

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
February 9, 2009 – 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: Joshua Langen

Village Attorney: George Sistrunk

Concerned citizens: Carol Mullis, Dave & Shirley Casper, Scott Garner

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. INFORMAL PUBLIC COMMENTS - none

3. ADDITIONS, DELETIONS, AND / OR ADOPTION OF AGENDA

Item 11A, "APPOINTMENT OF MEMBER TO PARK AND REC COMMITTEE" was added. Bradford made a motion to approve the agenda with this addition; Horvath seconded the motion.

The motion passed unanimously.

4. APPROVE MINUTES FOR:

Council Meeting January 12, 2009

Horvath made a motion to approve the minutes for the January 12, 2009 council meeting; Pierce seconded the motion.

The motion passed unanimously.

5. STAFF REPORTS

- a. Review and approve the Village Financial Reports dated January 31, 2009, submitted by Cheryl Bennett, Finance Officer

Bennett reported year to date revenues are \$287,985; year to date expenditures are \$141,519. Sales tax revenue continues to come in lower than expected, however

it is not a major source of revenue to Wesley Chapel. Horvath made a motion to approve the January 31, 2009 financial statements; Bradford seconded the motion.

The motion passed unanimously.

Bennett presented a report on tax collections as of December 30, 2009.

			%
			Collected
Tax		\$147,488.38	
scroll			
Public Utilities tax		\$1,275.38	
Discoveries			
September-08	\$125.80		
October-08	\$34.46		
November-08	\$77.09		
	\$237.35	\$237.35	
Releases			
September-08	\$193.33		
October-08	\$227.76		
November-08	\$141.27		
	\$562.36	-\$562.36	
Bills less than \$5		-\$5.29	
Total Charge		\$148,433.46	
Collections			
August-08	\$410.58		
September-08	\$5,293.72		
October-08	\$4,248.67		
November-08	\$88,037.92		
December-08	\$20,791.77		
	\$118,782.66	-\$118,782.66	80.02%
Balance Outstanding		\$29,650.80	

Bennett said she contacted Union County and they were not able to produce a report of the specific properties still outstanding.

b. Presentation of Planning and Zoning Report by Joshua Langen
 Seven permits were issued in December/January. Instead of bringing ordinance changes to council monthly, we will try to bring several at one time less frequently. Ordinance changes to put the rules of procedure in the ordinance, adding mobile business/vendors as well as adding outdoor recreational facilities to B1, B2 and L1 are forthcoming. Work continues on subdivision bonds. Langen received plans from Bank of America. Langen has a call in to Mark Ball from JDH regarding the wall going up at the JDH shopping center. On Main Street, Hickory Tavern should be coming in.

c. Receive annexation petitions

Bennett presented annexation petitions, one satellite and four contiguous, all in Wesley Oaks or Estates of Wesley Oaks. Pierce made a motion to receive the petitions; Croffut seconded the motion.

The motion passed unanimously.

6. CALL FOR PUBLIC HEARING ON CUP 09-01, CONSTRUCTION OF FIRE STATION AT 315 WAXHAW-INDIAN TRAIL ROAD, WAXHAW, NC 28173, FOR MARCH 9, 2009 AT 7 PM.

Langen asked what materials Council would like; Mayor Clinton said all materials should be delivered to Council ahead of the hearing; next Tuesday would be fine. Bradford made a motion to call for a public hearing on CUP 09-01, Construction of Fire Station at 315 Waxhaw-Indian Trail Road, Waxhaw, NC 28173, for March 9, 2009 at 7 PM. Horvath seconded the motion.

The motion passed unanimously.

7. DISCUSSION AND POSSIBLE VOTE ON RESOLUTION 2009-01, RESOLUTION TO ADOPT LEGISLATIVE POSITIONS FOR THE 2009-2010 SESSION OF THE NORTH CAROLINA GENERAL ASSEMBLY

At the Mayors-Commissioners meeting they discussed the positions developed by the Clerks-Managers, which are positions that all of Union County agrees on. If issues come up, Matthew Delk, the assistant County Manager will respond with the County's positions. Horvath made a motion to approve Resolution 2009-01, RESOLUTION TO ADOPT LEGISLATIVE POSITIONS FOR THE 2009-2010 SESSION OF THE NORTH CAROLINA GENERAL ASSEMBLY. Pierce seconded the motion.

The motion passed unanimously.

VILLAGE OF WESLEY CHAPEL RESOLUTION 2009-01
TO ADOPT LEGISLATIVE POSITIONS FOR THE 2009-2010 SESSION
OF THE NORTH CAROLINA GENERAL ASSEMBLY

THAT WHEREAS, the clerks, managers, and other staff of Union County, North Carolina and Union County Municipalities met, developed, and agreed upon a list of legislative priorities for Union County local governments for the 2009-2010 Session of the North Carolina General Assembly, and

WHEREAS, the Mayors-Commissioners Issues Conference, in conjunction with the Union County Board of Commissioners, received the list at their January 29, 2009 joint meeting, and recommended that the list be provided to each local government governing bodies for each board to deliberate the list, and to endorse or adopt the list if desired, and

WHEREAS, the list included the proposed legislative positions:

- Collective Bargaining – Oppose any efforts to allow collective bargaining for public sector employees, to include payment of union dues by payroll deduction.
- Transportation Infrastructure Funding – Protect all state collected locally shared revenues collected for transportation purposes. Oppose adding additional requirements or responsibilities to municipalities and Counties for transportation funding and maintenance.
- Mental Health – Continue to strengthen State Resources for the provision of Mental Health, Developmental Disability, and Substance Abuse Services, particularly for local crisis services, that are available to all State citizens.
- State Budget – Recognize that Municipalities and Counties are under the same budget pressures that face the State Budget, and to oppose any actions to reduce state collected locally shared revenues for local governments.
- Diverse Funding for Local Governments – Authorize Local Governments to utilize various methods of funding in addition to the property tax.
- Monroe Bypass Funding – Protect funding sources and appropriations for the planned Monroe Bypass Project.
- Annexation – Support Municipal authority to annex, recognizing that some changes to municipal annexation authority are warranted.
- Moratoriums – Oppose legislation that would make it more difficult for local governments to enact moratoriums.

NOW, THEREFORE, BE IT RESOLVED that the Village of Wesley Chapel Council hereby adopts this list as our legislative positions for the 2009-2010 Session of the North Carolina Assembly.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the other municipal governments in Union County, to the Clerk to the Board of Union County, to Governor Beverly Perdue, and to the members of the Union County Legislative Delegation.

Adopted this 9th day of February, 2009.

Attest:

Cheryl Bennett, Clerk

Mayor Tracey Clinton

8. DISCUSSION ON FORMAT AND DATE FOR ADVANCE

Council agreed to keep the same format with a Friday night dinner with citizens, and Saturday session at the library. The most likely date is May 1 and 2; Bennett will run that date by the Planning Board and see if Larry Parks is available that weekend.

9. DISCUSSION OF NEWSLETTER TIMING AND SUBJECTS FOR ARTICLES

The next newsletter will be targeted to go out by the end of March, so articles will be needed by the March meeting. Topics will include announcing committees, an article on the sign ordinance, and an update on the shopping center.

10. UPDATE ON WINGATE MBA MARKETING CLASS' WESLEY CHAPEL PROJECT

Mayor Clinton, Council member Horvath and Downtown Committee Chair Hess met with the class. The professor made four assignments, and will have final presentations at the end of the course. The main problem is how to present (or market) the town to the region, its citizens, and its businesses (present and future) and all its other stakeholders. Our focus is to make the town center viable, while not losing our history, and efforts must be inexpensive. The four assignments include town website enhancement; town positioning (two groups), and town promotion program.

11. APPOINTMENT OF MEMBER TO SAFETY COMMITTEE

Mayor Clinton appointed Mike Jensen, who lives in Wesley Woods, to the Safety Committee.

11A. APPOINTMENT OF MEMBER TO PARK AND REC COMMITTEE

Mayor Clinton appointed Pat Utley, who lives in Wesley Oaks, to the Park and Rec Committee.

12. LARTP UPDATE

Horvath reported that he forwarded copies of the draft maps by e-mail, the intersections show vehicular accident frequency and severity. New Town Road and Waxhaw-Indian Trail Road is most accident prone. Some of the data was collected before the light was installed, and the light appears to have helped although further improvements may be still needed. The next LARTP meeting is Thursday, February 12, 2009.

13. MUMPO UPDATE/OBAMA STIMULUS PACKAGE

Stimulus funds will be distributed the same way as last year. Projects have to be shovel ready, i.e. environmental and engineering work must be done. Only two such projects exist in Union County. Under the formula, last year only 9.5% of state funds went to Mecklenburg/Union County. The Governor sent a letter asking for comments from the towns through MUMPO regarding input on the

selection process by February 13th, which is a tight timeframe. The letter was dated January 28th, but postmarked February 3. The Governor has done an executive order giving final approval to the current allocations by the secretary. A map showing per capita expenditures and tax return rates by county was discussed; it shows how the Charlotte area has been shortchanged. There is also talk of turning the roads over to the municipalities, without providing funding.

14. DISCUSSION AND POSSIBLE VOTE ON RESOLUTION 2009-02,
DIRECTING THE CLERK TO INVESTIGATE PETITIONS RECEIVED
UNDER G.S. 160A-31

Bradford made a motion to approve RESOLUTION 2009-02, DIRECTING THE CLERK TO INVESTIGATE PETITIONS RECEIVED UNDER G.S. 160A-31; Horvath seconded the motion.

The motion passed unanimously.

RESOLUTION 2009-02 DIRECTING THE CLERK TO INVESTIGATE
PETITIONS RECEIVED UNDER G.S. 160A-31

WHEREAS, petitions requesting annexation of an area described in said petitions was received on February 9, 2009 by the Village of Wesley Chapel Council; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Village Clerk before further annexation proceedings may take place; and

WHEREAS, the Council of the Village of Wesley Chapel deems it advisable to proceed in response to this request for annexation:

NOW THEREFORE, BE IT RESOLVED by the Council of the Village of Wesley Chapel that:

The Village Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the Council of the Village of Wesley Chapel the result of her investigation.

Mayor Tracey Clinton

ATTEST:

Cheryl Bennett, Clerk

15. DISCUSSION AND POSSIBLE VOTE ON RESOLUTION 2009-03, DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-58.1

Croffut made a motion to approve RESOLUTION 2009-03, DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-58.1; Bradford seconded the motion.

The motion passed unanimously.

RESOLUTION 2009-03 DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-58.1

WHEREAS, a petition requesting annexation of an area described in said petition was received on February 9, 2009 by the Village of Wesley Chapel Council; and

WHEREAS, G.S. 160A-58.2 provides that the sufficiency of the petition shall be investigated by the Village clerk before further annexation proceedings may take place; and

WHEREAS, the Council of the Village of Wesley Chapel deems it advisable to proceed in response to this request for annexation:

NOW THEREFORE, BE IT RESOLVED by the Council of the Village of Wesley Chapel that:

The Village Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the Council of the Village of Wesley Chapel the result of her investigation.

Mayor Tracey Clinton

ATTEST:

Cheryl Bennett, Clerk

16. OTHER BUSINESS

Mayor Clinton noted the Board of County Commissioners will meet with the Council on March 17, 2009 at 6 pm, for one hour. At the meeting next week we can discuss topics to go over.

Regarding the Cuthbertson Road bridge closure, the County passed a resolution asking it stays open during the construction from March to September. Carol

Mullis noted Wesley Chapel VFD usually gets there first to Champion Forest and Lawson. Mayor Clinton will check with Pat Beekman regarding safety communications. Horvath noted the Safety Committee is meeting here Thursday at 7 pm. Mullis asked about the Ordinance Review Committee; it will incorporate items from the Master Plan and any other changes needed. The Planning Board acts as an advisory board; this is a technical committee.

17. COUNCIL COMMENTS

Bradford said she talked to Kim Hibbard at the League regarding annexation; the Legislature is not looking at doughnut holes but at low income areas being skipped over. There is some anti-annexation sentiment including anti-voluntary annexation. The committee does not seem to be in favor of joint use agreements. Bradford suggested we may want to pass a Resolution regarding specific issues, such as joint use agreements, doughnut holes, etc. It will take a few months for the Committee to get rolling.

18. CLOSED SESSION: MOTION TO CALL FOR CLOSED SESSION PER NC GS 143-318.11(a) (3) Attorney Client Privilege re: The Village of Wesley Chapel v. Michael Land

Bradford made a motion to go into closed session per NC GS 143-318.11(a) (3) Attorney Client Privilege re: The Village of Wesley Chapel v. Michael Land, after a five minute recess. Pierce seconded the motion.

The motion passed unanimously.

The appeal of the Board of Adjustment decision on Dr. Land was discussed.

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Horvath made a motion to leave closed session; Bradford seconded the motion.
The motion passed unanimously.

19. ADJOURNMENT

Pierce made a motion to adjourn; Croffut seconded the motion.

The motion was approved unanimously.

The meeting was adjourned at 8:50 pm.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Tracey Clinton