

VILLAGE OF WESLEY CHAPEL
SPECIAL COUNCIL MEETING MINUTES
WESLEY CHAPEL TOWN HALL
6490 Weddington Road, Wesley Chapel, NC 28104
January 26, 2015 – 2:00 P. M.

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

Present: Mayor Horvath, Mayor Pro Tem Como, Council Members Kenary, Plyler and Rosoff

Others Present:

Clerk/Finance Officer Cheryl Bennett; Planning/Zoning Administrator Bill Duston

Citizens Present: Carol Mullis, Susan & George Winchell, Sandra Fenn, Rebecca McManus, James Mullis, Butch Plyler, Pat Stitt, Karen Wylde, Jeri Sigley, Nancy Pirozzi, M. Morris, Don Patterson, Daphne Koenigsberg, Dawn H. Rodgers, Bob Thurbon, Sean Maher, Diana Bowler, Dan Alexander, Marc Ehrlich, Linda Huchingson, Stephen Keeney, Brian Schmitt, Glenn Magill, Beth Moore, Mark DiBiasio, Theresa Grovanz, Chuck Adams

Meeting was called to order at 2:00 PM and a quorum was present.

1. PLEDGE OF ALLEGIANCE AND INVOCATION

Mayor Horvath led the Pledge of Allegiance and gave the invocation.

2. INTRODUCTIONS

Mayor Horvath stated the purpose of this meeting is to understand the issues, no public comments will be heard yet. The Village cannot de-annex; only the four State representatives can propose de-annexation to the Legislature. The only motions today would be to do anything we can currently do to meet their requests; any changes to the Ordinances or Land Use Plan would go through the Planning Board and then go to Council and would involve public input sessions.

The Mayor and Council members introduced themselves.

3. PURPOSE OF THE MEETING:

- Current understanding of the issue and associated conditions
- Council would like to understand the reasons the group is requesting to de-annex and whether or not there are any reasonable changes that council could consider that might make the group reconsider their request to the State Legislature

Mayor Horvath reported a petition to de-annex about 10 parcels was sent to the State legislators back in May 2014; generally if all four of the local legislators agree, the State legislature will approve the de-annexation bill. This meeting was requested by Senator Tucker and Representative Craig Horn to understand the reasons the group has asked to de-annex and if there are any reasonable changes Council could consider that might make the group re-consider their request to the State.

4. OPEN DISCUSSION

The de-annexation petitioners spoke next.

Sue Winchell reported she and her husband George do not reside in Wesley Chapel, but own 8.52 acres on New Town Road since 1978 and he along with siblings Sandy Fenn, Carol Harris and Margaret Thewes own the adjacent 10.44 acres which is the southeast corner of New Town Road and Waxhaw Indian Trail Road. The joint properties have been on the market for 13 years during which time she has attended some town council and planning board meetings, and said many developers walk away when they hear the land is in the Village of Wesley Chapel. She said she has heard discussion of the types of siding, whether there is a one or two car garage to store their stuff, and farm equipment that can be seen from the road. She stated this is a rural farming community, not a neighborhood HOA. After a meeting in October 2013 she attended, where a developer was repeatedly asked trivial and inane questions that could be answered by listening to what the developer was saying, she was introduced to Mayor Horvath and told him her concerns and that she wanted to secede from the Village. He advised her that she could petition for de-annexation, at which time she initiated the process. She said she was contacted in 2002 by Primex Properties (Food Lion) who offered to purchase the 18 acres; that offer was dropped in 2004 when the then Zoning/Planning Administrator said there was no reason to even take this to the board. She said Food Lion spent in excess of \$50,000 doing soil testing, landscape design and plan drawings including a proposed greenway. In 2005 Mid-Carolinas Real Estate from Winston-Salem came to them with an offer for upscale retail shops with luxury condos on top; again she said that proposal did not reach Council or Planning Board. There has been an offer to develop the land as a library and a town hall that went nowhere. Another developer wanted to purchase the land to put in one acre lots on a community well and septic system; he was told it wouldn't be possible. That builder revamped his proposal and went back to the zoning administrator proposing individual wells and septic tanks on one acre lots but was told that would not happen. Ms. Winchell said they voluntarily annexed into Wesley Chapel and respectfully asked to be de-annexed. She was asked what the property is zoned; 1.45 acres is zoned B-2, and the rest is RA-40.

George Winchell said they have been paying property tax, last year it was close to \$7,000 on the 18 acres, and it was frustrating we can't even get consideration on the proposals. Mayor Horvath said we never saw a proposal. Susan Winchell said the Planning and Zoning Administrator was working under the assumption that it shouldn't even get that far. Mayor Horvath stated we have a Land Use Plan and zoning rules in effect, so if it was something proposed that fit in with what was existing that is one thing; things like the condos are different since they are not within our current zoning. Mayor Pro Tem Como said if you didn't like the answer from the Zoning Administrator, did you approach council? Sue Winchell replied no. He reminded her that you can always come to the podium and talk to us directly. Council Member Kenary also noted in thirteen years, you haven't approached Council once.

Sandy Fenn, who is one of the siblings, said we are aging out, and don't want to leave the land for our children to deal with. We had a proposal for houses on one acre lots and were turned down. We voluntarily annexed in and want to voluntarily de-annex.

Bob Thurbon said 15 years ago he bought three properties on Cuthbertson Road; he has had taxes, mortgage rates, interest, for the 23 acres. When he first put it on the market he was told developers won't touch Wesley Chapel; citing nitpicking, delaying actions, and claim that they want to keep the rural atmosphere which he could see. He went to a Planning Board meeting in 2014 and ran into the same thing previously mentioned, he heard repeated questions that he knew the answer to, it seemed like delaying, nitpicking, and obstructing. He said he felt like he was being asked to pay the price to stay a rural area; he liked staying a rural area but did not want to pay the price of doing it. He said everything gets delayed to the next meeting. Council Member Kenary asked what was under proposal at that meeting; he said he thought it was something on Cuthbertson Road. Sue Winchell said it was a developer who did not want to have to put a bridge across a stream and wanted to include that as common area and have houses on smaller lots but it would average out to an acre per lot by having the common area. Mayor Horvath noted we currently have four subdivisions under construction in Wesley Chapel.

Rebecca McManus stated she is retired, paying taxes, and agree with what the others said.

Sandy Fenn said she and her children do live here.

Jim Mullis said he was on council for nine years, he said he asked the others why they didn't pursue it further, and they were just aggravated with it. He was on the Council at the time, and never heard anything about it. He stated Bill Duston helped us do the land ordinances, and the Land Use Plan should be a living document. He also wondered how much training Planning Board members had.

Carol Mullis who lives on Cuthbertson Road referenced a comment in a news story regarding flexibility to use their land as they wish. She stated your zoning is not in line for us with what we wish to do, and you are affecting our livelihood and our destiny; you are de-valuing our land. She said she comes to every Council and Planning Board meeting, and some of the committees and is on a committee. She said her father-in-law passed away; he lived like a pauper to pay his taxes, they did not know what they were until he died. We built our house and intended to live there and leave it to our son, but can't afford the taxes. We would have to change our lifestyle. She said they have not requested a re-zoning but in selling the land were very particular in who they wanted to sell it to; they told their broker they would either like a church, the Y, or a senior living facility; basically a legacy to their Dad and their Mother. Ms. Mullis stated a council member brought up senior living three years ago, she said some members of Planning Board and Council showed bias in their comments and one was we need to think about who we want to attract to Wesley Chapel. Ms. Mullis had a race chart of Wesley Chapel and read racial statistics, and she asked who do we want to include in Wesley Chapel. She said she wanted a senior living facility because it would not impact schools so it is the most feasible to her. Planning Board comments were that it is R40 and will stay R40 and there will be no exceptions. She said seniors who live on one acre can't afford or maintain it and want to downsize. She felt she was fighting a losing battle, and would rather take their chances with the County. She contended the Mayor and Council have known about the petition since spring of 2014.

5. CONSIDER POSSIBLE MOTIONS, IF ANY, IN RESPONSE TO THE INPUT RECEIVED

Bill Duston, Planning and Zoning Administrator, explained the process of development; a developer comes to him with an idea, he explains the rules and regulations, and they present a sketch plan. The preliminary plat goes to Planning Board, and then to Village Council. If approved, they can break ground. The last step is final plat approval with bonded infrastructure. Mayor Pro Tem Como asked Mr. Duston if he had ever told a developer this doesn't make sense; Mr. Duston noted if something looks difficult he may say it would be tough to do that, but if someone pays their fees, he has an obligation to carry it forward. Carol Mullis said if a developer comes to us, and they start their proceedings, and see how much they have to do and pay fees, the land owner is still in limbo.

Mayor Pro Tem Como noted we have the lowest tax rate in the County.

Council Member Plyler said she asked Carol to leave her out of it because she did not want to be biased and she did not know about the de-annexation.

Mayor Horvath said he was called by Senator Tucker last July who asked him not to do anything at that point about the de-annexation. He talked with Carol after a council meeting in the parking lot, and she asked him not to say anything. Carol said we wanted to meet with a legislator and she asked if she could use the town hall, and preferred the Mayor not be present. Mayor Horvath noted when the legislator asked us to have a meeting with you, we did so within a month.

Council Member Plyler said it takes forever for ordinance amendments since it goes back and forth to Planning Board; I approached Council my first year in office since COG brought up the need for senior housing in the County, we visited some senior housing, but it is still going on, and in her opinion going nowhere.

Council Member Rosoff said the basic concern seems to be your financial situation; which you have a right to be concerned with; my concern is you are punching a hole in Wesley Chapel if you do this. My preference is to work together, not to have the State take you out; I am deeply offended that you had not come to council regarding the financial hardship for your father-in-law's taxes. What was once a rural community has been turned into a bedroom community of Charlotte, and Council is trying to plan for it, and control it.

Carol Mullis stated we are leaving a hole, but there are doughnuts all over the community, the neighbor next door to Mike is a doughnut, they wanted to put the electric substation in Wesley Chapel but they went across the street to the County. She added that two members of Council have recently said we need to be thinking about what we want to do with "our" land that is not developed, and should it stay green. She felt that is offensive as it belongs to the landowner.

Council Member Rosoff had not learned of the de-annexation until January 2015 and noted we are a community, it is not just "you", it is a "we" situation. Carol Mullis said she had not received a check to pay the taxes on her land.

Council Member Kenary said she heard a petitioner had a Food Lion approach them, and you wanted to sell to a church, YMCA or senior housing; zoning allows whatever is in place in that district; we do not have a senior housing district, a YMCA is a commercial property, so these are different use types; I cannot speak for prior councils. A developer approached Planning Board for R-20 re-zoning, and it was emphatically voted down, the public came out and only two were in favor. One of the main reasons people came to Wesley Chapel was the one house per acre rule. Weddington has a one house per acre rule and development is booming there. You come to each meeting and had opportunities to address us and you never did. She agreed with Council Member Rosoff it would be beneficial to sit down and try to come up with a solution, but she

also heard from those citizens that want to maintain the one house per acre rule. It is up to you if you are going to pursue your de-annexation request; since 2007 I never heard anyone saying don't come to Planning Board or Council.

Carol Mullis said you said you are here to serve all the people of Wesley Chapel; at a Planning Board meeting, one of the members made that same statement, but I am a citizen, and his response was you are only one. She didn't feel like it was her move to approach you on this when the Mayor and Council were fully aware of this.

Council Member Kenary said you are misconstruing things; we didn't know last year; you could have called me, you called Tucker. Mayor Pro Tem Como overheard about the de-annexation, and Brad spoke to Becky; I was not part of those conversations. Carol Mullis said we can't delay any longer and would rather take our chances; now there is only one meeting per month; some things have been on the list from the Advance last year; we can't wait any longer.

Mayor Horvath noted the Village has never re-zoned from R-20 to R-40 unless someone wanted to turn their property into farming; we used the zoning designations that existed from the County before the village existed, and we never involuntarily annexed anyone. The master plan study was never fully adopted but it does not invalidate the survey which 626 residents filled out, it showed more than 90% somewhat or strongly preferring one home per acre with 68% strongly preferring; over 70% favored one home per two acres; only 42% somewhat or strongly preferred half acres, with only 15% strongly preferring that; and less than 10% somewhat or strongly preferred quarter acre lots. He agreed that you don't own the view, but what happens on one property does affect another property, which is why planning and zoning restrictions exist.

Senator Tucker said something in the article about agricultural uses not being accommodated; but he did not know anything about that. Senior living was brought up 2.5 years ago, but you can only do so much at one time; our Planning Board does a good job of investigating things and making a recommendation. There is also timing in our ordinances if something is submitted to prevent it from dragging; it will be vetted through Planning Board and to Council. The Zoning Administrator does have to say what is allowed under our ordinance, but there can still be a request to be re-zoned submitted. You have to allow for how land uses impact the community, i.e. traffic.

Sue Winchell asked about the survey; it was part of the master plan from 2007; UNCC said we got an excellent response; everyone had the opportunity to reply. Sandy Fenn commented it would be interesting to know how many lived on less than one acre; Mayor Horvath noted that a person didn't necessarily pick if the subdivision was developed under the County and less than one acre; but they do not then have less of a vote. He stated he understands farmland is a 401-K, and owners can sell their land if they do not want to continue farming. Carol Mullis stated subdivisions were built under the County zoning and then when they were finished building out they were voluntarily annexed into Wesley Chapel; the master plan showed illustrations that the college students did at a cost of \$35,000 which show they recommended on occasion developments of R-20 use. Council Member Rosoff said it was a vision; the students were working on their master's and overseen by two PhD's. Mayor Horvath added that one recommendation was R-20 or conservation subdivisions, to try to keep the rural effect, and they pointed out at the rate building was going how fast the land would build out. Carol Mullis stated they took us on field trips to R-20 properties to look at how the garages faced out.

Carol Mullis stated we are open to listen but we are not on your timeline, and personally we are moving forward unless you come up with an alternative soon.

Mayor Horvath thanked everyone for coming to the meeting.

2015.01.26 minutes

6. ADJOURNMENT

Council Member Kenary a motion to adjourn; Council Member Plyler seconded the motion.

The motion passed unanimously.

The meeting ended at approximately 3:36 pm.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath