

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING
MINUTES

August 7, 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 (arrived late at start of item 4).

Absent: Village Attorney: George Sistrunk

Others Present:

Village Clerk/Finance Officer: Cheryl Bennett

Planning/Zoning Administrator: Justin Krieg

Tax Collector: Nancy Schneeberger

Visitors: Mark Ball, Rebecca Plyler, Karen Partee, Carol Mullis, Gayla Adams, Elisa Gregorich, Sondra Bradford, Stan Schwartz

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 the invocation was given.

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

Item 14B was added: "CLOSED SESSION PER NC GS 143-318.11 (a) (6), TO DISCUSS EMPLOYEE REVIEWS AND PAY RAISES".

Horvath made a motion to approve the agenda with this addition. Mullis seconded the motion.

The motion was approved unanimously.

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

There were no public comments.

4. APPROVE MINUTES FOR:

Council Meeting July 9, 2007

Council Work Session July 26, 2007

Mullis requested one correction to the minutes from July 26, 2007, item 6.B, to change "business owner" to "land owner". Croffut made a motion to approve the

minutes from July 9, 2007 and the minutes from July 26, 2007, with the above correction. Mullis seconded the motion.

The motion was approved unanimously.

5. STAFF REPORTS

a. Review and approve the Village Financial Reports dated August 2, 2007, submitted by Cheryl Bennett, Finance Officer. (*See Attachment A*)
Bennett presented the August 2, 2007 financial reports; several checks that were for July expenses were written August 2nd, hence the report date. Bennett noted we had received \$31,000 for payment in lieu of land for Wesley Chase. In July we paid bills for insurance and dues. Mullis made a motion to approve the August 2, 2007 financial reports; Horvath seconded the motion.

The motion was approved unanimously.

b. Tax Report Update July 31, 2007, prepared by Nancy Schneeberger (*See Attachment B*)
Schneeberger presented the tax report showing \$1335.78 in 2006 tax receivables, and \$307.93 for 2005, smaller amounts for prior years. Croffut made a motion to approve the tax report; Pierce seconded the motion.

The motion was approved unanimously.

c. Request tax refunds for: parcel 06-003-027 \$29.49 to Don and Judy Kerns; and parcel 06-078-211 \$2.61 to First American Real Estate Tax
Horvath made a motion to approve the above two tax refunds; Mullis seconded the motion.

The motion was approved unanimously.

d. Consider Resolution 2007-17, RESOLUTION TO AUTHORIZE THE COLLECTION OF PROPERTY TAXES FOR 2007

Resolution 2007-17
RESOLUTION TO AUTHORIZE THE COLLECTION OF PROPERTY TAXES FOR
2007

In order to implement a process for the collection of property taxes in the Village of Wesley Chapel, in a timely and efficient manner, the following resolution is hereby adopted:

1. The Tax Collector ("Collector") is hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the office of the Union County Tax Assessor and in the tax receipts delivered to the Collector, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the Village of Wesley Chapel and this order shall be a full and sufficient authority to direct, require, and enable the Collector to levy on and sell any real or

- personal property of such taxpayers, for and on account thereof, in accordance with law.
2. The tax rate shall be established at two cents (\$.02) per \$100 valuation.
 3. Collector is hereby given authority to contract with the County for the purpose of producing all scrolls, registers, receipts, billing notices and other records and files necessary to produce a sound tax collection system.
 4. Collector is also authorized to expend monies for reasonable and normal administration costs for postage, copying, supplies, materials, and other items necessary to implement the foregoing.
 5. Collector is to provide safekeeping for all tax monies received and is to make timely deposits of collections to a designated bank for Village accounts, when amounts of \$250 or more are received.
 6. Due to the presumed cost ineffectiveness of collecting taxes on properties having very small valuations, Collector is hereby authorized to avoid processing collections where the tax bill is less than two dollars (\$2) for a given property.
 7. Collector is hereby authorized to treat collection on tax billings where small underpayments or small overpayments (\$1.00 or less) are involved, as paid in full. Refunds are authorized for overpayments for \$1.01 or more. An underpayment of \$1.01 or more shall be regarded as not paid in full.
 8. The Village Council shall make provision for fidelity bonding of the Collector either through a blanket bonding covering town officials or may require an individual bond, any cost of which borne by the Collector shall be repaid to the Collector.

Adopted this _7th_ day of August, 2007.

Mayor Tracey Clinton

Village Clerk

Croffut made a motion to approve Resolution 2007-17, RESOLUTION TO AUTHORIZE THE COLLECTION OF PROPERTY TAXES FOR 2007. Mullis seconded the motion.

The motion was approved unanimously.

e. Monthly planning report, submitted by Justin Krieg, Planning and Zoning Administrator.

Krieg gave an update since the last meeting on July 26, 2007; there was no formal written report. Tom Slusher from Union Power will come to the Planning Board meeting on August 27, to discuss requirements and needs of electric substations. New Town Road Elementary is ready to submit for final permits, Krieg will make a visit there tomorrow. The Master Plan committee wants to advertise their September 27, 2007 meeting, and requested \$25 to spend. Croffut made a motion to approve \$25 for advertising for the Master Plan Committee. Pierce seconded the motion.

The motion was approved unanimously.

Mullis noted that a fire hydrant in front of the school needs to be raised; it needs to be high enough so that you can spin a wrench on the caps on the side.

6. PRESENTATION FROM JDH CAPITAL ON SHOPPING CENTER

Mark Ball from JDH presented a map showing The Shoppes at Wesley Chapel. On Waxhaw-Indian Trail Road there will be a medical building with four physicians, and two buildings with a restaurant and retail mix. Lowes Foods will be in the back, and have a rounded feature similar to the one at 485 and Hwy. 16. On Highway there will be a bank and a restaurant. Krieg noted he had talked to Bank of American and McDonalds. Mark Ball noted Walgreens will have a corner entry store, the drive thru awning will be on Waxhaw-Indian Trail Road, and the loading zone is in the back. Trucks will enter on Waxhaw-Indian Trail Road, and exit on Hwy. 84. There is a row of retail parallel to and facing Waxhaw-Indian Trail Road. On the northeast corner is land dedicated to the Village; it probably will be deeded in 6 to 8 months. Walgreens is scheduled to open in fall 2007, and Lowes probably in fall 2008. Pierce asked if the drainage will impact the pond across the street; Mark Ball said no, there's a filter to prevent that. There will be a final detention pond behind the building. Croffut asked if the green areas would have tables and benches; Ball said no it is just landscaped pathways. He also noted there will be wide sidewalks, and a pedestrian scale feeling, and a courtyard with seating between the buildings along Waxhaw-Indian Trail Road. Pierce asked if the entrance in front of the restaurant will change; Ball said no, but the alignment of the building may change. Mayor Clinton asked if DOT required a traffic light, Ball said no. One entrance on Hwy. 84 aligns to Aston's shopping center; the other is right in, and right out. Croffut asked if they are looking for liquor by the drink approval, and Ball said a couple of restaurants are interested. A lane will be added on both sides of Waxhaw-Indian Trail Road beyond Lindenwood. Regarding the water/sewer tie ins, they are having to do a mile long extension down along the creek across Hwy. 84 due to a low spot by the restaurant on Hwy. 84. They are currently leaving the site with 8" lines, but the County is asking for much larger lines. They are not allowed to have an on-site pump station, and will have to get easements from 20-25 parcels that will be crossed.

7. RECEIVE ANNEXATION PETITIONS and CONSIDER RESOLUTION 2007-18 DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-31 (CONTIGUOUS ANNEXATION) AND RESOLUTION 2007-19 DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-58.1 (SATELLITE ANNEXATION)

Bennett noted she had one petition from Silver Creek and about 37 from Wesley Oaks. She showed on a map how the parcels that were satellites last time are now starting to connect to the Village.

Pierce made a motion to approve Resolution 2007-18, DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-31 (CONTIGUOUS ANNEXATION). Horvath seconded the motion.

The motion was approved unanimously.

RESOLUTION 2007-18 DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-31

WHEREAS, a petition requesting annexation of an area described in said petition was received on August 7, 2007 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

Pierce made a motion to approve RESOLUTION 2007-19 DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-58.1. Croffut seconded the motion.

The motion was approved unanimously.

RESOLUTION 2007-19 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 August 7, 2007 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

8. PRIVILEGE LICENSE DISCUSSION

Now that we have a tax collector, staff requested guidance on whether they should require businesses to have licenses for past years and pay penalties, or just go forward and require them to have a license from this point forward. Horvath suggested we encourage business owners to sign up, but not charge them in arrears. Pierce suggested we give it a shelf life. Horvath suggested we advertise in the newspaper about the ordinance. Mullis said that would work for those who are located here, but what about those who come in from the outside and do work here. Krieg said he could hand out a form letter to those who come in and request a zoning permit. Mayor Clinton suggested an awareness campaign, using word of mouth, newsletter etc., and begin assessing penalties in January. Croffut suggested we do our best to advertise this. Stephen Keeney said it increases the cost of businesses. Council was polled: Horvath and Croffut said they supported the ordinance. Mullis said we should look at it, and see if changes are needed. Pierce made a motion to table it to next month. Croffut seconded the motion.

The motion was passed unanimously.
Staff was instructed to wait and not send out letters yet.

9. DISCUSS COUNCIL ATTENDANCE AT MASTER PLAN MEETINGS
(need to advertise quorum?)

A quorum of Council members may attend the Master Plan Committee meetings on August 29 and September 27, so we will advertise that a quorum may attend on the public notices. The Clerk noted she should probably be putting on the

notices that a quorum of the Planning Board may attend the Council Work Sessions.

10. COUNCIL CONSENSUS ON NEWSLETTER DRAFT

Pierce brought a draft of the newsletter. The article on privilege licenses will be pulled. Any information to be added to the newsletter should be sent to Pierce by Thursday.

11. CALL FOR PUBLIC HEARING ON CUP #07-02; SOUTHBROOK COMMUNITY CHURCH ADDITION

Since Southbrook Community Church is in our ETJ area, they submitted plans for our approval for an addition to the Church. Horvath made a motion to call for a public hearing on CUP #07-02; Southbrook Community Church Addition on Monday, September 10, 2007 at 7 pm at Wesley Chapel United Methodist Church at 120 Potter Road South, Wesley Chapel, North Carolina. Pierce seconded the motion.

The motion was passed unanimously.

12. ANNOUNCEMENTS

Mayor Clinton received a letter from the School System requesting a meeting of the municipalities to come up with a standard set of requirements to build schools. The meeting is August 14; Croffut and Pierce volunteered to attend. Mullis reported that at the September MUMPO meeting they would ask members to vote on the Monroe bypass, to have it be toll or not. It will be put on our September 10 agenda. Krieg will put together a document on the bypass.

13. OTHER BUSINESS

There was no other business.

14A. COUNCIL COMMENTS

There were no Council comments.

14B CLOSED SESSION PER NC GS 143-318.11 (a) (6), TO DISCUSS EMPLOYEE REVIEWS AND PAY RAISES

Pierce made a motion to go into closed session per NC GS 143-318.11 (a) (6), to discuss employee reviews and pay raises. Mullis seconded the motion.

The motion was approved unanimously.

(At this point, everyone except Council left.)

Council reviewed the employee reviews. Pierce made a motion to (a) give Justin Krieg, Planning & Zoning Administrator, a salary increase of \$2,500 per year effective July 1, 2007; this brings his total pay to \$37,500 (increase of approximately 7%); and (b) to adjust Cheryl Bennett's hourly rate to \$20/hour for her combination administrator/clerk role; with an average hours worked per week of 25 hours, this brings her average weekly salary up from \$455 to \$500 (increase of approximately 10%). Mullis seconded the motion.

The motion was passed unanimously.

Mullis made a motion to exit closed session. Croffut seconded the motion.

The motion was passed unanimously.

15. ADJOURNMENT

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

The motion was approved unanimously.

The meeting was adjourned at 9:30 pm.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Tracey Clinton