

Council minutes 10.08.07

Approved 11.12.07

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING
MINUTES

October 8, 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 Member Horvath

Absent: Mullis, and Pierce

Others Present:

Village Clerk/Finance Officer: Cheryl Bennett

Planning/Zoning Administrator: Justin Krieg

Tax Collector: Nancy Schneeberger

Village Attorney: George Sistrunk

Concerned citizens: Ray Davis, Donna Pasciuta, Becky and Butch Plyler, Myka Brooks, Sondra Bradford

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

1. PLEDGE OF ALLEGIANCE / INVOCATION

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

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

Item 9 “DISCUSS OTHER COUNTY ORDINANCES THAT MIGHT BE APPLICABLE TO WESLEY CHAPEL” and Item 11 “DISCUSS EMERGENCY MANAGEMENT PROCEDURES” were deleted from the Agenda. Horvath made a motion to approve the agenda with these deletions; Croffut seconded the motion.

The motion was approved unanimously, 3-0.

3. PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31 (Contiguous annexation)

The public hearing was opened, there being no comments, the public hearing was closed.

4. PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-58.2 (Satellite annexation)

The public hearing was opened, there being no comments, the public hearing was closed.

5. INFORMAL PUBLIC COMMENTS – RECEIVE INDIVIDUAL COMMENTS FROM THE PUBLIC WHO HAVE SIGNED IN WITH THE VILLAGE CLERK TO SPEAK TO THE COUNCIL.

There were no public comments.

6. APPROVE MINUTES FOR:

Council Meeting September 10, 2007

Council Work Session September 18, 2007

Horvath made a motion to approve the minutes for the above two meetings;
Croffut seconded the motion.

The motion was approved unanimously, 3-0.

7. STAFF REPORTS

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

Year to date revenues are \$85,143, expenditures are \$56,398. Croffut made a motion to approve the financial reports; Horvath seconded the motion.

The motion was approved unanimously, 3-0.

- b. Tax Report Update dated September 30, 2007 prepared by Nancy Schneeberger

Year to date collections are: 2007 taxes \$13,828; 2006 taxes \$160; 2005 taxes \$18. 2007 Taxes receivable are \$92,311.24; 2006-1998 receivable are \$1031.58.

- c. Request tax refund for: parcel 06-078-340 \$9.80 to American Home Closing Inc.

Croffut made a motion to approve the above tax refund; Horvath seconded the motion.

The motion was approved unanimously, 3-0.

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

Krieg noted the Master Plan stakeholders participated in a preliminary community visual survey; the more detailed visual survey is Oct. 25 at the Wesley Chapel Elementary School gym; 50 signs will be put out, and press releases issued. Final Target plans were submitted and appear to be in compliance; Road improvements are under construction at the JDH shopping center. The Planning Board has some new language for gas substations. Quintessa Phase II submitted their sketch plan, and we are awaiting a preliminary plat. Plans for a cell tower co-location near Waxhaw Indian Trail Road and New Town Road were submitted. Krieg will pick up the sign for the town office tomorrow.

8. CONSIDER ORDINANCE 2007-08 TO EXTEND THE CORPORATE LIMITS OF THE VILLAGE OF WESLEY CHAPEL, NORTH CAROLINA (CONTIGUOUS ANNEXATION)

Horvath made a motion to approve Ordinance 2007-08, incorporated herein.
Croffut seconded the motion.

The motion was approved unanimously, 3-0.

Ordinance 2007-08
AN 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 United Methodist Church at 7:00 PM on October 8, 2007, after due notice by publication on September 26, 2007; and

WHEREAS, the Village of Wesley Chapel Council finds that the petitions meet 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 December 31, 2007:

Parcels: Silver Creek, Lot 44, Parcel 06051145;
and Wesley Oaks:

06048227	Lot 238	6220	Adelaide Place
06048260	220	6221	Adelaide Place
06048183	273	6515	Blackwood Lane
06048203	293	6604	Blackwood Lane
06048206	296	6610	Blackwood Lane
06048214	304	6714	Blackwood Lane
06048168	307	6715	Blackwood Lane
06048154	256	6306	Crosshall Place
06048139	244	6319	Crosshall Place
06048164	315	6402	Crosshall Place
06048134	320	6407	Crosshall Place
06048248	209	705	Palmerston Lane
06048249	208	707	Palmerston Lane
06048544	21	6708	Renshaw Court
06048132	324	404	Springwood Dr.

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06048143	241	409	Springwood Dr.
06048219	334	508	Springwood Dr.
06048558	35	904	Springwood Dr.
06048586	49	6616	Walton Hall Court
06048590	53	6617	Walton Hall Court
06048589	52	6619	Walton Hall Court

Section 2. Upon and after December 31, 2007, 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 October, 2007.

Mayor Tracey Clinton

ATTEST:

APPROVED AS TO FORM:

Clerk Cheryl Bennett

Village Attorney George Sistrunk

9. CONSIDER ORDINANCE 2007-09 TO EXTEND THE CORPORATE LIMITS OF THE VILLAGE OF WESLEY CHAPEL, NORTH CAROLINA (SATELLITE ANNEXATION)

Croffut made a motion to approve Ordinance 2007-09, incorporated herein. Horvath seconded the motion.

The motion was approved unanimously, 3-0.

Ordinance 2007-09

**AN 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-58.1 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 United Methodist Church at 7:00 PM on October 8, 2007, after due notice by publication on September 26, 2007; and

WHEREAS, the Village of Wesley Chapel Council finds that the petitions meet the requirements of G.S. 160A-58.1(b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than two (2) miles from the primary corporate limits of the Village or is contiguous to the satellite corporate limits of the Village;
- b. No point on the proposed satellite corporate limits is closer to another municipality than to the primary corporate limits of the Village, except that this subdivision does not apply if the area proposed for annexation is contiguous to the satellite corporate limits;
- c. The area described is so situated that the Village will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- d. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits does not exceed ten percent (20%) of the area within the primary corporate limits of the Village; and

WHEREAS, the Village of Wesley Chapel Council further finds that the petitions have been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Village of Wesley Chapel Council further finds that the petitions are otherwise valid, and that the public health, safety and welfare of the Village and of the area proposed for annexation will be best served by annexing the area described;

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

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Section 1. By virtue of the authority granted by G.S. 160A-58.2, the following described non-contiguous territory is hereby annexed and made part of the Village of Wesley Chapel as of December 31, 2007:

Wesley Oaks:

Parcel ID	Lot #	Address
06048504	89	606 Cavendish Lane
06048506	91	610 Cavendish Lane
06048524	109	717 Cavendish Lane
06048517	102	718 Cavendish Lane
06048471	171	305 Palmerston Lane
06048462	180	400 Palmerston Lane
06048441	159	417 Palmerston Lane
06048445	155	507 Palmerston Lane
06048307	196	508 Palmerston Lane
06048446	154	509 Palmerston Lane
06048277	120	408 Ranelagh Dr.
06048303	146	409 Ranelagh Dr.
06048291	134	435 Ranelagh Dr.
06048534	11	700 Springwood Dr.
06048577	69	709 Springwood Dr.

Section 2. Upon and after December 31, 2007, 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 October, 2007.

Mayor Tracey Clinton

ATTEST:

APPROVED AS TO FORM:

Clerk Cheryl Bennett

Village Attorney George Sistrunk

10. CONSIDER RESOLUTION 2007-23 AUTHORIZING ENFORCEMENT
OF THE UNION COUNTY NUISANCE ORDINANCE WITHIN THE
VILLAGE OF WESLEY CHAPEL MUNICIPAL LIMITS

It was noted that this was high on the survey priorities. Croffut made a motion to approve Resolution 2007-23 Authorizing Enforcement of the Union County Nuisance Ordinance Within the Village of Wesley Chapel Municipal Limits. Horvath seconded the motion.

The motion was approved unanimously; 3-0.

RESOLUTION 2007-23
VILLAGE OF WESLEY CHAPEL

RESOLUTION AUTHORIZING ENFORCEMENT OF THE UNION COUNTY
NUISANCE ORDINANCE WITHIN THE VILLAGE OF WESLEY CHAPEL
MUNICIPAL LIMITS

WHEREAS, the Union County Board of Commissioners pursuant to N.C.G.S. 153A-133 adopted a nuisance ordinance (the "Nuisance Ordinance") to regulate, restrict, or prohibit the production or emission of noises or amplified speech, music, or other sounds that tend to annoy, disturb, or frighten its citizens; and

WHEREAS, Union County pursuant to N.C.G.S. 153A-123 may by ordinance define, regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the county; and may define and abate nuisances; and

WHEREAS, NCGS 153A-123 authorizes Union County to enforce its ordinance through a variety of mechanisms including civil, criminal, and injunctive remedies; and

WHEREAS, pursuant to N.C. G.S. 153A-122, the Village of Wesley Chapel may permit the Nuisance Ordinance to be applicable and enforceable within the Village of Wesley Chapel;

NOW, THEREFORE, BE IT RESOLVED that the Village of Wesley Chapel Council does hereby make the Nuisance Ordinance applicable and enforceable by Union County within the municipal limits of the Village of Wesley Chapel.

Adopted this 8thst day of October, 2007.

Cheryl Bennett, Clerk

Mayor Tracey Clinton

11. DISCUSS ROADS IN HAMPTON MEADOWS SUBDIVISION

Mayor Clinton reported that she and Justin Krieg met with Scott Cole from DOT, and Mary Oaks the developer. They are now waiting for a quote to find out how much it will cost to fix the holes; then Cole will recommend to DOT that they top coat the road and take it into the DOT system. The Mayor noted a problem with water pipes at one end had been mentioned; Donna Pasciuta will get a contact name to Mayor Clinton.

12. ANNOUNCEMENTS

a. APPOINTMENT TO MASTER PLAN COMMITTEE

Mayor Clinton announced that Elisa Gregorich has been appointed to the Master Plan Committee.

b. ANNOUNCE VACANCIES ON BOARD OF ADJUSTMENT

We have three regular and one alternate position open on the Board of Adjustments, and applications are welcomed.

c. OTHER ANNOUNCEMENTS

Mayor Clinton announced that Alison Maher resigned from the Safety Committee, so there is an opening there; applications are welcomed.

13. OTHER BUSINESS - none

14. COUNCIL COMMENTS - none

15. ADJOURNMENT

Horvath made a motion to adjourn; Croffut seconded the motion.
The motion was approved unanimously.

The meeting was adjourned.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Tracey Clinton