.

In witness whereof, I have here unto set my hand and affixed the seal of the Village of Wesley Chapel, this 14<sup>st</sup> day of May, 2007.

SEAL

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

Attached: Petitions for Lot I-F Canterfield Equestrian Estates #06069005L, Plat map F-780;, Lots 21 and 22 Fairfax Farms (#06108022 and #06108023, Plat map B-352-B); 5402 Weddington Road (#06003006B, 2.25 acres – see attached Exhibit A for metes and bounds); Parcel 06045005F- 2.04 acres- Mill Pond Acres on Underwood Road; and Parcel 06045005G – 3.98 acres - #1 Siler Woods, on Underwood Road.

**Certificate of Sufficiency**

To the Wesley Chapel, North Carolina Village Council:

I, Cheryl Bennett, Village Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all the owners of real property lying in the area described therein, in accordance with G.S. 160A-58.1.

In witness whereof, I have here unto set my hand and affixed the seal of the Village of Wesley Chapel, this 14<sup>st</sup> day of May, 2007.

SEAL

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

Attached: Other satellite petitions - Lots 35, 45, 89, 103, and 113 in Blackstone; and Lot 34 in Berkeley Pointe.

Pierce made a motion to accept the seven (7) Certificates of Sufficiency; Croffut seconded the motion.

The motion was approved unanimously.

13. **CONSIDER RESOLUTIONS CALLING FOR PUBLIC HEARINGS ON ANNEXATION PETITIONS**

Resolutions 2007-06, 2007-07, 2007-08, 2007-09, 2007-10, 2007-11, and 2007-12 were presented to Council.

**Resolution 2007-06**

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31**

WHEREAS, petitions requesting annexation of the area described herein has been received; and

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

WHEREAS, certification by the Village Clerk as to the sufficiency of the petitions has been made;

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Wesley Chapel United Methodist Church, at 120 Potter Road South, Wesley Chapel, North Carolina at 7:00 pm, on June 11, 2007

Section 2. The area proposed for annexation is described as follows: Parcels of Homeowners Association 06-051-001,06-051-001B, 06-051-110, 06-051-211, 06-051-212; and Lots 1-5, 7,9-13, 15, 17, 19-20, 22, 24-25, 27-32, 34-42, 46-47, 49, 51-74, 76-83, 85-96, 98-104, 106-127, 129-135, 137, and 141 of Silver Creek Subdivision, see attached map of Silver Creek, and plat maps F-878, G-170, H-179, H-177, and two page description of Homeowners Common area.

Section. 3. Notice of the public hearing shall be published in the Enquirer-Journal, a newspaper having general circulation in the Village of Wesley Chapel, at least ten (10) days prior to the date of the public hearing.

\_\_\_\_\_  
Mayor Tracey Clinton

ATTEST:

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

**Resolution 2007-07**

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31**

WHEREAS, petitions requesting annexation of the area described herein has been received; and

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

WHEREAS, certification by the Village Clerk as to the sufficiency of the petitions has been made;

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Wesley Chapel United Methodist Church, at 120 Potter Road South, Wesley Chapel, North Carolina at 7:00 pm, on June 11, 2007

Section 2. The area proposed for annexation is described as follows: Lots 3, 5, 6 and 11 (Contiguous) in Estates at Wesley Oaks; see attached map of Estates at Wesley Oaks and plat Maps I-618 and I-467.

Section. 3. Notice of the public hearing shall be published in the Enquirer-Journal, a newspaper having general circulation in the Village of Wesley Chapel, at least ten (10) days prior to the date of the public hearing.

\_\_\_\_\_  
Mayor Tracey Clinton

ATTEST:

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

### **Resolution 2007-08**

#### **RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-58.2**

WHEREAS, petitions requesting annexation of the non-contiguous area described herein has been received; and

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

WHEREAS, certification by the Village Clerk as to the sufficiency of the petitions has been made;

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

Section 1. A public hearing on the question of annexation of the non-contiguous area described herein will be held at the Wesley Chapel United Methodist Church, at 120 Potter Road South, Wesley Chapel, North Carolina at 7:00 pm, on June 11, 2007

Section 2. The area proposed for annexation is described as follows: Lots 8, 14-18, 22-25, 29-31, 34-35, 37-39, 47, 51-54, and 56-59, in the Estates at Wesley Oaks; see Estates at Wesley Oaks map, and plat maps I-467, I-701, I-702, and I-703 in Estates at Wesley Oaks;

Section. 3. Notice of the public hearing shall be published in the Enquirer-Journal, a newspaper having general circulation in the Village of Wesley Chapel, at least ten (10) days prior to the date of the public hearing.

\_\_\_\_\_  
Mayor Tracey Clinton

ATTEST:

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

**Resolution 2007-09**

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31**

WHEREAS, petitions requesting annexation of the area described herein has been received; and

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

WHEREAS, certification by the Village Clerk as to the sufficiency of the petitions has been made;

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Wesley Chapel United Methodist Church, at 120 Potter Road South, Wesley Chapel, North Carolina at 7:00 pm, on June 11, 2007

Section 2. The area proposed for annexation is described as follows: lots in Wesley Oaks (contiguous): lots 316-318, 309-310, 301, 29-30, 32-34, 61, 63-67, 25-27, 19, and 57: see plat maps I-268, I-801, and I-802.

Section. 3. Notice of the public hearing shall be published in the Enquirer-Journal, a newspaper having general circulation in the Village of Wesley Chapel, at least ten (10) days prior to the date of the public hearing.

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Mayor Tracey Clinton

ATTEST:

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Cheryl Bennett, Clerk

**Resolution 2007-10**

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF  
ANNEXATION PURSUANT TO G.S. 160A-58.2**

WHEREAS, petitions requesting annexation of the non-contiguous area described herein has been received; and

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

WHEREAS, certification by the Village Clerk as to the sufficiency of the petitions has been made;

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

Section 1. A public hearing on the question of annexation of the non-contiguous area described herein will be held at the Wesley Chapel United Methodist Church, at 120 Potter Road South, Wesley Chapel, North Carolina at 7:00 pm, on June 11, 2007

Section 2. The area proposed for annexation is described as follows:  
Lots 2-5, 14-15, 17, 36-37, 40-41, 70-72, 77-79, 81, 103, 119, 121-133, 135, 137-138, 140-145, 147-149, 152-153, 160-161, 164, 167, 170, 177, 179, 182, 185-186, 188-190, 192-195, 197, 199-201, 204-207, 210, 218-219, 221-226, 228-237, 239-240, 242, 246-248, 252-253, 257-265, 268-269, 280, 283-285, 289-290, 327-328 and 330-331 in Wesley Oaks; see the Wesley Oaks plat maps I-799, I-804, I-801, I-800, I-218, I-220, I-217, I-881, and I-268.

Section. 3. Notice of the public hearing shall be published in the Enquirer-Journal, a newspaper having general circulation in the Village of Wesley Chapel, at least ten (10) days prior to the date of the public hearing.

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Mayor Tracey Clinton

ATTEST:

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Cheryl Bennett, Clerk

**Resolution 2007-11**

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31**

WHEREAS, petitions requesting annexation of the area described herein has been received; and

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

WHEREAS, certification by the Village Clerk as to the sufficiency of the petitions has been made;

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Wesley Chapel United Methodist Church, at 120 Potter Road South, Wesley Chapel, North Carolina at 7:00 pm, on June 11, 2007

Section 2. The contiguous area proposed for annexation is described as follows:  
Lot I-F Canterfield Equestrian Estates #06069005L, Plat map F-780; Lots 21 and 22 Fairfax Farms (#06108022 and #06108023, Plat map B-352-B); 5402 Weddington Road (#06003006B, 2.25 acres – see attached Exhibit A for metes and bounds); Parcel 06045005F- 2.04 acres- Mill Pond Acres on Underwood Road; and Parcel 06045005G – 3.98 acres - #1 Siler Woods, on Underwood Road.

Section. 3. Notice of the public hearing shall be published in the Enquirer-Journal, a newspaper having general circulation in the Village of Wesley Chapel, at least ten (10) days prior to the date of the public hearing.

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Mayor Tracey Clinton

ATTEST:

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Cheryl Bennett, Clerk

**Resolution 2007-12**

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-58.2**

WHEREAS, petitions requesting annexation of the non-contiguous area described herein has been received; and

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

WHEREAS, certification by the Village Clerk as to the sufficiency of the petitions has been made;

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

Section 1. A public hearing on the question of annexation of the non-contiguous area described herein will be held at the Wesley Chapel United Methodist Church, at 120 Potter Road South, Wesley Chapel, North Carolina at 7:00 pm, on June 11, 2007

Section 2. The area proposed for annexation is described as follows: Lots 35, 45, 89, 103, and 113 in Blackstone; and Lot 34 in Berkeley Pointe.

Section. 3. Notice of the public hearing shall be published in the Enquirer-Journal, a newspaper having general circulation in the Village of Wesley Chapel, at least ten (10) days prior to the date of the public hearing.

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Mayor Tracey Clinton

ATTEST:

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Cheryl Bennett, Clerk

Pierce made a motion to approve Resolutions 2007-06, 2007-07, 2007-08, 2007-09, 2007-10, 2007-11, and 2007-12 to call for Public Hearings on the annexations on June 11, 2007 at 7 pm at Wesley Chapel United Methodist Church. Mullis seconded the motion.

The motion was approved unanimously.

#### 14. ANNOUNCEMENTS

Mullis noted MUMPO is meeting Wednesday night in Charlotte, and the transportation Committee meeting is Thursday night. Horvath reported the Safety Committee meeting is Thursday night; Pat Beekman from Union County Homeland Security will be there regarding emergency preparedness. The Mayor reported on the clean-up day; there were about 7 people, and collected about 35 bags of trash from New Town Road, Hwy. 84, and Waxhaw-Indian Trail Road. Thanks go to Nancy Pulsini for her energetic work organizing this. The Mayor also reported Laps for the Library is on June 2, from 10-4; 400 walkers will be pledging \$50 or more per walker. Work has started on Wesley

Chapel Stouts Road near Goldmine; they are relocating water lines for the roundabout. The Indian Trail 4<sup>th</sup> of July parade is looking for participants. If flyers are going out regarding the Master Plan surveys, we need to remind them to extend the deadline. On Friday May 18, 2007 there is a Police Week Ceremony in Monroe.

15. OTHER BUSINESS

We still need information for the liquor by the drink meeting; the Mayor noted even if we don't recommend a liquor license for someone, the State can still issue them the license. The zoning is key; the only place for adult entertainment establishments is in B-1, and there is only one B-1 area. Do we need any amendments to the CUP regarding the percentage of revenues from alcohol versus food? We need a LBTD resolution by the July meeting.

Mayor Clinton and Horvath met with County Commissioner Chairman Kevin Pressley and Commissioner Baucom today; they presented the idea of the Orange county agreement where there is a transitional area and rural buffer area, and a joint land use plan; the County seemed receptive to the idea.

16. COUNCIL COMMENTS

Horvath commented regarding the Union Power substation process, we were conducting the CUP process as we are required to do, and had appropriate legal counsel as required to guide us; we were never against Union Power, per se. Ms. Beaulieu noted a lot of meetings had been held, and it involved many hours. Horvath noted we were required to allow both sides to present their information.

Croffut said he questioned Union Power only bringing one site, they had told him this was the only site; he felt it should not be in proximity to any neighborhood in Wesley Chapel, and felt they took advantage of flaws in our zoning process. They had support of the family selling the land, but Union Power did not check for anyone being against the site. Mayor Clinton said the previous council forced the substation hearing on them, there was no choice but to proceed with it. She had asked Attorney Ligon Bundy if we could talk with Union Power go back to the Planning Board level and get Stonegate's input, and try to get a better plan, and then move forward. He had advised it was not appropriate for her to talk with them; he approached Union Power's attorney, but they were not willing to do this. Union Power didn't want to back up, the timing was difficult; the Council was new, and Union Power kept bringing changes to the plan, but the attorney said we had to vote on the original plan. Mayor Clinton noted we are trying to be proactive with the gas substation.

16A. Closed Session: MOTION TO CALL FOR CLOSED SESSION PER NC GS 143-318.11(a) (3) Attorney Client Privilege re: Plyler lawsuit

Horvath made a motion to call for a closed session per NC GS 143-318.11(a) (3) Attorney Client Privilege re: Plyler lawsuit; Pierce seconded the motion.

The motion was approved unanimously.

A five minute recess ensued.

Minutes 05.14.07

Council discussed the Plyler lawsuit with the attorney appointed by our League insurance, Elizabeth Martineau, and our Village Attorney George Sistrunk.

The rest of this page left blank for closed session minutes.

17. ADJOURNMENT

Horvath made a motion to adjourn; Croffut seconded the motion.

The motion was approved unanimously.

The meeting was adjourned at 9:35 pm.

Respectfully submitted,

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Cheryl Bennett, Interim Clerk

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Mayor Tracey Clinton