

VILLAGE OF WESLEY CHAPEL  
COUNCIL MEETING MINUTES  
July 13, 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.

**Present:** Mayor Clinton, Mayor Pro-tem Croffut, Council Members Bradford, Horvath

**Absent:** Council Member Pierce

**Others Present:**

Village Clerk/Finance Officer: Cheryl Bennett  
Planning/Zoning Administrator: Joshua Langen  
Village Attorney: George Sistrunk

Concerned citizens: Carol Mullis, Terry Byrum, Joan and Rick Beaulieu, Candee Wilhelm, Howard Brotton, Robert Nichols, Chuck Adams

Meeting was called to order at 7:07 PM and a quorum was present.

1. PLEDGE OF ALLEGIANCE / INVOCATION

Mayor Clinton led the Pledge of Allegiance and Mayor Pro-Tem Croffut gave the invocation.

2. INFORMAL PUBLIC COMMENTS

Joan Beaulieu commented on Sonya Pierce's vote on the fire station CUP, the vote should be on zoning, not on fiscal responsibility as quoted in the newspaper. She also commented on Mayor Tracey Clinton's comments on the news tonight that she hoped the fire department would not appeal, and noted that the fire department is trying to help the community. Mrs. Beaulieu asked what the Council had done for the community; they had lawsuits for ETJ, the electric substation and the Dr. Land property, all of which the Village was on the losing end and lawyers getting richer. Her last comment was about the town hall, we had approved land going toward a park, the Village owns six acres, and we still don't have a town hall.

Candee Wilhelm spoke on behalf of the Wesley Chapel Volunteer Fire Department; she lives behind their current building. She said she was shocked at the controversy over the Fire Department, which she felt was caused by a few selfish people who did not want to sacrifice anything, and she felt we owe it to them to provide them with a new building since they voluntarily are there to help

in our next crisis. Ms. Wilhelm was also shocked that the Mayor left two messages on her mailbox about the meeting with the fellow neighbors and the Fire Department to reach a compromise over the size and configuration of the building, and said the Mayor's agenda was to not permit construction of the fire station. She said as in other situations the Mayor is willing to waste taxpayer funds and hire a bunch of attorneys to go through a costly legal battle, and the Mayor will lose and a fire station will be built. She closed her remarks by reading a letter from an eleven year old who asked the Mayor to provide a fire station for the volunteers who heroically fight our fires, and that the new station would allow the trucks to get there faster.

Carol Mullis spoke regarding the closed session and asked that the residents should stop footing the bill for Kathy Patterson and the few residents in Stonegate who are against the firing range. Let them hire their own lawyer and pay their legal fees out of their own pocket.

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

“Item 9. APPROVE WRITTEN DECISION REZONING REQUEST FOR MARSHALL SURFACE DBA HILLBILLY PRODUCE FOR 6114 WILL PLYLER ROAD” AND “Item 11. DISCUSSION ON FALL 2009 NEWSLETTER” were deleted. An Item to CALL FOR PUBLIC HEARING ON ZONING FOR ANNEXED LAND was added after the HAMPTON MEADOWS ROADS Item. APPROVAL OF MINUTES was re-worded to approving only Item 8A of the June 8, 2009 minutes, and moved to after the STAFF REPORTS. INTERVIEW CANDIDATES FOR PLANNING BOARD POSITIONS was moved to before approving minutes; and the remaining items were renumbered. Horvath made a motion to approve the agenda with the above changes; Bradford seconded the motion.

The motion passed unanimously.

4. STAFF REPORTS

- a. Review and approve the Village Financial Reports dated June 30, 2009, submitted by Cheryl Bennett, Finance Officer

Bennett noted this is the end of our fiscal year and more adjustments will be made before the numbers are final. Bradford made a motion to approve the June 30, 2009 financial statements; Horvath seconded the motion.

The motion passed unanimously.

**June 2009  
Budget Report**

	Jun 09	Jul '08 - Jun 09	Budget	% of Budget
<b>Revenues</b>				
<b>Fees and Licenses</b>				
<b>Cable Franchise (from Time Warn</b>	0.00	10,109.00	12,000.00	84.24%

<b>Engineering Fees Reimbursement</b>	0.00	6,990.13	8,000.00	87.38%
<b>Zoning Permit</b>	600.00	6,165.00	8,000.00	77.06%
<b>Privilege Licenses</b>	15.00	18,419.54	21,000.00	87.71%
<b>Annexation Exp Reimbursed</b>	0.00	30.00	300.00	10.0%
<b>Open Space Land</b>	0.00	0.00	0.00	0.0%
<b>Misc. Fees</b>	1.00	2,080.28	200.00	1,040.14%
<b>Violations - Zoning</b>	0.00	0.00	0.00	0.0%
<b>Fees and Licenses - Other</b>	0.00	0.00		
<b>Total Fees and Licenses</b>	<u>616.00</u>	<u>43,793.95</u>	<u>49,500.00</u>	<u>88.47%</u>
<b>Interest Earned</b>	4,670.23	24,456.86	24,000.00	101.9%
<b>Property Tax Income</b>				
<b>Current Year Property Tax</b>	579.13	146,097.99	113,193.00	129.07%
<b>Delinquent Taxes</b>	0.00	854.15	600.00	142.36%
<b>Interest/Ad Fee on Taxes</b>	26.03	397.56	200.00	198.78%
<b>NSF Fee Paid</b>	0.00	0.00	0.00	0.0%
<b>Utility Ad Valorem</b>	0.00	0.00	600.00	0.0%
<b>Vehicle Registration</b>	663.06	8,457.70	7,983.00	105.95%
<b>Total Property Tax Income</b>	<u>1,268.22</u>	<u>155,807.40</u>	<u>122,576.00</u>	<u>127.11%</u>
<b>Revenue Sharing</b>				
<b>Alcoholic Beverage Tax</b>	0.00	27,135.12	19,000.00	142.82%
<b>Cable (from State)</b>	20,987.76	64,328.66	40,000.00	160.82%
<b>Excise Tax (Piped Natural Gas)</b>	9,509.00	16,235.00	10,500.00	154.62%
<b>Franchise Tax (Electric Power)</b>	34,543.00	122,577.00	120,000.00	102.15%
<b>Sales &amp; Use Taxes</b>	2,526.57	24,386.68	40,000.00	60.97%
<b>Telecommunications Tax</b>	3,420.00	11,762.61	12,000.00	98.02%
<b>Total Revenue Sharing</b>	<u>70,986.33</u>	<u>266,425.07</u>	<u>241,500.00</u>	<u>110.32%</u>
<b>Total Revenues</b>	<u>77,540.78</u>	<u>490,483.28</u>	<u>437,576.00</u>	<u>112.09%</u>
<b>Expense</b>				
<b>Operating Expenditures</b>				
<b>Tax Collection Fee</b>	6.93	2,174.31	2,200.00	98.83%
<b>Contingency</b>	0.00	0.00	15,800.00	0.0%
<b>Advertising - Clerk</b>	0.00	0.00	800.00	0.0%
<b>Annexation Expense</b>	0.00	49.00	4,000.00	1.23%
<b>Annual Retreat</b>	0.00	1,228.34	2,000.00	61.42%
<b>Books &amp; Literature</b>	75.00	75.00	600.00	12.5%
<b>Dues and Subscriptions</b>	159.25	9,963.19	12,350.00	80.67%
<b>Election Expense</b>	0.00	1,168.25	10,500.00	11.13%
<b>Insurance - Liability</b>	0.00	7,775.63	9,600.00	81.0%
<b>Insurance - Workmen's Comp</b>	0.00	470.00	800.00	58.75%
<b>Land Maintenance</b>	0.00	0.00	3,000.00	0.0%
<b>Master Plan (incl. survey)</b>	0.00	0.00	0.00	0.0%

Town office Maint.	0.00	439.45	1,800.00	24.41%
Misc town office	0.00	202.15	1,975.00	10.24%
Newsletter	0.00	3,956.60	6,500.00	60.87%
<b>Office Expense</b>				
Office Equipment Repairs	0.00	180.00	1,000.00	18.0%
Office Equipment	0.00	380.41	2,000.00	19.02%
Awards	0.00	0.00	500.00	0.0%
Electronic Commun (Tele/RR)	217.02	3,066.62	4,800.00	63.89%
Office Supplies	180.09	1,254.94	3,000.00	41.83%
<b>Total Office Expense</b>	<b>397.11</b>	<b>4,881.97</b>	<b>11,300.00</b>	<b>43.2%</b>
Postage and Delivery	48.36	384.87	700.00	54.98%
Rent	1,300.00	15,630.00	20,000.00	78.15%
Seminars	0.00	425.00	2,000.00	21.25%
Travel & Entertainment	84.70	2,111.39	3,000.00	70.38%
Utilities- Temp. Town Hall	149.87	1,910.50	4,000.00	47.76%
Welcome Committee	0.00	0.00	1,000.00	0.0%
<b>Total Operating Expenditures</b>	<b>2,221.22</b>	<b>52,845.65</b>	<b>113,925.00</b>	<b>46.39%</b>
<b>Gen. Govt. Salaries</b>				
Admin. Assistant	345.00	3,513.75	3,520.00	99.82%
Allowance for Salary Adjustment	0.00	0.00	43,435.00	0.0%
Mayor	1,200.00	4,800.00	4,800.00	100.0%
Mayor Protem	750.00	3,000.00	3,000.00	100.0%
Council Salary	1,800.00	7,200.00	7,200.00	100.0%
Clerk Salary	2,992.50	25,525.00	31,200.00	81.81%
Finance Officer Salary	888.45	9,239.88	9,240.00	100.0%
Payroll Taxes	1,038.95	8,055.34	9,900.00	81.37%
Payroll exp - Unemployment	0.00	0.00	120.00	0.0%
Fringe Benefits - Insurance	545.00	5,899.77	12,000.00	49.17%
Fringe Benefits - Retirement	770.03	5,781.84	5,780.00	100.03%
<b>Total Gen. Govt. Salaries</b>	<b>10,329.93</b>	<b>73,015.58</b>	<b>130,195.00</b>	<b>56.08%</b>
<b>Planning &amp; Zoning</b>				
ETJ costs	0.00	13.93	1,000.00	1.39%
Administration (COG)	0.00	0.00	8,000.00	0.0%
P/Z Admin. Salary	4,807.70	49,038.54	50,000.00	98.08%
Planning & Zoning Board Salary	798.00	2,982.00	4,540.00	65.68%
Advertising	149.56	734.74	1,800.00	40.82%
P/Z Office Expense	135.02	283.97	1,200.00	23.66%
Planning/Zoning Expense	23.10	557.65	800.00	69.71%
<b>Total Planning &amp; Zoning</b>	<b>5,913.38</b>	<b>53,610.83</b>	<b>67,340.00</b>	<b>79.61%</b>

<b>Professional Fees</b>				
Accounting	0.00	3,000.00	3,400.00	88.24%
Engr. Consulting	4,879.10	12,477.75	14,900.00	83.74%
Legal Fees	12,577.89	42,615.87	53,000.00	80.41%
Security	<u>0.00</u>	<u>200.00</u>	<u>216.00</u>	<u>92.59%</u>
<b>Total Professional Fees</b>	<b>17,456.99</b>	<b>58,293.62</b>	<b>71,516.00</b>	<b>81.51%</b>
Parks & Recreation	11.25	4,437.40	5,000.00	88.75%
Public Safety	0.00	0.00	4,000.00	0.0%
Transportation Study	8,056.25	32,991.75	38,000.00	86.82%
<b>Capital Outlay</b>				
Computer Equip.	0.00	0.00	3,600.00	0.0%
Furniture & Equipment	0.00	0.00	2,000.00	0.0%
Software	<u>0.00</u>	<u>0.00</u>	<u>2,000.00</u>	<u>0.0%</u>
<b>Total Capital Outlay</b>	<b><u>0.00</u></b>	<b><u>0.00</u></b>	<b><u>7,600.00</u></b>	<b><u>0.0%</u></b>
<b>Total Expense</b>	<b><u>43,989.02</u></b>	<b><u>275,194.83</u></b>	<b><u>437,576.00</u></b>	<b><u>62.89%</u></b>
<b>Excess of Rev. over Exp.</b>	<b><u>33,551.76</u></b>	<b><u>215,288.45</u></b>	<b><u>0.00</u></b>	<b><u>100.0%</u></b>

### Balance Sheet

Jun 30, 09

**ASSETS**

**Current Assets**

**Checking/Savings**

Fifth Third Bank Checking	27,222.49
Fifth Third Bank Money Market	440,076.77
CD Ded land 5th3rd 11.30.09.	79,816.47
CD Ded land 5th3rd 11.02.09 4%.	80,056.42
CD 4.45% 9.6.09/8.6.10	112,296.63
CD 5th3rd 4%,11.30.09 .530	92,930.15
CD 5th3rd,4%, 11.30.09 4%.514	92,930.15
Citizens South CD Bldg 11.09.09	233,843.28
BB&T CD 01.23.10-3.84%	300,000.00
BB&T CD 10.21.09. .568	500,000.00
Petty Cash Fund	<u>50.00</u>

**Total Checking/Savings** 1,959,222.36

**Total Accounts Receivable** 1,926.94

**Other Current Assets**

Prepaid Exp.	1,179.00
Property Tax Rec.	3,828.00
Allowance for Doubtful Accounts	-960.00
Sales Taxes to be Received	

<b>Total Sales Taxes to be Received</b>	<u>583.62</u>
<b>Total Other Current Assets</b>	<u>4,630.62</u>
<b>Total Current Assets</b>	1,965,779.92
<b>Fixed Assets</b>	
<b>Land</b>	55,757.91
<b>Office Equipment</b>	13,569.26
<b>Accumulated Deprec.</b>	<u>-10,952.36</u>
<b>Total Fixed Assets</b>	<u>58,374.81</u>
<b>TOTAL ASSETS</b>	<u><b>2,024,154.73</b></u>
<b>LIABILITIES &amp; FUND BALANCE</b>	
<b>Other Current Liabilities</b>	
<b>Escrow from Developers</b>	45,076.00
<b>Prepaid Privilege Licenses</b>	6,959.88
<b>Deferred Revenue</b>	2,868.20
<b>Payroll Liabilities</b>	<u>193.40</u>
<b>Total Other Current Liabilities</b>	55,097.48
<b>Fund Balance</b>	
<b>Fund Bal. inv. in Fixed Assets</b>	58,374.81
<b>Fund Balance</b>	1,301,677.82
<b>Reserved for Parks &amp; Recreation</b>	159,872.89
<b>Unres., Designated for Town Hall</b>	233,843.28
<b>Excess of Rev. over Exp.</b>	<u>215,288.45</u>
<b>Total Fund Balance</b>	<u>1,969,057.25</u>
<b>TOTAL LIABILITIES &amp; FUND BALANCE</b>	<u><b>2,024,154.73</b></u>

- b. Approve Village Tax Report prepared by Nancy Schneeberger, January 2009- June 2009

## Semi Annual Report for the Village of Wesley Chapel

### Privilege Licenses and Real Estate Tax

**01/01/09 to 06/30/09**

Nancy Schneeberger

Number of Privilege Licenses for 08/09 20 Total Dollars \$360.00

Number of Privilege Licenses for 09/10 33 Total Dollars \$6,959.88

Back Tax Collected \$314.55

Penalties Collected \$27.65

Annex Property Tax Collected \$1,157.20  
Delinquent Tax balance as of 6/30/09 \$1,682.42

Horvath made a motion to approve the Village Tax Report for January – June 2009; Bradford seconded the motion.

The motion passed unanimously.

c. Presentation of Planning and Zoning Report by Joshua Langen

Langen reported there were 16 permits, with 13 of those being accessory structures. There was one residential foundation and two residential zoning permits. Regarding amendments; changes to the Rules of Procedure, and changes and definitions for the Table of Uses for outdoor recreation uses will be going to the Ordinance Review Committee; zoning for annexed parcels will go to Council (there was one parcel with a question on the zoning); stormwater amendments will be going to Council as will mobile vendor amendments; amendments regarding Homeowner Associations will go to Council. Conditional use amendments will go to the Planning Board in July. Sign amendments will be reviewed by the Ordinance Review Committee, as will amendments to essential facilities definitions and related regulations.

Langen got inquiries regarding the JDH property and has asked them to clean up the road, and will asking them about the dirt they are putting on both sides of the wall which is shrinking the wall. The Mayor said she looked at the plans and the berm along the road was approved. Croffut made a motion to approve the June Planning Report; Bradford seconded the motion.

The motion passed unanimously.

4. INTERVIEW CANDIDATES FOR PLANNING BOARD POSITIONS.  
RAY DAVIS, JOHN GREXA AND SANDI BUSH HAVE ALL  
EXPRESSED INTEREST IN FULL-TIME POSITIONS. ALL  
CURRENTLY ARE SERVING ON PLANNING BOARD IN FULL-  
TIME OR ALTERNATE POSITIONS.

Mayor Clinton asked the candidates about training and what we can offer to help them in their jobs. John Grexa said when sessions have been offered the times haven't been convenient; but he has learned from being on the board. Sandi Bush said she went to the Monroe training. Ray Davis said he lived here 69 years, and he tries to follow the ordinances. Bradford noted we used to meet with the Planning Board at the work sessions, but that has fizzled. John Grexa suggested that the Chairman should probably be attending Council meetings. Horvath suggested a way to improve communication is to make sure agendas circulate through both groups. John Grexa noted it is also helpful for a Council member to attend Planning Board meetings. Sandi Bush said they had talked about recapping discussions and formalizing it a little more so Council can understand their decisions. Chuck Adams also noted picking up the phone and calling can be useful in communications.

There being one two year slot, Grexa said he preferred that position due to possible work duties. Croffut made a motion to nominate John Grexa to the term ending in June of 2011; and nominated Ray Davis and Sandi Bush to the terms ending in June of 2012. Bradford seconded the motion.

The motion passed unanimously.

Discussion began on Chairman nominations. John Grexa said he has been the Chairman but suggested they nominate Sandi, Chuck or Stephen. Sandi Bush preferred to be the Vice Chair. Chuck Adams said he had talked to Stephen Keeney and he doesn't want to be Chair. Horvath made a motion to appoint Chuck Adams as Planning Board Chairman. Croffut seconded the motion.

The motion passed unanimously.

The Mayor congratulated Chuck Adams.

Bradford made a motion to have a fifteen minute recess so Council could read the minutes. Horvath seconded the motion.

The motion passed unanimously.

A recess was held.

6. APPROVE MINUTES FOR:

Council Work Session May 19, 2009

Council Meeting June 8, 2009, Item 8a only

Croffut made a motion to approve the minutes for the Council Meeting May 19, 2009; Horvath seconded the motion.

The motion passed unanimously.

There was one correction to the minutes at the bottom of page 143; it should read "Chief Byrum said it is thirty-eight (38) square miles." Horvath made a motion to approve the minutes for the Item 8a of Council Meeting June 8, 2009, with this correction; Bradford seconded the motion.

The motion passed unanimously.

7. APPROVE WRITTEN DECISION ON CUP 09-01, CONSTRUCTION OF FIRE STATION AT 315 WAXHAW-INDIAN TRAIL ROAD, WAXHAW, NC 28173

Mayor Clinton read the Resolution aloud. Bradford requested it be clarified under number one that it is The Glen at Wesley Oaks and that we add lot 7 there. The Mayor stated that even if you voted yes for the CUP, tonight we are voting that this resolution represents the majority decision of Council. Bradford made a motion to approve Resolution 2009-08, incorporated herein, with the clarifications above; Horvath seconded the motion.

The motion passed unanimously.

**Resolution 2009-08**  
**A RESOLUTION DENYING AN APPLICATION FOR A CONDITIONAL USE**  
**PERMIT SUBMITTED BY THE WESLEY CHAPEL FIRE DEPARTMENT**  
**CONDITIONAL USE PERMIT APPLICATION NO. 09-01**

WHEREAS, the Village of Wesley Chapel Council (the “Council”) has considered the application of the Wesley Chapel Fire Department (the “Applicant”) for a conditional use permit (the “Application”) for the construction of a fire station on real property located at 315 Waxhaw-Indian Trail Road, Waxhaw, NC 28173 (the “Property”);

WHEREAS, based upon the competent, material, and substantial evidence in the record, including, without limitation, the Applicant’s written submissions and testimony at the hearing on the Application, the Council finds as follows:

1. The conditional use requested in the Application does not meet all required conditions and specifications, as required by Section 6.4.3 (b) of the Village of Wesley Chapel Zoning Ordinance (the “Ordinance”), because the proposed use does not meet the rear yard requirements of the Ordinance. The area between the proposed building and the property lines of Lots 10, 9, 8 and 7 of The Glen at Wesley Oaks subdivision adjoining the Property should be considered part of the rear yard for purposes of the Ordinance.

2. Deviation from the terms of the Ordinance will not result in a project that is at least equal to or better than what would be accomplished under the strict application of the Ordinance, as required by Section 6.4.3 (f) of the Ordinance, because the proposed use does not meet the rear yard requirements of the Ordinance (as described in No. 1 above).

3. Deviation from the terms of the Ordinance will adversely affect the right of other abutting or nearby property owners in a material manner, as prohibited by Section 6.4.3 (g) of the Ordinance, because the proposed use does not meet the rear yard requirements of the Ordinance (as described in No. 1 above).

NOW, THEREFORE, BE IT RESOLVED by the Council that, for the reasons set forth above, the Application is denied.

Adopted July 13, 2009.

VILLAGE OF WESLEY CHAPEL COUNCIL

By: \_\_\_\_\_  
Mayor Tracey Clinton

Attested by:

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Cheryl Bennett, Village Clerk

8. UPDATE ON PARKS & REC / DOWNTOWN COMMITTEE JOINT MEETING AND COMMITTEE UPDATES

Bradford reported the two committees had a joint meeting. Parks & Rec had 380 surveys returned, a 14% response rate. One hundred fifty surveys were given to high school students at Weddington High School. Results are being compiled. In August they expect to present results to Council and in September/October to have a plan done for Council consideration. They are working on site research, and will have a public information session for the public. They are working on a capital improvement plan. Bradford spoke to the Local Government Commission regarding a land purchase, and they have to have a public hearing, do a Resolution, and make application to the Commission; their meetings are the first Tuesday of each month, and they need a month to make a decision. We can do a contract contingent on Local Government Commission approval. Grant applications are due in February. Bradford checked with the Mike Garbark at the County, and restrooms could be on septic; and some sewer capacity may be freed up soon. They did not feel water would be a problem. They are looking at two types of parks, an active park – paved walking trails, playgrounds, which might need sewer, land for parking, and they are looking at what types of things would be needed to pull the numbers together. If you think of any things they need to include, feel free to let a committee member or Bradford know. The second type of park is a passive park, with unpaved trails, they would still need parking, and in and out roads and land maintenance. Something that came up was whether a town hall/community center could be on a park property, there is a facility on one piece of land, and there would be upfit and ADA suitability costs. Other questions are who will maintain restrooms, financing options, (no one wants to raise taxes), to incur some debt; a referendum could be held (deadline is August), but is not required for this level.

Horvath noted the joint meeting was June 29, 2009, after introductions they went to Dogwood Acres, at the corner of Highway 84 and Lester Davis. There is a house on the property, about 38 years old. He asked how large the grants are; Bradford said the State Parks and Recreation Trust grant maximum is \$500,000 in a funding cycle. He noted no decisions had been made, but research will be useful for any parks developed.

Bradford asked Attorney Sistrunk about the contract, he will send it to Bradford and Bennett for the Keels to sign.

9. UPDATE ON LARTP

Horvath reported the consultants Martin/Alexiou/Bryson, want to come to our August 10, 2009 meeting and present their draft report.

10. APPOINT ALTERNATE TO UNION COUNTY GOVERNANCE COMMITTEE

Mayor Clinton said they asked that each municipality appoint an alternate to the committee in case the representative can not attend. The meeting will be on the 29<sup>th</sup> this month at 6:30 at the Government Center and the alternate will be needed to attend. Croffut volunteered to be the alternate.

11. APPOINT WESLEY CHAPEL REPRESENTATIVE TO UNION COUNTY CAROLINA THREAD TRAIL STEERING COMMITTEE.

Each municipality was asked to appoint a representative. The Mayor suggested Bradford or a member of the committee be appointed. Bradford had a call in to them to find out the time requirements, and will get a member of the Parks & Rec Committee to serve.

12. UPDATE ON HAMPTON MEADOWS ROAD SITUATION

Horvath said a listing of Wesley Chapel roads was sent to DOT, Langen was following up on that also. Horvath approached Bowie Motors to see if they would contract with Hampton Meadows to make a one time \$50,000 payment to get the roads into DOT maintenance. He talked to Donna Prosciutta; she has a new bill of about \$3,000 for roads maintenance. Croffut made a motion to give Horvath authority to talk to Bowie Motors regarding working with DOT to provide the \$50,000 for Hampton Meadows road maintenance. Bradford seconded the motion.

The motion passed unanimously.

13. CALL FOR A PUBLIC HEARING ON ZONING FOR ANNEXED LANDS

Bradford made a motion to call for a public hearing on placing zoning for annexed lands for Monday, August 10, 2009 at Wesley Chapel United Methodist Church at 7 pm. Horvath seconded the motion.

The motion passed unanimously.

14. OTHER BUSINESS

Mayor Clinton said we had appealed the Post Office decision on our request for a single zip code or to be able to write Wesley Chapel on our mail, and we received a reply back saying they received our appeal, and will respond back within 60 days.

Horvath reported there is a MUMPO meeting Wednesday night; they will discuss the alternatives for funding the completion of 485. They are not asking for the stimulus funds back, so that is good news.

There is a Mayor Commissioner Issues Conference in Unionville Thursday night, and Horvath can attend.

Bradford presented a congratulations card and gift to Sistrunk for his new baby daughter.

15. COUNCIL COMMENTS

Mayor Clinton wanted to make some comments on the record regarding the Wesley Chapel Fire Department decision. She said after the decision was made she was approached by a former fire department board member to see if there was anything we could try to do or look at other options to get the fire station approved. Mayor Clinton said she thought it was important to the community to come back together and discuss alternatives and find a way to provide an appropriate buffer to the residential properties. She checked with Sistrunk to make sure it was okay to do, and it was okay and if it came back to Council she would have to step aside and recuse herself. There was a meeting July 3, and we talked about why the plan failed, because there wasn't a big enough buffer, we met for forty minutes, and did not come to any conclusions, except that the Mayor would make contact with the property owners and schedule a meeting with the architect, property owners, the Mayor and Butch Plyler. That meeting was last Wednesday, and all adjacent property owners attended, but unfortunately there was no way due to the size of the facility to find an adequate buffer. The Mayor was disappointed there was no solution found.

16. 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

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

The motion passed unanimously.

The lawsuit was discussed.

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

17. ADJOURNMENT

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

The motion was approved unanimously.

The meeting was adjourned at approximately 9:10 pm.

Respectfully submitted,

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Cheryl Bennett, Clerk

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Mayor Tracey Clinton