

Minutes 1.16 recessed to 1.18.07

Approved 02.12.07

VILLAGE OF WESLEY CHAPEL  
COUNCIL MINUTES  
7:00pm, January 18, 2007  
RECESSED FROM January 16, 2007

The Council of the Village of Wesley Chapel, North Carolina, met in the Wesley Chapel United Methodist Church, with Mayor Tracey Clinton presiding.

Present: Mayor Clinton, Mayor Pro-tem Croffut, Council Members Mullis, Horvath, and Pierce.

Others Present: Justin Krieg – Planning and Zoning Administrator  
George Sistrunk, Village Attorney

At 7:10pm, Mayor Clinton Called to order the Recessed meeting from January 16<sup>th</sup>.

8. DISCUSS (AND POSSIBLE VOTE) ON ESTABLISHMENT OF AN  
EXTRATERRITORIAL JURISDICTION (ETJ) BOUNDARY ORDINANCE  
FOR WESLEY CHAPEL

Mayor Clinton opened the floor for discussion.

Horvath made the following comments. Based on comments from Tuesday, Horvath feels like we are approaching the same issue from different sides. We want to maintain our rural flavor. We are maintaining the same zoning from county. Keep the farmland – we both want that. The village could change the zoning, but the county could as well. Given the current make-up of the county commissioners, it is more likely the county will want to change zoning rather than Wesley Chapel. Another argument was no representation, but we have proportional representation on Planning Board and Board of Adjustment and they will have full voting rights on each board. As far as allowing voting rights for elected officials, that is not allowed by state statute. The comments around this being a power play and calling us a paper town are just based on mis-information. It seems that the developers are putting their needs over the needs of our community.

Mayor Clinton stated the definition of a paper town is a town that is incorporated via the state legislature and has a charter, but is not having elections as required by their charter. Wesley Chapel does not meet the definition of a paper town.

Horvath went on to state all letters have been mail according to what's required via state statute. ETJ is a state provided tool under NC law, used by many municipalities. If the county wants to change their mind, there is a 2-year notification period required to repeal their agreement. Mr. Horvath would like to

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know what other laws the county commissioners don't like and don't want to abide by.

Horvath stated that he would like to see our annexation policy revised to allow neighborhoods in our ETJ to voluntarily annex without needing 95% participation. He strongly supports passage of this resolution.

Croffut wanted to add to what Horvath said. Around the argument regarding offering of services, no municipality is going to be able to provide the breadth of services currently offered by the county. And if we could, people would not be willing to annex in and pay the amount of taxes it would take to support all those services. Both the county and municipalities have the ability to change the zoning of an area. Wesley Chapel has a better feel for how the surrounding area of Wesley Chapel should develop. He is in support of approving the ETJ boundary ordinance.

Pierce wanted to comment on public hearing comments. In response to Mr. Couchells comments about wanting to build houses for his family on his property. We have said in our Land Use plan that we want to keep our area rural. With his 60+ acres, he would have no problem accomplishing this under Wesley Chapel rules. Mr. Minor Plyler wants to be left alone. The County could decide to put something undesirable next to his land. The County has a lot of larger responsibilities such as elections, judicial functions, child welfare, funding for school construction, water, sewer, etc... She is in support of ETJ.

Mullis is concerned about the original approval by the commissioners excluding the UCPS school site and the Union Power Substation property. The message they sent to people that were against ETJ was that Union County schools do not have to come under our jurisdiction for planning, but everyone else does. He thinks we will be facing a lawsuit with the county and others with the landowners. He was originally supportive of filling in Wesley Chapel's donuts, and then went along with some of the intersections. He is going to have to be against the currently proposal for ETJ.

Mayor Clinton commented on Mr. Plylers statement regarding the county having his land zoned as commercial. The Mayor reviewed the county land use plan and was not able to find any specific designation of commercial zoning near his property. Mr. Pitt mentioned not being notified back in August for the public hearing in September. In December, we did another mailing because the list of parcels had been revised a great deal. This was for the public hearing on January 16<sup>th</sup>. Mayor Clinton stated

Our job as the government of Wesley Chapel is to protect our citizens. Our biggest complaint is that our infrastructure is lacking for the amount of growth we are experiencing. Our ETJ process is a big step in protecting our citizens and the greater community of Wesley Chapel. We have a few landowners not in

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agreement with our ETJ proposal. While she understands their point of view, she hopes they will take a step back and see the bigger picture. She hopes they will get involved in our master planning process about to get underway.

Mayor Clinton mentioned that Parker, Poe sent a letter asking that part of a 3<sup>rd</sup> parcel purchased by Union Power be specifically excluded from the ETJ area. It is .667 acres of land that was purchased from the Nye family. Horvath made a motion to amend the ETJ boundary ordinance to remove a portion of parcel 06075016B owned by Union Power, which is .667 acres in size. Pierce seconded the motion. The vote was unanimous.

Mayor Clinton asked to amend the draft boundary ordinance and add the following:

“Whereas the Village of Wesley Chapel desires to protect the area from uncontrolled growth and incompatible land uses, and  
Whereas the village of Wesley Chapel Village Council Deems it to be in the public interest and beneficial to the village and surrounding community to adopt such an ordinance.”

Rick Croffut made a motion to amend the boundary ordinance as Mayor Clinton stated. Sonya Pierce seconded the motion. The vote was unanimous.

Sonya Pierce made a motion to adopt the ETJ boundary ordinance (Ord. 2007-01, attachment A ) for Wesley Chapel as amended. Horvath seconded the motion. Horvath, Pierce and Croffut voted in favor of the motion. Mullis was opposed. The motion passes 3-1.

Mayor Clinton stated that she had been trying to contact Kevin Pressley and had not been able to speak to him in person. She did have a conversation with Alan Baucom where she stressed that Wesley Chapel and Union County needed to come together to discuss their differences and come to a resolution before it reached the courts. Mayor asked council to consider approving having a joint meeting with the county commissioners of either the full boards or a subset of each board. Mullis mentioned having the two attorneys meet. Sistrunk clarified that Jeff Crook, County attorney, did not see a meeting of the attorneys as necessary. Croffut was interested in understanding how the commissioners came to the resolution that our ETJ was not valid.

Mullis made a statement that he has not had any personal conversations with any of the county commissioners regarding ETJ.

Pierce made a motion to appoint the mayor to work with the BOCC chairman to arrange a meeting in some form with the UC Commissioners and WC Village Council to discuss ETJ. Brad seconded the motion. The vote was unanimous.

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9. OTHER BUSINESS

Horvath asked to place Annexation Policy changes for ETJ areas on our February council agenda.

Mayor Clinton stated that Sarah Honeycutt had not returned her calls regarding doing contract work on the taxes, so Cheryl was just going to be doing the best she can until we get a new tax collector hired.

Mullis gave an update on the MUMPO meeting that took place on January 17<sup>th</sup>. Most of the MUMPO members are interested in supporting the Rea Road extension. He feels that the committee may override the wishes of the majority of the Weddington council. Next meeting is February 15<sup>th</sup>, 2007.

Horvath updated council on the COG meeting. They have completed the first publication for their regional planning effort. He will try to have copies made prior to our February meeting.

10. COUNCIL COMMENTS

Pierce commended Horvath for all his hard work on ETJ preparation. Horvath thanked the mayor for her help as well. Horvath stated that Justin Krieg did a great job in the ETJ hearing. Mayor Clinton thanked the staff and council members for all their efforts to help make Wesley Chapel better.

11. Closed Session: MOTION TO CALL FOR CLOSED SESSION PER NC GS 143-318.11(a) (3) Attorney Client Privilege

At 7:50pm, Sonya Pierce made a motion to go into closed session per NC GS 143-318.11(a) (3) for Attorney Client privilege. Croffut seconded the motion. The motion was approved unanimously.

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At 8:20pm, Rick Croffut made a motion to leave closed Session. Horvath seconded the motion. The motion was approved unanimously.

12. Closed Session: MOTION TO CALL FOR CLOSED SESSION PER NC GS 143-318.11(a) (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment... of an employee or prospective employee

At 8:21pm, Rick Croffut made a motion to go into closed session per NC GS 143-318.11(a) (6) to consider the qualifications of an employee. Pierce seconded the motion. The motion was approved unanimously.

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At 8:54pm, Rick Croffut made a motion to leave closed Session. Horvath seconded the motion. The motion was approved unanimously.

13. CLOSED SESSION DECISIONS

Rick Croffut made a motion that we pay Cheryl Bennett the same rate we paid her in December 2005 to assume the role of interim clerk and tax collector. Horvath seconded the motion. The motion was approved unanimously.

Brad Horvath made a motion to adjourn. Mullis seconded the motion. The motion was approved unanimously. The meeting was adjourned at 8:56pm.

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Typed by Tracey Clinton

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Mayor Tracey Clinton

Attest:

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Cheryl Bennett, Interm Clerk