

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING
MINUTES
September 10, 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, Absent: Council Member 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, Donald Davis, Carol Mullis, Sherry Killion, Sondra Bradford, David Pope, Mark DiBiasio

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 13 became Item 13A. and Item 13B. was added to the agenda, "Consider Resolution to Lower Speed Limit at New Town Road School". Croffut made a motion to approve the agenda with this addition. Mullis seconded the motion.

The motion was approved unanimously.

3. PUBLIC HEARING ON CUP #07-02; SOUTHBROOK
COMMUNITY CHURCH ADDITION

Mayor Clinton asked the Council members if they had any conflicts of interest or special information on this CUP; they replied no. The Mayor opened the Public Hearing. The Mayor swore in Justin Krieg as a witness. Krieg said this CUP is for an addition to the Church including a youth overflow building and large sanctuary, and the plans comply with our ordinances. Our engineer required a detention overflow pond, and revised plans have been submitted, but she hasn't seen them yet. Krieg suggested approval of the CUP subject to her approval.

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

Sherry Killion spoke in favor of the privilege license ordinance. She did research on it, and found it to be common. She noted it provides information on who and what businesses are operating, and allows the town to obtain revenue to offset the wear and tear and costs, we have limited opportunities for revenue growth and most businesses include the cost in their cost of doing business.

Donald Davis commented on the traffic bottleneck and safety concerns at the new New Town Road School, since he lives next door and sees it firsthand.

Sondra Bradford commented on privilege licenses, it is easy to find the storefront businesses, in home businesses and service contractors that come in from elsewhere. She suggested we try to find a carrot or benefit to get outside contractors to come in and get their privilege license.

5. APPROVE MINUTES FOR:
Council Meeting August 7, 2007

Horvath made a motion to approve the August 7, 2007 council minutes; Mullis seconded the motion.

The motion was approved unanimously.

6. STAFF REPORTS

- a. Review and approve the Village Financial Reports dated August 31, 2007, submitted by Cheryl Bennett, Finance Officer. (*See Attachment A*)

Bennett noted the August financial statements show August revenues of \$7215 and expenditures of \$21915.

- b. Tax Report dated August 31, 2007 prepared by Nancy Schneeberger

The tax report shows \$1241.58 still due on 2006 tax, and she is sending out delinquent tax letters.

- c. Monthly Planning Report, submitted by Justin Krieg, Planning and Zoning Administrator.

Krieg said the survey results will be presented at the September 27 Master Plan Committee meeting. At Village Commons, final Target plans should be submitted within the next couple weeks; at the JDH shopping center final site plans were approved for the medical office building. The Planning Board continues to work on substation requirements. Centralina is providing a Planning Board 101 training class, first session is September 26 in Waxhaw, one more session will be held in October; total cost is \$400 irrespective of how many people attend. DOT is trying to coordinate road improvements at Wesley Chase with the shopping center improvements to avoid closing the road twice. Krieg reported our engineer had suggested contacting DENR to conduct an inspection at both shopping centers regarding erosion control. The shopping center asked if Bonnie could come out, but as she is not the regulating entity, and doesn't want

any liability for herself or the Village, she doesn't wish to do so. Krieg will call DENR tomorrow. Council suggested Bonnie might want to review this on a regular schedule, and it does get billed out to developers.

7. APPROVE CERTIFICATES OF SUFFICIENCY FROM CLERK REGARDING PROPOSED ANNEXATION PETITIONS

Bennett noted that she had investigated the petitions of annexation and had a certificate for 21 contiguous parcels in Wesley Oaks and one parcel in Silver Creek. She also had a certificate for 15 satellite parcels in Wesley Oaks. Horvath made a motion to accept the two Certificates of Sufficiency; Croffut seconded the motion.

The motion was approved unanimously.

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 10th day of September, 2007.

SEAL

Cheryl Bennett, - Village Clerk

Attached: Petitions for Silver Creek Lot 44, 06051145;
And Wesley Oaks:

06048227	Lot 238	Robinson	6220	Adelaide Place
06048260	220	Damiano	6221	Adelaide Place
06048183	273	Gebhardt	6515	Blackwood Lane
06048203	293	Wayes/Illies	6604	Blackwood Lane
06048206	296	Butrymowicz	6610	Blackwood Lane
06048214	304	Zimak	6714	Blackwood Lane
06048168	307	Dickerson	6715	Blackwood Lane
06048154	256	Monkiewicz	6306	Crosshall Place
06048139	244	Fusco	6319	Crosshall Place
06048164	315	Thomas	6402	Crosshall Place
06048134	320	Cunningham	6407	Crosshall Place
06048248	209	Smith	705	Palmerston Lane
06048249	208	Wiley	707	Palmerston Lane

Council minutes 09.10.07

Approved 10.08.07

06048544	21	Morsch	6708	Renshaw Court
06048132	324	Graham	404	Springwood Dr.
06048143	241	Michailidis	409	Springwood Dr.
06048219	334	Brosius	508	Springwood Dr.
06048558	35	Race	904	Springwood Dr.
06048586	49	Muglia	6616	Walton Hall Court
06048590	53	Letizia	6617	Walton Hall Court
06048589	52	McGarvie	6619	Walton Hall Court

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 10th day of September, 2007.

SEAL

Cheryl Bennett, - Village Clerk

Attached: Petitions for Wesley Oaks:

06048504	89	Tkachuk	606	Cavendish Lane
06048506	91	Mancato	610	Cavendish Lane
06048524	109	Mattera	717	Cavendish Lane
06048517	102	Wallace	718	Cavendish Lane
06048471	171	McKiney	305	Palmerston Lane
06048462	180	Marchesani	400	Palmerston Lane
06048441	159	Brown	417	Palmerston Lane
06048445	155	Todisco	507	Palmerston Lane
06048307	196	Darnell	508	Palmerston Lane
06048446	154	Shanahan	509	Palmerston Lane
06048277	120	Dailly	408	Ranelagh Dr.
06048303	146	Seery	409	Ranelagh Dr.
06048291	134	Lyon	435	Ranelagh Dr.
06048534	11	Sprouse	700	Springwood Dr.
06048577	69	Bellomo	709	Springwood Dr.

8. CONSIDER RESOLUTION 2007-20 FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31, and RESOLUTION 2007-21, FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-58.2

Croffut made a motion to approve Resolution 2007-20 fixing the date of the public hearing on question of annexation pursuant to G.S. 160A-31 for October 8, 2007 at 7 pm at Wesley Chapel United Methodist Church. Horvath seconded the motion.

The motion was approved unanimously.

Resolution 2007-20

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 October 8, 2007.

Section 2. The area proposed for annexation is described as follows:
Silver Creek, Lot 44, 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

Council minutes 09.10.07

Approved 10.08.07

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.
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. 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

Mullis made a motion to approve Resolution 2007-21 fixing the date of the public hearing on question of annexation pursuant to G.S. 160A-58.2 for October 8, 2007 at 7 pm at Wesley Chapel United Methodist Church. Horvath seconded the motion.

The motion was approved unanimously.

Resolution 2007-21

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

Council minutes 09.10.07

Approved 10.08.07

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 October 8, 2007

Section 2. The area proposed for annexation is described as follows:
Wesley Oaks:

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. 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

9. PRIVILEGE LICENSE DISCUSSION

Horvath said he feels privilege licenses are warranted as a cost of doing business. Mullis said we need to keep the ordinance, and maybe fine tune it, perhaps at a work session. Croffut said it is good to have the ordinance, however it does seem to penalize some for being honest, and it might be good to consider it at a work session. Mayor Clinton said she is in favor of it, it provides information on what businesses are here, and the fees are not exorbitant. She hoped we could encourage compliance with a “carrot” and putting it in the newsletter or on the website.

Bennett noted that according to the ordinance the penalty is increasing by 5% each month, since July 1. Bennett reported she spoke with Shea Dunning at the School of Government about privilege licenses. Ms. Dunning said you cannot selectively enforce privilege licenses to only storefronts, it would violate the equal protection clause; you would need a rational basis to do so. Dunning also said that privilege licenses are a revenue raising measure, and cannot be used to regulate businesses; if you are regulating you can only charge the cost of doing so, she did not have a percentage of municipalities who use privilege licenses, but said it was quite common. Dunning also said the statutes say you shall assess a penalty, and the ordinance should follow this. Since our ordinance does have a penalty, we should be consistent in following it. Sistrunk was asked for guidance on whether we could forgive the penalty for those who were not aware of the ordinance and were trying to get one. There is an upcoming privilege license conference in Greensboro, but we will have to check the agenda to see if it would be worthwhile.

Since we have an ordinance in place at this time, we will have to follow it for now. Horvath made a motion to form a committee of Horvath, Bennett and Schneeberger to review the ordinance and report back to the October work session. Mullis seconded the motion.

The motion was approved unanimously.

10. CONSIDER APPROVAL OF SERVICE AGREEMENT WITH
CENTRALINA COUNCIL OF GOVERNMENTS FOR \$607 INCLUDING
7.5 MEMBER HOURS

Mayor Clinton said we have this agreement to provide some mentoring assistance for Krieg. Horvath made a motion to approve the service agreement with Centralina Council of Governments for \$607 including 7.5 member hours. Croffut seconded the motion.

The motion was approved unanimously.

11. VOTE ON CUP #07-02; SOUTHBROOK COMMUNITY CHURCH ADDITION

Mayor Clinton said Pierce had asked if there was a fire department connection in the auxiliary building; Jamie Carpenter, their engineer said there was one. Mayor Clinton swore in Jamie Carpenter. Horvath asked regarding the sewer system; Carpenter said they would abandon the existing field, from the small building they pump to the holding tank to the existing field. They are proposing to pump it across the creek to the new field, a below ground large field. With the church use they have a holding tank and can discharge over time. The council went through the Findings of Fact for CUP #07-02. The votes are recorded as follows.

FINDINGS OF FACT

	<u>YES</u>	<u>NO</u>
1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan.	<u>3</u>	<u>0</u>
2. The use meets all required conditions and specification.	<u>3</u>	<u>0</u>
3. The use will not substantially injure the value of adjoining or abutting property or the use is a public necessity.	<u>3</u>	<u>0</u>
4. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with this Ordinance and the Wesley Chapel Land Development Plan.	<u>3</u>	<u>0</u>
5. That the use meets all other review criteria as set forth in the Zoning Ordinance and in particular, specific review criteria for certain applicable uses as set forth in Section 6.10 of the Zoning Ordinance.	<u>3</u>	<u>0</u>
6. Any deviation from the terms of this Ordinance will Result in a project that is at least equal to or better than What would be accomplished under the strict application of this ordinance.	<u>3</u>	<u>0</u>
7. Any deviation from the terms of this Ordinance will not adversely affect the right of other abutting or nearby		

- property owners in any material manner. 3 0
- 8. That the proposed use will be compatible with the general characteristics of the area with respect to the (a) location of structures, (b) the location, design, and screening of parking and service areas, and © the location, size and character of signs and streetscape. 3 0
- 9. That the proposed use will not create or seriously heighten the congestion on area thoroughfares. 3 0

The following condition was placed on the CUP: Approval pending that engineer comments on stormwater are properly addressed.

Croffut made a motion to approve CUP #07-02, Southbrook Community Church Addition, with the above condition. Mullis seconded the motion.

The motion was approved unanimously.

12. DISCUSS MEMORANDUM OF UNDERSTANDING BETWEEN UNION COUNTY PUBLIC SCHOOLS AND VILLAGE OF WESLEY CHAPEL

13. Croffut reported the schools would like standards of requirements so that each of the 14 municipalities don't have different standards when they go to build a school. This may call for some compromise on both their and our sides. The timeline on the MOU is ambitious, but David Pope from the schools said the timeline is flexible. Mullis made a motion to approve the Memorandum of Understanding between Union County public schools and Village of Wesley Chapel. Horvath seconded the motion.

The motion was approved unanimously.

13A. DISCUSS MONROE BYPASS

Mullis said at the next MUMPO meeting there would be a vote on this item. The Turnpike Authority will determine the tolls. Horvath asked if something ties these tolls to this project; in NY they took tolls and used them for other roads. Is there a life to the toll – not usually. The parallel access road is Hwy. 74. Croffut made a motion that the council support building this as a toll road. Mullis seconded the motion. Discussion ensued; Mullis said if we vote nay, we will be voted down. Croffut said it is important we get it built. Krieg said they can toll the whole road, a portion of it, or not at all. Mullis said we need a resolution to tell Raleigh to leave the road money alone.

Mullis and Croffut voted yea. Horvath voted nay.

The motion passed 2-1.

13B. CONSIDER RESOLUTION TO LOWER SPEED LIMIT AT
NEW TOWN ROAD SCHOOL

Mayor Clinton said she has had many phone calls with Larry Helms and Scott Cole; signs should be going up, they will have a safety officer there in the morning and afternoon. Helms promised a traffic signal would be there within a few weeks. Mullis asked if they would have a turn lane. Council consensus was to have staff draft a resolution for the work session meeting, and request the speed limit be dropped to 35 miles per hour near the school.

14. ANNOUNCEMENTS

Bennett noted the annexation was approved, and they wanted us to publicize that those annexed will be able to vote. Sistrunk said technically the Dept. of Justice could come back and change their mind, but at this point the residents can register to vote. Bennett also said Indian Trail enacted a false alarm ordinance and asked we inform citizens it does not apply to everyone in the 28079 zip code, only to Indian Trail citizens. Mayor Clinton noted Hampton Meadows continues to work on the roads; quite a bit needs to be done to bring it up to DOT standards. Krieg said there is a non-conforming business that has paid about one third of its fines; they were held up in building their new location in Indian Trail, and asked for a reduction of the fines. He checked with other planners, and most just want the situation corrected, if you collect a fine, that is a bonus. He asked if he could make an administrative decision. Sistrunk said after the earlier discussion he is not sure. Mullis made a motion to have a report on violations, and let Justin make the administrative decision on violations. The motion died for lack of a second. Horvath made a motion to have a report on violations and let Krieg make the administrative decision on violations, but administrative costs should be covered. Mullis seconded the motion.

The motion was passed unanimously.

15. OTHER BUSINESS

Krieg said he has a subdivision with a bond to be reduced for the work session meeting agenda.

16. COUNCIL COMMENTS

Mayor Clinton spoke with Mr. Minus at the high school teacher; he expressed interest in having a candidate forum. Last week at UNCC they met with the class doing the master plan, and they had lots of ideas and energy. They will meet here on September 27.

17. ADJOURNMENT

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

The motion was approved unanimously.

The meeting was adjourned at 8:42 pm.

Council minutes 09.10.07

Approved 10.08.07

Respectfully submitted,

Cheryl Bennett, Interim Clerk

Mayor Tracey Clinton