

VILLAGE OF WESLEY CHAPEL
COUNCIL Work Session MEETING
MINUTES

March 18, 2008 – 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 Bradford, Horvath, Pierce

Others Present:

Village Clerk/Finance Officer: Cheryl Bennett

Planning/Zoning Administrator: Justin Krieg

Concerned citizens: Carol Mullis, Ray Davis, Doug Horne, Chuck & Gayla Adams, Carnetta Rohland, Danny Boatright, Chuck Rohland, Robert Nichols, Mark DiBiasio, Neil Speer, J. Kuhl, Robert Pendleton, D. Kale, Jeri Butin, Matthew Delk, Julie Brown

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

Bradford made a motion to approve the agenda with the following changes: add Item 7. Approval of Newsletter Draft & Printing; Item 8. Discuss CMC Healthplex; Item 9. Ground Rules for Public Hearing April 1, 2008; Item 10. Agenda for Advance, and move previous items 7 – 10 to Items 11-14. Horvath seconded the motion.

The motion passed unanimously.

2. BAKERS FIRE DEPARTMENT PRESENTATION BY PARKER MILLS;
CONSIDER VILLAGE OF WESLEY CHAPEL RESOLUTION 2008-06
CONSENTING TO INCLUSION IN THE BAKERS FIRE AND RESCUE
SERVICE DISTRICT

Parker Mills reported there are two methods of fire funding – through Chapter 69 which is more rigid; this is what Hemby Bridge and Stallings use. The other method is Chapter 153-A, which Waxhaw, Mineral Springs and Wesley Chapel use, and it is easier to change the lines through this method. The cap on fire fees is \$50. Ten of the 18 fire districts are at \$50; five are on a fire tax, and 3 are on Ch. 153-A. Bakers would like to add daytime staffing. The towns involved are Wesley Chapel, Indian Trail, and Unionville. Because the fee is the same on a mobile home, a \$100,000 home, or a million dollar home, he feels the tax is more equitable. He explained the County gives a \$21,600 subsidy to Bakers. The current Bakers fee is \$36.96. The goal is to have each fire department autonomous, provide better fire protection and have flexibility to hire

daytime and weekend people. He asked Wesley Chapel to pass a Resolution supporting Baker's change. Horvath asked how the rate is established. It is based on ad valorem tax rate; Bakers assessed value is \$904 million. If a County wide fire tax were established, it would take away the autonomy and responsiveness of the local fire departments. In the 1990's they had fundraisers, which allowed them to focus on training and response rates. The legislators raised the maximum fee to \$100, but it is still not enough. Horvath asked about the rates. Speer noted the rates are set by elected officials, Mills thought the rate capped at 15 cents on Chapter 69; and there is no cap on Chapter 153A-302. It was noted that each time a new district is created, the Village of Wesley Chapel sales tax revenue will decrease. Mayor Clinton asked how they justify a higher rate in one end of the County. Mills said it is equitable because it is based on value. In Mineral Springs only 30% were paying, the fire fees corrected that. He noted volunteers do a great job, and we get a huge value; he said he would shudder to think what it would cost in a countywide tax; that would be the end of volunteer fire departments. It was noted that currently the fire station is out of the district due to annexations. They plan a new one on Old Charlotte Highway, across from the water tower. The current year budget would bring a 3.4 cent rate; that doesn't include paid staff. They have a lot they have saved for the building and land, and expect the next year rate to be 3 to 4 cents. Mayor Clinton asked about redrawing lines. Mills said they have done a little bit, they can look at that, but for the most part the lines are set. They do help each other through mutual aid.

An e-mail was received from Indian Trail suggesting they have a joint meeting with Wesley Chapel, which Mayor Clinton was in favor of. Mills said they can do whatever needs to be done to implement it by June 30; otherwise they have to wait a full year. A big portion of the Bakers district is in Indian Trail; four fire departments cover them, and 3 are already on tax.

Bradford asked how many dwellings in Wesley Chapel are affected; it covers Hampton Meadows and Gold Mine Acres. Pierce asked what their budget is this year: it is \$305,000 which equates to a 3.4 cent tax; with revaluation this rate will drop. The proposed budget includes staff for two daytime positions starting July 1, and the budget totals \$334,861. Bradford said she liked the idea of a joint meeting if it can be done timely. Horvath said the funding method occurs already in Wesley Chapel, and questioned if it is fair and equitable.

Horvath made a motion to approve Resolution 2008-06 Consenting to Inclusion in the Bakers Fire and Rescue Service District, incorporated herein. Pierce seconded the motion.

The motion passed 3-1, with Bradford voting nay.

VILLAGE OF WESLEY CHAPEL
RESOLUTION 2008-06 CONSENTING TO INCLUSION IN THE
BAKERS FIRE AND RESCUE SERVICE DISTRICT

WHEREAS, all or part of the Village of Wesley Chapel currently lies within the Bakers Volunteer Fire Department Fee District (the "Fee-Supported Fire District"); and

WHEREAS, the provision of fire protection and rescue service (“Fire Services”) within the Fee-Supported Fire District is currently funded by a Fire Fee, with a maximum allowable rate of \$50; and

WHEREAS, pursuant to The County Service District Act of 1973, G.S. ' ' 153A-301 through 153A-310, (the “Act”), the Union County Board of Commissioners (the “Union County Board”) may define one or more county service districts within which the County may assess taxes to pay for the provision of Fire Services within the district(s); and

WHEREAS, the Union County Board is considering abolishing the Fee-Supported Fire District and the corresponding Fire Fee, and establishing a new tax-based Bakers Fire and Rescue Service District (the “Service District”) to provide Fire Services within the same geographic area currently served by the Fee-Supported Fire District, as shown on Exhibit A, attached and incorporated by reference herein; and

WHEREAS, in accordance with the Act, tax revenues collected to support the proposed Service District may be used only to provide Fire Services within that Service District and may not be reallocated to any other County fund or program; and

WHEREAS, a resolution of the governing body of the Village of Wesley Chapel consenting to inclusion in the proposed Service District is required by the Act if such territory is to be included therein.

NOW, THEREFORE, BE IT RESOLVED that the Village of Wesley Chapel supports Union County’s desire to abolish the existing Fee-Supported Fire District and establish a new Bakers Fire and Rescue Service District; and

BE IT FURTHER RESOLVED that the Village of Wesley Chapel consents to inclusion within the Bakers Fire and Rescue Service District of (i) that territory lying within the municipal limits of Wesley Chapel and currently included within the Fee-Supported Fire District, as indicated in Exhibit A, and (ii) such additional territory currently included within the Fee-Supported Fire District, as indicated on Exhibit A, as may hereafter be annexed by Wesley Chapel.

This resolution is adopted this the 18 day of March, 2008.

Mayor Tracey Clinton

ATTEST:

Cheryl Bennett, Clerk

4. GENERAL DISCUSSION WITH PARKER MILLS AND NEIL SPEER ON VOLUNTEER FIRE DEPARTMENTS

Parker Mills said he was appointed Fire Commissioner by the Board of County Commissioners, and will step down after the funding issues are done. Neil Speer will take his place. Parker Mills said he has two votes as a Fire Commissioner and as a Board of County Commissioner. He is working on adding ambulance in the County, he doesn't know where yet. Mineral Springs Fire Department is looking to expand. He spoke to four of the County Commissioners and they are supportive of fire districts; there is an upcoming meeting at the Ag Center.

Mayor Clinton noted the fire districts get a lot of tax dollars; and asked how the county holds them accountable. Mills said each district stands alone; they meet training and state standards. Speer said the contract says they must meet the 9S standard, which deals with the level of equipment, training, and that they respond with a certain amount of people and equipment. Mayor Clinton asked if the 9S standard is enough for the density we are now experiencing in western Union County? Speer said when commercial and industrial development occurs there is usually a higher standard, and lower ISO ratings below a rating of 6. The businesses get insurance benefits, and residential doesn't get those discounts. Pierce asked about the study that was planned last year. Mills said the study was rescinded by the former Board of County Commissioners on recommendations of staff. The fire departments were opposed to the study. He said he is trying to get the fire departments to come up with ideas, instead of coming from the top down. It was noted all of the fire meetings are advertised and open to the public; citizens are welcome to sit in especially at budget time. The Assistant Chief at Wesley Chapel Fire Department said we are a straight ISO 6 now, but trying to bring it down further. Croffut asked what the Wesley Chapel fire tax is currently: it is 1.67 cents with a budget of \$1,001,631. Butch Plyler said next year they are putting on paid staff and purchasing a new truck.

Mayor Clinton asked if there were any other things they look at on a yearly basis, and if there is an audit? Speer said do, the departments do audits themselves, but it is not turned in to the Fire Commissioner. Mayor Clinton asked about new pieces of equipment. Speer said because the Board of Directors manages the fire department he doesn't have any responsibility, they can't say you can't buy this piece of equipment. The Board of Directors are elected, per by-laws.

Mayor Clinton noted they are receiving a substantial amount of tax dollars. Mills said it comes back to the Board of County Commissioners and budget approvals. Last year the contract said don't build until you have enough money to do so, and several things were cut out of several department budgets. Mayor Clinton asked what approval is needed to borrow. Speer said only when they apply for low interest, they need non-profit status. The Board of Directors is personally responsible if they default on commercial loans. Bradford asked if the same level of scrutiny is used for fee based and taxing districts. Mills said yes. He noted volunteers have really pulled thru in disaster events in the past. Mayor Clinton

said we are very appreciative of volunteer work, and want to be sure the taxpayers get the value for their tax dollars.

Speer said the general statutes outline what would happen if a fire department goes out of business. Mayor Clinton asked with the master plan wrapping up, are there any fire protection ordinances they suggest. Speer said they need 20 feet public access to commercial, and suggested we work with our fire department. Mills said large commercial buildings and schools need repeaters. He thanked the Council for their time.

5. PRESENTATION BY MATTHEW DELK, ASSISTANT UNION COUNTY MANAGER ON COUNTY MOTION AND RESOLUTIONS AND REQUEST FOR SUPPORTING RESOLUTIONS:

A. MOTION TO CONDUCT A COMPREHENSIVE ANALYSIS OF OUR COUNTY WATER SYSTEM INCLUDING WATER SUPPLY PLAN

Matthew Delk said he mailed these Resolutions to us recently; the one regarding the county water system is informational regarding their study to assess commitments. The other two invite supporting Resolutions directed towards the General Assembly.

B. RESOLUTION REQUESTING AUTHORIZATION FOR COUNTIES TO REGULATE THE USE OF GROUNDWATER DURING TIMES OF DROUGHT

Matthew Delk said they can regulate the usage of County delivered water, but can not regulate use of groundwater. Many homes rely on shallow 100-150 foot wells; whereas current wells go as deep as 450 feet. We don't know whether the groundwater is directly related to drought, but confusion and anger results when some water yards and others can not. There are parameters around wells, but not as far as use. In July 2007 they started asking the purpose of new wells, out of 540 permits, 223 were for irrigation, and 196 for drinking water. Horvath asked about the wording – regulate to what extent? Delk said the County doesn't have the scientific expertise, the state does, and they may advise regarding the extent. Pierce asked regarding athletic fields, would it be a safety issue? Delk said this is a policy question for the Board of County Commissioners. The NC Association of County Commissioners have paid lobbyists, and it may become part of the State agenda. Krieg suggested they get as much scientific expertise as possible. Bradford said it is difficult to tell who impacts who. Delk said it is accepted that groundwater is lower in time of drought, but not certain as to the degree. The number of replacement wells show some are running dry. Mayor Clinton said it is already in a state committee level, maybe we should wait for a bill and then support it or not. Delk said Marvin felt strongly and passed supporting Resolutions, so the County asked for more support. Horvath felt the resolution was too loose in so far as what "regulate" means. Pierce said she would like to see more expertise.

Croffut made a motion to support the North Carolina Association of County Commissioners Environmental sub-committee study on groundwater. Pierce seconded the motion.

The motion passed unanimously.

Delk said he would get us a copy of their recommendations when it is available.

C. RESOLUTION REQUESTING STATE LEGISLATIVE AND ADMINISTRATIVE ACTION TO FACILITATE AND ENCOURAGE THE USE OF RECLAIMED WATER SYSTEMS IN ORDER TO ALLEVIATE THE STRAIN ON POTABLE WATER SUPPLIES

Delk said the city of Monroe is considering selling reclaimed water (gray water is untreated; reclaimed water is treated but not returned to the stream). The State never anticipated selling water that is non-potable. In Cary a purple pipe concept is used; a separate utility line to buy water at discounted prices for uses like irrigation is used. It is sold in bulk at about half price. They don't have explicit authority sell reclaimed water, but can sell it in bulk. Mayor Clinton asked if it results in less water returning to the river. Delk said he feels it is negligible, he is not a scientist but the environmental impact – the quality of the water is declining, and reducing the amount of reclaimed water returning to the stream may help that. Bradford how is it better: Delk said things like Ph and dissolved oxygen count don't get changed, by segregating it you have more potable water for potable needs. He talked to a national developer, and they felt it is a good idea. Pierce asked about water quality and runoff. Delk said you would have to set a limit on the parameters; there is a wider variation on what gets dumped in there now. Bradford asked regarding irrigation uses, if it was for lawns only? Delk said it would probably not be used for other crops. Bradford made a motion to do research on this topic and table it for now. Pierce seconded the motion.

The motion was passed unanimously.

Delk noted there is little information n the internet, but other sources include the town of Cary, his file, the School of Government and the NCLM. Council thanked Mr. Delk for his time.

6. TENTH ANNIVERSARY CELEBRATION

Pierce said she worked on the scope, implementation, and announcements. The date will probably be in September. She made some contacts and is working on details. DOT will have to approve closing the road for a parade, the Clerk said she could help on this. Pierce is contacting Karen Partee at Aston Properties. Parking will have to be considered. Horvath suggested Ray Davis might want to bring some animals in a fenced off area. By the Advance, Pierce will have a proposed budget and timeline and options on locations. Pierce noted the 8th grade focuses on NC history, and the Middle School teacher on this is willing to participate with a research project for the kids. Carol Mullis said she had volunteered to work on this, and asked why Pierce was now doing it. Mayor Clinton said she had talked by phone with Carol, and said nothing had been done since the 2006 Advance, and with time pressures, it would be better for someone closer to Council to work on it.

7. APPROVAL OF NEWSLETTER DRAFT & PRINTING

A draft of the newsletter was reviewed. Information will be added on the clean up work day on April 19, and on the breakdown of our tax dollars. Content will be

forwarded to the printers tomorrow. Two bids were received; Print Management Group bid included third class postage, and came to \$2554.45 for an 8 page newsletter, or \$2241 for a 6 page newsletter. Croffut made a motion to accept the bid by Jay Charles from Paper & Ink Printing for a 6 page newsletter, with the price not to exceed \$1780. Horvath seconded the motion.

The motion passed unanimously.

The newsletter will be mailed to everyone on the tax roll as well as in the ETJ area.

8. DISCUSS CMC HEALTHPLEX

Mayor Clinton said she got a call and there is a 1 pm Public Hearing Thursday at the Courthouse, scheduled by the State regarding the Healthplex in Waxhaw, it would have medical offices and an emergency facility. Pierce made a motion that due to not enough information at this time, we can not support or oppose the project. Bradford seconded the motion. Horvath said there is a need in the area, this is affiliated with CMC, he supports the concept pending more information.

The motion failed unanimously.

Bradford motioned that Council voice support in general for a local emergency room.

Croffut seconded the motion.

The motion passed unanimously.

Pierce said she can attend the public hearing and voice Council's position.

9. GROUND RULES FOR PUBLIC HEARING APRIL 1, 2008

Subject to checking that we can do this legally, ground rules are 30 minutes for non-residents, and 1.5 hours for residents. Any leftover time would be given to non-residents. Mayor Clinton recommended separate sign in sheets for pro and con, and rotate speakers. Comments should be regarding the applicability to the entire community and not to specific individuals. Croffut made a motion to have a special meeting on April 1, 2008 with the public hearing. Pierce seconded the motion.

The motion passed unanimously.

Horvath made a motion to give preference to residents to speak first for 1.5 hours, and non residents 30 minutes, if legal; to allow three minutes for individuals, and five minutes for a representative of a group; time will be adjusted depending on the numbers, and to alternate speakers pro and con. Pierce seconded the motion.

The motion passed unanimously.

10. AGENDA FOR ADVANCE

The Advance will be a dinner with the community on Friday night, and a session on Saturday starting at 9 am. Saturday morning will be spent with the Planning Board, and the afternoon on other topics.

11. ANNOUNCEMENTS

There is a MUMPO meeting tomorrow at 7 pm in Charlotte. The Local Area Transportation Committee meeting is 5:30 pm.

12. OTHER BUSINESS - none
13. COUNCIL COMMENTS - none
10. ADJOURNMENT

Carol Mullis asked about the blurb at the bottom of the agenda asking for cell phones and other devices to be turned off. She noted that someone in the audience has a texting device and someone on council has one, and asked the Clerk if it is legal or ethical to do so. The Clerk said she did not know.

Pierce made a motion to adjourn, Bradford seconded the motion.

The motion was approved unanimously.

The meeting was adjourned at 9:40 pm.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Tracey Clinton