

VILLAGE OF WESLEY CHAPEL
SPECIAL COUNCIL MEETING MINUTES
WESLEY CHAPEL TOWN HALL
6490 Weddington Road, Wesley Chapel, NC 28104
February 20, 2015 – 7:00 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 Plyler and Rosoff

Absent: Council Member Kenary

Others Present:

Clerk/Finance Officer Cheryl Bennett

Citizens who signed in: Carol Mullis, Mike and Tony Giaimo, Jon and Julie Horne, Doug and Ginny Horne, Lynn and Wendy Winchester, Marnie Holland, Frank Howey, Trey Howey, Rebecca McManus, Susan Winchell, George Winchell, Peggy Thewes, Mildred Gwinn, Richard Vinroot, Dennis Moser, Sandy Fenn, Jim and Dori Thurman, Van and ? Southard, Bobby Clontz, Jimmy Mullis, Don Patterson, William Rodriguez, Charlton Plyler, Butch Plyler, Stephen Keeney, Sondra Bradford, Vick and Doug Plyler, John Lepke, Susan Stitt, Pat Stitt, Senator Tommy Tucker, Representative Craig Horne, and Board of County Commissioners Chairman Richard Helms

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

1. PLEDGE OF ALLEGIANCE AND INVOCATION

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

2. INTRODUCTION OF STATE LEGISLATORS, COUNTY COMMISSIONERS AND COUNCIL MEMBERS

Mayor Horvath introduced Senator Tommy Tucker, Representative Craig Horne, and Board of County Commissioners Chairman Richard Helms.

3. DISCUSSIONS ON IMPROVING COMMUNICATIONS

- General
- Resident Requests (for example: May 5th De-Annexation Petition)

Senator Tucker said he received over 30 de-annexation petitions, and they keep coming in the mail. The first couple were received last May, and he hoped it could be handled locally. He called the Mayor and made him aware of it and hoped it would work itself out. The number of petitions grew, and he attend one meeting with the petitioners. Wesley Chapel was formed in reaction to another local aggressive town. Many of the petitioners had voluntarily annexed and now want to de-annex. He said it's about re-zoning and maximizing value of land. There seems to be an impasse and hurt feelings. They came to him and said they are not talking about R-20 like Wesley Oaks or Lindenwood, but about R-40 clustering, where you can't put in more houses, you can just put them closer together much as in Weddington and you can require things

like berms. He said some of the people are dead set on leaving and going back into the County. He explained they might not get more favorable zoning in the County. He said he had not yet filed the bill to de-annex, but is not opposed to doing that. He said they talked about senior housing. He suggested flexibility and compromise. He stated the landowners have been paying taxes on their land forever. He added that the State gave you your charter, and they can de-annex, but we didn't want to be put in this situation.

Mayor Horvath said you did contact me in May and July, you specifically said it was in your hands and I shouldn't do anything. When requested in December, we had a meeting with the petitioners and they did not say what they wanted, they just aired their grievances.

Senator Tucker said they have been waiting two years for senior housing, and you just took your first trip to see it.

Mayor Horvath replied we were approached by a senior housing developer in August; at the last two Advances senior housing was brought up by attendees. The list of "to do" items was prioritized by the entire Council. No one said we needed to do senior housing immediately. Planning Boards are a state requirement, and ordinance changes have to go through them. We have a special meeting with Planning Board on Monday. Our ordinances are substantially unchanged since 1998; the Land Use Plan was reviewed in recent years but not changed because other changes were upcoming. The planning process takes time, and we did not have an application. Currently we have five subdivisions in process now that the recession is over; that was a previous factor. At the February 9, 2015 meeting the Mayor asked Council if they are open to additional ideas, and Mayor Pro Tem Como said yes; one idea is conditional zoning, but it will take some time. Mayor Horvath noted we have to go through the procedures, but we are being held accountable.

Mayor Pro Tem Como stated anyone can come to the podium and speak, none of the de-annexers have ever come to the podium and said anything, or complained the process is too slow. When we talked to them they said they were just leaving, how is that being inflexible.

Mayor Horvath noted three of the five subdivisions had modifications, so that indicates flexibility. It takes two parties to make a conversation.

Mayor Pro Tem Como went through the Planning Board minutes for the last six months, and no one said anything to them.

Senator Tucker said I have a stack of petitions, and I listen to what everyone has to say.

Council Member Rosoff noted also in May we were just finishing the town hall, and the park was about to open, we had a lot going on. I did not hear anything until January; a de-annexation is a serious thing like a divorce. We can only move so fast; when Carol Mullis spoke of the financial burden, I was appalled.

Mayor Pro Tem Como said as long as it doesn't create higher density, he was okay with senior housing and cluster housing.

Council Member Plyler said they have already voted me to get off the Council, they were told by the attorney I did not have to get off Council. The night we were doing the resolution (against de-annexation), (we were one of the last ones to sign on for de-annexation, my husband inherited the land, and I had to sign or they could not get on the list), so at the meeting I recused myself, and the attorney said you can participate in the conversation but not vote. Some things I cannot say as a Council person.

Senator Tucker said these people feel like you can't work with them, and there are issues whether they have come to you or not. The timeline is between now and the end of session, I am willing to file a bill, I didn't want to put you on the spot, but if you can work something out with these people I will walk away. But the clock is clicking, and we are out of session by July 4th.

Mayor Pro Tem Como said we want you to be a conduit, they haven't said what they want.

Senator Tucker said we have major issues with a lot of people who started this town, and emails from Wesley Oaks, and now people in Marvin. We need to work things out as neighbors and I am trying to bring to you what they have said; we need commercial development in Union County to bring tax dollars to pay for the schools.

Mayor Horvath spoke: if this had been brought to Council in May or July, there would have been more opportunity to do this before, now a deadline has been imposed on us for doing nothing more than following the rules which several of the people who are on this petition were instrumental in setting. We have opened a park and a town hall with a low tax rate, where have we not done what we were supposed to do, when we were not even asked. In December Senator Tucker and Rep. Horne had a meeting with the original group of petitioners, and the Mayor was asked to have a meeting with the petitioners, which we did on January 26, 2015. Nothing was offered at that meeting, except Council said tell us what you want. It was said we asked a lot of questions on the Shea development, what Council doesn't; we are not doing our job if we don't ask questions. The most important thing is to develop community; I have never ignored a call or e-mail. Are the rules stiff, yes, but not more than Weddington or Marvin; they went through months and months before they passed cluster subdivisions. Now we are starting in January and told you will file a bill and it needs to be done before July. It feels like we are being put in a box and we didn't have a chance to address this on a timely basis. Going back to re-districting, it affected 90% of Wesley Chapel, we were not sent to closer schools; we asked for help and got no help. I don't believe one or two of the options discussed tonight are going to solve everything. Some have said they want R-20. A map was put up that shows the additional holes we will have. When you accept the first petition, and word gets out, it's a snowball running downhill. Mayor Horvath reported Council Member Kenary is sick with a severe sinus infection. The intent is to improve communication. Can it be resolved by June – at the best case maybe. You can't put Planning Board on the spot. Planning Board was against senior housing at first, but agreed to go back and try to Wesley Chapel-ize it, they visited several facilities to see it.

Council Member Rosoff asked about the number of municipalities in Union County; Senator Tucker said it has more than any other County at 14; the average might be more like 5 or 6. He added they get chastised in Raleigh because we have paper towns, which provide no services; the

sales tax and franchise tax dollars go to the towns instead of to the County. He noted he stood against ETJ in 1995 in Weddington; that would have taken in part of this town.

Mayor Horvath noted we are at 8,000 population, not 30 or 40 families, and I doubt many towns have many services in their first fifteen years. Senator Tucker noted the County has the largest water/sewer system in the state, because the towns don't provide water/sewer.

Board of County Commissions Chairman Richard Helms said the County needs to stay out of this; de-annexation is a bad precedence, and he encouraged face to face communication.

Rep. Craig Horne said the process is the buck stops at the State when people get frustrated with a situation. As a former municipal official, he hoped this could be worked out at the local level and the state won't have to be involved. Mayor Pro Tem Como asked if he was aware that the petitioners skipped the town hall process and went directly to the State? Rep. Horne replied no, he was under the impression that there had been conversation and the town was not willing to hear their requests.

Council Member Rosoff asked Senator Tucker since she just found out about this petition, can she have those lost months back? Senator Tucker replied he did not have that timeline at the state level, he files a bill in March, and they get out in June. If something gets worked out with the petitioners in that time frame, the bill can sit there and die. He added he found it amazing that no one on Council was aware of these issues and it came to the ground swell it has; he waited from May until now in hopes it would be worked out. Mayor Pro Tem Como assured him we are going to work forward on this, but are you still going to file a bill? Senator Tucker replied yes, the bill has to be filed by around March 6th. He received the petitions so he will file the bill.

Richard Vinroot spoke for the petitioners, saying they are gentle people and didn't make up their problems, this is a very difficult place to do business. You have a planner who works two days a week and it has always been one lot per acre, this is a difficult place to get reasonable compromises. When the town started, the Mayor then said there won't be re-zonings, folks litigated up to the 4th district court; these people don't have time to see the value of their land materialize. If these people succeed, it will take less than 10% of the town, create more holes, but not destroy the town. They will still have to go to the County who they think will be more reasonable. Some of the things were said by your own Planning Board such as what are we going to do with our land and protect our green space, it was not their land, it is owned by these people. It is their right to use and develop and sell their land for reasonable development and they don't have to go through the process and spend or waste money on it because they have to prove they tried. These are gentle people and are not from many of the places many of you folks are from, to come here and live with them. They do understand when people are telling them we don't do re-zonings, we have one lot per acre, and we don't do commercial zoning. Mr. Vinroot stated this is an urban area and people are coming and want other things, and people are growing older and want things other than horse farms and large lots.

Council Member Rosoff asked what he had been hired to do; he said he had been hired to speak to Council. Mr. Vinroot said they have heard what the zoning is here, and they want something

else. I hear you don't provide many services and they know not a whole lot will happen for them from this village and want to have someone else make the zoning decisions.

Mayor Pro Tem Como asked if he was aware they never asked us for anything; Mr. Vinroot said yes. Mayor Pro Tem Como said if you don't ask, you can't complain about us not doing something. Bill Duston follows the rules in this book, and doesn't give special treatment to anyone. We have several subdivisions going in and they don't have a problem with us.

Butch Plyler said he helped organize this town and if I knew then how it would end today, I wouldn't have joined the town. He stated the 2012 Advance listed senior housing, so it's been three plus years, and it was listed as a high priority. Mayor Horvath stated we were at the end of a recession, and there were other high priority items also. Butch Plyler said we were doing the town hall and park at the same time, and they were also priorities. Butch Plyler said the other night Mayor Pro Tem Como said Mrs. Plyler wants to do away with this (zoning) book, and that is not the truth, if you can't prove it, you are a liar. He noted four Council members asked my wife to resign when the attorney said she had not done anything illegal. Mayor Horvath noted it was three members, and he defended her. Council Member Rosoff said she was so angry about this whole de-annexation, and apologized publicly on Facebook for some of the things she said, and she was truly sorry. Butch Plyler said this is why I want out, our family sat down at lunch maybe a month ago, and everyone thinks friends of ours got us to do this, but that is not true, someone else approached us. His daddy died without a will, and his mother was left with the land and couldn't sell it. Mr. Plyler said he was not going to leave his family like that, so they discussed it and agreed to get out. Becky had to sign to de-annex because she is on the title. Our land sits between a road and a commercial parcel. One day this will be a small SouthPark. The other reasons I want out is the decisions by the elected and appointed officials of this town, and the indecisions of what they have not done. When the attorney said she had done nothing illegal, why didn't this Council stop then. Council Member Rosoff said until yesterday when she spoke to Council Member Plyler, she tried to think it through completely, I was angry and hurt; I am fond of both of you, but it felt like a divorce and was horrible. Mr. Plyler said you did ask why do you want to go, and that should have been the question everyone asked. Butch Plyler said the other night when you were getting ready to vote on the grass mowing contract, the attorney said you should put it in the paper, but Mayor Pro Tem Como motioned to leave it to the Clerk to advertise or call some vendors, and if you are not going to use the attorney's advice, why have him. Mr. Plyler questioned the clerk if she had put it in the paper. Mr. Plyler stated Planning Board took 3 or 4 months to talk about conditional zoning and voted it down 3-2. When it came to Council two Council Members wanted to take it back to Planning Board, and he felt that was a delay. Mr. Plyler said the procedure is to bring a development to the planner, then the Planning Board, and then to Council. When someone brings something to the Planner, and he says we don't have that, it makes people feel like they can't get something passed, and that's why they haven't come.

Mayor Pro Tem Como said if someone brought something to the planner and to Planning Board, and they said absolutely not, you would have a point, but that didn't happen. Planning Board said no to conditional zoning, but Council said why, let's gather more information and see if we can make it happen; that is not being inflexible. Butch Plyler noted liquor by the drink passed in less than two months. Mayor Horvath noted that did not go to Planning Board. Mr. Plyler said

he would have been totally concerned in May, but Tommy said to leave it alone. Mayor Horvath said those were his exact words; I respected the Senator's request; you are twisting it.

Mayor Pro Tem Como noted at the Wednesday meeting we went out of our way to say this is not a personal issue, this was a conflict of interest according to the residents of Wesley Chapel; he received a lot of calls and was stopped on the street. Mr. Plyler said she was getting her calls not to resign.

Bill Rodriguez spoke: I hear bickering and no solutions. I see Mr. Tucker in a tough situation; I look at the map, and how many properties and constituents are in the de-annexation parcels, and how many are in Wesley Oaks; Mr. Tucker you don't live in this neighborhood, don't know what is going on in this neighborhood, and don't have a right to discuss what is going on. I have been here for ten years and am on a one acre lot in Wesley Oaks. I am for clustering. I grew up in Brooklyn, there is a difference in personalities and way of thinking, and there is change coming. Everyone has a right to have property and sell it. I am on Board of Adjustment. You de-annexers should submit specific proposals to the Zoning Administrator, and then let the board get involved. What are you looking for, a hotel, a convenience store? The unknown is what everyone gets caught up with. Becky's property next to McDonalds should be commercial. Butch should defend his wife. Maybe there should be a mediator, maybe someone on Council should sit on Planning Board. There is a solution, I love this town, we should all move together. Council Member Plyler noted Mayor Horvath is the liaison to Planning Board. Mayor Horvath said his role it to attend their meetings and bring back information to Council. Bill Rodriguez added this shopping center property is a disappointment, there was supposed to be fountains and a place to get together; maybe we as a community should put pressure on; it would bring more value to our properties.

John Lepke asked the State representatives: you are taking action based on the wishes of 35 people, what about the wishes of the other 9,600 people?

Senator Tucker said the land will still go from R-40 Village to R-40 in the County, so there is no change and they will have to work with the County.

Dennis Moser spoke: he asked Mayor Horvath, Mayor Pro Tem Como, Council Member Rosoff and Rep. Horne how long they had lived here, (since 2004, 2009, 2005, and 2005 respectively). Mr. Moser said he had lived here 49 years, and welcomed everyone who had come here; he had built and developed all over the County, and said he had used savings from the last 20 years to pay taxes the last five years. He said he made a proposal 15 years ago for the corner of Highway 84 and Potter Road, and the reason you don't have people come up before you is every time you come here whoever is the planner says the Planning Board and Council don't want any of this, it's only R-40. And that's why someone like me had to hire Mr. Vinroot and spend \$25,000 for you to tell us no. We don't have the funds to do that. There's a problem in this town and no one wants to allow anything but R-40 residential. I was willing to give the town a library site and a town hall site, and when I brought that forward 15 years ago I was never so embarrassed as how I was treated by Planning Board and town Council. He read from the September 8, 2014 minutes of a joint Council and Planning Board meeting where Mr. Duston described the proposed Land Use Plan changes for that corner from O-I to low density residential. Mr. Moser felt it was a problem that they expected houses at a corner with a light on a highway. He said it was the

attitude of the whole town and the general reputation that is it so difficult to work with. Mr. Moser sold the land for three of those five subdivisions, and said there are numerous issues that have taken years to go through. He told Mr. Horne there are issues here, and it's been more than a few months or years, it's been a long time. Mr. Moser felt we need to participate with Richard and the County to pay for these schools; you need more commercial, some industrial, higher density.

Mayor Horvath noted if you looked at the Council 15 years ago they were here equally as long as Mr. Moser. We have had some good conversations and I try to be equally fair to everyone. Discussion came up on revising the Land Use Plan and we will go to the Planning Board meeting Monday night to help improve communication. Mike Giaino worked with us on communication, within Council, staff and committees. De-annexation is a fundamental change. Mr. Moser expressed his appreciation for Senator Tucker coming tonight and said this is a property right and he wanted to be treated fairly. Mayor Horvath said he respects property rights as well, but it also doesn't mean that everyone gets what they want.

Mayor Pro Tem Como asked if this was the first time Mr. Moser came here and complained; Mr. Moser replied yes. Mayor Pro Tem Como noted Bill Duston has only been here two years, and there have been transitions on Planning Board.

Van Southard spoke; he owns 7 acres but is not a resident, and represents Frank Howie. He said staff has been helpful and Council Member Rosoff has answered every phone call, but he joined the de-annexation. He spoke at the podium regarding senior housing with Planning Board, and delivered a program that was as good as it gets in the entire nation. The Meritage subdivision took two passes and tried to get R-20 in 2013, and when they didn't get R-20 the price dropped significantly because of the extra costs to developers. His point was he had been here to talk to Council and Planning Board.

Mayor Horvath noted part of what's caused the value of property in Wesley Chapel to be higher than the average around it is because of the controls. Absolutely you can sell your property if you find a buyer, and I understand the developer side of it, but I also understand that when you are a property owner and you sell your land and move away, Wesley Chapel has to deal with what is left. Regarding schools, 90% of the town was re-districted. We are all willing to work on this but I don't like being left with my back against the wall. I thank you for coming forward tonight and starting the conversation.

Tony Giaino, age 16 spoke, he said he was affected by the re-districting, and heard tonight that the state representatives assumed you knew of the problem, but you haven't worked forward because you need someone to come to the podium before you can work on the problem.

4. SUMMARY

- State Legislators
- County Commissioners
- Village Council

Rep. Craig Horne spoke; he appreciated everyone coming out tonight. The process is a local bill will be filed, assigned to a committee, will go to the other house, to a committee (probably the

Local Government Committee), and out to the floor. If all the four local delegates are in favor, it goes pretty smooth. If someone steps in, it can de-rail. I was contacted by Ms. Mullis and we spoke as a group twice. I am a former city councilman but not in this state. As has been said, there is a failure to communicate on both sides. I have a feeling you knew this was coming and Wesley Chapel has a reputation as a hard place to do business. I am a property rights guy, as long as it doesn't infringe on someone else's property. I am not committed yet to an action. I do by and large defer to Senator Tucker who has lived here all his life. It doesn't cost anything to come to the podium and say you don't like this. We govern by consent of the governed, which means you have to participate throughout the year. I believe you can solve this problem without us filing a de-annexation bill, but sometimes a deadline is the only way things get done.

Carol Mullis spoke: it was mentioned that some Council members were not aware of the petition until January, but Brad you found out from Senator Tucker, and Mayor Pro Tem Como was right next to him, and he called Council Member Plyler, who then came to the Clerk, and she knew about it. Ms. Mullis could not comprehend how the other two Council members did not know about it until January. She stated there is a problem with communication and a mediator is working with you to help you communicate better. One of the reasons you haven't heard from us before, I am here at every meeting, including Planning Board; she had minutes of a joint Planning Board meeting where the Chairman said "two major voices are not here". Ms. Mullis said those two major voices have a lot of say from my experience of witnessing, and I knew we would not get anywhere. With their work on the Land Use Plan, and our representative (who we felt represented us better, she is a long-time resident and native) repeatedly told Planning Board and Council you need to have the land owners here, they should be contacted while you are doing this; prime example is the corners' zoning. Mayor Horvath corrected that is not the zoning, it is the potential land use. Ms. Mullis continued, we were here on the 26th and we didn't ask to have the meeting, you asked us, so we came and spoke, and each Council person had their comment and the last Council member said all she heard was a lot of dancing around, people having problem with the taxes, and she really didn't hear a whole lot, and needed to learn more. You all said you would discuss it further and that's another whole month and possibly another, and I told you we can't afford your timeline anymore. Senior housing has been on the list for three years. You are down to one meeting per month, and it could take six months. Ms. Mullis said you referenced working with Shea Homes, the homeowner was a widow and all that Shea Homes was being put through, every time we saw her she said she didn't know when they would ever close. She was depending on the land to live, and all the little things you do delayed her and affects real people.

Mayor Pro Tem Como asked why is today the first time you said anything at the podium negative regarding the process. Ms. Mullis stated I said negative things on January 26, when I told you we wanted senior housing, I don't have money to burn to get a permit for re-zoning. Mayor Pro Tem Como asked why she went to the State first and not to Council or Planning Board. Ms. Mullis said why should we when we have the atmosphere of some Planning Board members and some Council members that you can be humiliated to the point we now have a mediator who has been called in to help you work with yourselves; why should we be subjected to intimidation and humiliation. Mayor Pro Tem Como disagreed with that statement; that is the process and I am sorry you disagreed with the process and decided to ignore the town.

Sondra Bradford spoke: she lived here since 2004, was on Council four years, worked with Parks and Rec as a 501 (c) (3), and has seen a lot of history. When the property owners joined Wesley Chapel everyone voluntarily annexed, and chose R-40 zoning, just as Marvin and Weddington had established successful R-40 communities. There was a Master Plan process and all the citizens were solicited for feedback on conservation subdivisions and the idea of starter homes. A lot of long standing residents rejected the idea and said Wesley Chapel should be a place to aspire to live in. Senior housing won't be the answer to all these parcels. Many people here wanted a Town Hall as a first priority, and many of them are the ones who want to de-annex. The enormous workload that the park and town hall have entailed took time away from other projects that have suddenly become a very high priority. In government these things take time. Mr. Tucker, you heard willingness from the Council to come up with other solutions, are you willing to wait to file this bill until the next session; these issues need to be worked through. The property owners have rights, but those of us left behind have rights also. Filing this bill takes away any motivation to work this out, there is no reason to work with the town anymore. The County at large needs more commercial, but Wesley Chapel has a large amount of commercial approved that cannot be filled. What are the options that are left? Higher density housing is the obvious response. How can you guarantee us who are staying in Wesley Chapel, who also have property rights and are also taxpayers that the proper infrastructure will be in place? People have been impacted due by schools re-districting and their values decreased, and can't sell their homes. If you signed up for R-40 zoning, is it right to suddenly de-annex? If you are not happy with the zoning, that is what elections are for. Let this play out at the local level, and make it work. Wesley Chapel is not just about newcomers, or those who lived here all their lives.

Council Member Plyler asked Ms. Bradford, at the last meeting did you say I should resign because of my opinion. Ms. Bradford said what I said to Council Member Plyler is if she wishes to pursue de-annexation it would be very difficult to serve Wesley Chapel, because non-residents are not allowed to serve even on committees, because they are not taxpayers and should not have any say in how taxpayer funds are spent. She is in a similar position where she no longer wishes to pay taxpayer money and it is illogical that she should continue serving, however she has the legal right to do so. But what I also said is that I hope and pray that she will reconsider de-annexation and instead try to work with the town to resolve this and stay part of Wesley Chapel; it is not the easy thing to do, but it is the better thing to do. Council Member Plyler asked Ms. Bradford how she became a resident of Wesley Chapel; Ms. Bradford said I bought property here; Council Member Plyler asked if she was annexed in, and Ms. Bradford said no, Stonegate was annexed before she moved here, but she chose to be a resident of Wesley Chapel.

Mayor Pro Tem Como said he understood the timetable, but the bill sends the wrong message to the de-annexers, just wait for the clock to run out. We want to come to a solution on the other hand.

Mike Giaimo said he commended the open conversation, and urged everyone to use your 24 hours and prioritize the 24 hours, and come to the meeting once a month and speak at the podium; get involved.

Mayor Horvath thanked everyone who attended tonight.

2015.02.20 minutes

5. ADJOURNMENT

Mayor Pro Tem Como motioned to adjourn; Council Member Rosoff seconded the motion.

The motion passed unanimously.

The meeting ended at approximately 9:26 pm.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath