

VILLAGE OF WESLEY CHAPEL  
COUNCIL WORK SESSION MEETING  
MINUTES  
September 18, 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, Pierce

Others Present:

Village Clerk/Finance Officer: Cheryl Bennett

Planning/Zoning Administrator: Justin Krieg

Tax Collector: Nancy Schneeberger

Concerned citizens: Robert & Rosena Bull, Myka Brooks, Stephen Keeney, Dixie Anders, Donna Pascuto, Frank Pascuto, Katie Franks, Carol Mullis, Ray Davis, Shirley Wilson, Scott Cole, Sondra Bradford, Randy Gobey, Michael Nguyen, Tina Tino, Rose Jugenheimer, Cindy Eaton, Ryan Clinton

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 5 was moved to Item 3A; Item 3 became Item 3B; Item 4 became Item 4A; Item 4B, "Consider Resolution 2007-23, RESOLUTION REQUESTING THE SPEED LIMIT ON WAXHAW-INDIAN TRAIL ROAD BE REDUCED FROM 45 MPH TO 35 MPH ONE-HALF MILE TO THE SOUTH BEGINNING AT THE INTERSECTION OF NEWTOWN ROAD AND WAXHAW-INDIAN TRAIL ROAD IN THE VILLAGE OF WESLEY CHAPEL" was added; Item 9 became Item 9A; and Item 9B, "Consider Master Plan Funding Request" was added. Mullis made a motion to approve the agenda with these changes; Pierce seconded the motion.

The motion was approved unanimously.

3A. DISCUSSION ON ROAD ISSUES, POTENTIAL SPEAKERS

Bob Bull – Lindenwood, Scott Cole – NCDOT

- Right of Way Acquisition
- JDH Road Widening along Waxhaw-Indian Trail

- Need for speed limit reduction at Waxhaw-Indian Trail & Hwy. 84
- Discuss Hampton Meadows Subdivision

Scott Cole from NC DOT noted that developers must mitigate the traffic to and from their site. JDH did a traffic study, and showed turn lanes on Hwy 84 and Waxhaw-Indian Trail Road were necessary. This rolls into their driveway permit plans, and they have started constructing. Cole explained there are two types of right of way, recorded right of way, such as is recorded on Lindenwood subdivision. There is probably 60 feet of right of way on Waxhaw-Indian Trail Road, Cole said, although he did not pull the records to check. The other type of right of way is prescribed; typically on old roads, where there is nothing recorded. There is no recorded right of way outside Lindenwood on Waxhaw-Indian Trail Road. It may exist on deeds. He called the engineer for JDH, they said they were negotiating with the church on right of way.

Bob Bull asked which developer are we talking about; Cole said JDH. Bull said there are two deceleration lanes on the west side of 84, JDH programmed in two lanes on their side, why require 10-12 feet on Lindenwood?; the previous Council required it all be on the JDH side. Cole said he has no correspondence that says it must all be on one side; DOT does not require it be on one side or the other, the road just has to line up at the intersection. The CUP is filed at the Register of Deeds. Bob Bull said originally the two lanes were on the west side; he spoke to Mark Ball at JDH and he agreed. Bob Bull felt there was no sense in moving the road 12 feet closer to the development for safety and noise reasons. He also said at the meeting when the shopping center was approved they said there would be no substantial traffic increase. Bob Bull said there is a lot of construction traffic on Waxhaw-Indian Trail road, and Planning and Zoning originally approved two deceleration lanes on the JDH side. Cole showed the 4 lanes cross section, it shows 12 feet on the Lindenwood side, and 24 feet on the JDH side. Cole said if there was a requirement that it all be on one side, he wasn't aware of it. Mayor Clinton noted if our guidelines were broken, it is up to us to follow up. Krieg will check tomorrow on our site plan and CUP to see what the conditions were.

Stakes are up by Wesley Chase; they had limited frontage and did not meet site distance requirements. Cole said they must cut the hill down a couple feet, and will have to shut down the road. They have a \$10,000 bond, and will lose \$1,000 per day if they run over seven days. Construction will start Monday the 24<sup>th</sup>, and run to the end of the day Sunday.

It was noted that the construction trucks are constantly using the dirt entrance across from Lindenwood; and they said that would be constructed last and not used in construction. Mullis asked for Krieg to check compliance with the conditions.

Cole said they will install a traffic signal at New Town Road and Waxhaw-Indian Trail Road. There is limited sight distance there. There will probably be turn lanes added. At present, he said they do not recommend lowering the speed limit

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on New Town Road. Cole was asked what they look at in making speed limit decisions: he said the characteristics of the road, characteristics of surrounding land – people drive what they are comfortable driving, and will it be enforceable. Pierce asked with the new schools coming on Cuthbertson, how far in the future do you look? Cole said they look at existing conditions. On Waxhaw-Indian Trail road with the new school, they will look at the speed limit closely.

Cole said they will probably eventually lower the speed limit at 84 and Waxhaw-Indian Trail Road. There is more info at the NCDOT.org website on the warrants that must be met to install traffic signals.

Bob Bull asked about right of way cut ins and taking fences and plants. Cole said technically those items were on the right of ways illegally; but in good faith the developer should work to restore it. Cole said trees should not be right on the curb, they should be ten to twelve feet off it. He said the stakes are typically offset from where the road will be, there are markings on the stakes to indicate the feet offset. Krieg will call JDH on behalf of the homeowners. The engineer is Site Solutions, 704-521-9880; David Rector is the JDH engineer.

Pierce asked regarding the roads at Cuthbertson Road. Cole said turn lanes will be along the entire school frontage; they will also strengthen and widen along the road where it is not already done. Aston and Cureton will be realigning where it comes to Hwy. 16. The sewer issue has gotten in the way for the developers. There is no planned realignment of where Cuthbertson meets New Town Road, but it will need to be done (the town can write a letter); they will widen it two feet on each side from 18 feet to 22 feet.

At Hampton Meadows the geopavement engineer ran tests, and found it to be deficient; overlaying it with two inches of asphalt would be adequate for 78%. The next step is to meet with the developers. Years ago no maintenance bond was required. The developer seems willing to help, but the cost is about \$100,000 per mile. Hampton Meadows citizens complained about extremely bad potholes. Mayor Clinton said the next step would be for a council member, Krieg, Cole and Mary Oaks to meet and try to get her to fix the road. Donna Pascuto has been representing Hampton Meadows and is willing to continue to help.

Hampton Meadow residents also complained about a group halfway home on Hampton Meadows Road. They were asked to let us know the address.

A resident from Lindenwood complained about drainage issues from Aston; Krieg said DENR was contacted, there was a breach of a fence but Aston didn't feel it contributed to the flooding problem. There is water drainage in several directions toward the house in question. Krieg said he will get DENR out.

3B. DISCUSSION WITH PLANNING BOARD: Review priorities from Yearly Advance, discuss possible formation of joint committees to progress

important topics, discuss potential conflict of interest for people serving on both Planning Board and Board of Adjustment

Mayor Clinton discussed the priority list from the 2007 Advance; and suggested possibly a joint committee would help to advance work on these issues. Some items will wait on the master plan. Regarding liquor by the drink, Krieg read a quote from a David Owens book, that ABC ultimately controls many items there. Horvath noted ABC tracks the percentage of revenues from food vs. liquor. Regarding adult establishments we only have 1 or 2 industrial lots where it is an allowable use. Pierce noted the permitting process comes before the ABC process. Krieg said any business over 2,000 square feet must have a CUP. Developers can require a higher percentage of food use vs. liquor, such as Aston has done; we can lobby JDH to do this also. Council concurred a potential conflict of interest exists for members serving on the Planning Board and Board of Adjustment.

4A. APPROVE RESOLUTION 2007-22 REQUESTING THE SPEED LIMIT ON WAXHAW-INDIAN TRAIL ROAD AND NEW TOWN ROAD BE REDUCED FROM 45 MPH TO 35 MPH ONE-HALF MILE IN ALL DIRECTIONS FROM THEIR INTERSECTION IN THE VILLAGE OF WESLEY CHAPEL

Pierce made a motion to approve Resolution 2007-22, REQUESTING THE SPEED LIMIT ON WAXHAW-INDIAN TRAIL ROAD AND NEW TOWN ROAD BE REDUCED FROM 45 MPH TO 35 MPH ONE-HALF MILE IN ALL DIRECTIONS FROM THEIR INTERSECTION IN THE VILLAGE OF WESLEY CHAPEL. Mullis seconded the motion. Croffut noted he disagree with Cole's assessment; he feels there is a need to reduce the speed limit both ways; Horvath agreed.

The motion was approved unanimously.

**Resolution # 2007-22  
Village of Wesley Chapel**

**RESOLUTION REQUESTING THE SPEED LIMIT ON WAXHAW-INDIAN TRAIL ROAD AND NEW TOWN ROAD BE REDUCED FROM 45 MPH TO 35 MPH ONE-HALF MILE IN ALL DIRECTIONS FROM THEIR INTERSECTION IN THE VILLAGE OF WESLEY CHAPEL**

**WHEREAS**, the Village Council members of Wesley Chapel are concerned for the safety, health and welfare of the citizens of the Village of Wesley Chapel as well as for those who visit our Village; and

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**WHEREAS**, the Village Council members recognize that there is a great increase in the amount of traffic at the aforementioned intersection, due to the construction of New Town Road Elementary School.

**NOW THEREFORE BE IT RESOLVED**, that the Village Council of the Village of Wesley Chapel requests that the North Carolina Department of Transportation assist the Village Council and residents and others traveling these streets by reducing the speed limit 10 mph to 35 mph beginning one-half mile in all directions from the intersection of New Town Road and Waxhaw-Indian Trail Road.

This the 18<sup>th</sup> day of September, 2007.

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Tracey L. Clinton, Mayor

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Cheryl Bennett, Village Clerk

4B. Consider Resolution 2007-23, RESOLUTION REQUESTING THE SPEED LIMIT ON WAXHAW-INDIAN TRAIL ROAD BE REDUCED FROM 45 MPH TO 35 MPH ONE-HALF MILE TO THE SOUTH BEGINNING AT THE INTERSECTION OF NEWTOWN ROAD AND WAXHAW-INDIAN TRAIL ROAD IN THE VILLAGE OF WESLEY CHAPEL

Since Resolution 2007-22 was passed, Resolution 2007-23 was tabled.

5. (No Item)

6. DISCUSS STAFF ATTENDANCE AT PRIVILEGE LICENSE CONFERENCE

Staff felt that attendance at the conference was not necessary; a visit to other towns may be taken to ask questions.

7. DISCUSS ADOPTION OF UNION COUNTY NOISE ORDINANCE

Sheriff Cathey told the Mayor he can not enforce the noise (nuisance) ordinance in Wesley Chapel because we haven't adopted it. Croffut made a motion that we draft an ordinance for the next meeting; the motion was seconded by Pierce.

The motion was approved unanimously.

Staff was also directed to see whatever other ordinances are out there that we might want to adopt.

8. FALL LITTER PICKUP SEPTEMBER 29, 2007

Mayor Clinton said Nancy Pulsini is organizing a trash pick up on Saturday September 29, 2007. If small groups would like to get together and participate, she will have supplies.

9A. DISCUSS 10 YEAR ANNIVERSARY CELEBRATION FOR WESLEY CHAPEL

Mayor Clinton asked Carol Mullis about planning for the celebration. Carol Mullis said the main thing is the location; she hasn't received any e-mails, but has people interested in helping. Mayor Clinton asked if we hold the celebration at the school, and perhaps we should decide what we want to do – parade, fair, or whatever. Pierce suggested contacting Karen Partee at Aston. Carol Mullis said we might have a better idea by the first of the year.

9B. CONSIDER MASTER PLAN FUNDING REQUEST

On October 25, 2007 the community visual survey meeting will be held, and the Committee has requested \$250 for additional signs and ads. Horvath made a motion to approve \$250 for Master Plan signs and ads; Pierce seconded the motion.

The motion was approved unanimously.

10. ADJOURNMENT

Horvath noted the New Town Road school dedication is this Sunday at 2:30 pm. Pierce made a motion to adjourn; Horvath seconded the motion.

The motion was approved unanimously.

The meeting was adjourned at 8:45 pm.

Respectfully submitted,

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Cheryl Bennett, Clerk

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Mayor Tracey Clinton