

VILLAGE OF WESLEY CHAPEL
EMERGENCY COUNCIL MEETING MINUTES
WESLEY CHAPEL TOWN HALL
6490 Weddington Road, Wesley Chapel, NC 28104
June 8, 2018 – 6:00 PM

The Village Council of Wesley Chapel, North Carolina met in the Town Hall at 6490 Weddington Road, Wesley Chapel, North Carolina.

Council Present: Mayor Horvath, Council Members Como, Fuller, Rodriguez

Council Absent: Mayor Pro Tem Kaperonis

1. Pledge of Allegiance, Invocation and Determination of Quorum

Mayor Horvath led the Pledge of Allegiance and the invocation was given.

2. Discuss NC Senate Bill 802 which serves to de-annex property in Wesley Chapel

Mayor Horvath explained the bill serves to de-annex 82 acres in Wesley Chapel which is just north of the New Town Road / Cuthbertson Road intersection. The bill lists 8 properties; the primary property is 42.99 acres. A week ago Senator Tucker called the Mayor and asked if we had anything in our ordinances that would allow a solar farm. After research with the planner, anything to do with power generation falls under Essential Services III where a solar farm is not specifically called out. Since power generation typically creates noise and things like that, it is currently limited to properties like business, light industrial and office/institutional. The Mayor did not think it was a bad use, it would not increase traffic or affect schools, and asked the Senator if we could have time to work on an amendment. The Senator said since the County has that use in their ordinance, he would like to get it going and de-annex it. The bill was filed June first. Mayor Horvath called the Senator and asked why eight properties were listed, and the Senator said only the one property of 42.99 acres was being de-annexed. Yesterday the bill moved out of the Rules Committee to the Finance Committee. It could be voted on as early as Monday or Tuesday so we could not wait for next week's meeting.

The property owner Terry Byrum was not present, and Council Member Como offered to reach out to him; he wondered why he was bypassing council. Council Member Fuller agreed it sets a dangerous precedent; land use is our principal job. Council Member Rodriguez agreed he would have appreciated it if the landowner had come to Council and cited other threats to de-annex such as with senior housing. He added we need a planner that can get ahead of the curve, and said he heard about the solar thing a year ago, they can do a solar lease for twenty five years and then do something else. He said he talked to Tommy a few times lately, and we need to get more pro-active. Council Member Como said we are elected to represent the residents, and should do what they want, and Senator Tucker should do the same. Mayor Horvath noted the majority of the town zoning rules were put in in 2002, and the whole reason we became a Village was we did not want to be like Indian Trail. Now that some of those people want to move away, they want to change the rules. There is give and take, but we need the opportunity for conversation. De-annexation has never been mentioned as a zoning tool. We are against the de-annexation, not the use. The County recently tweaked their solar farm rules, there is a new classification RA-200 which requires five acres and it has to fall under a special use permit. Council Member Rodriguez said Senator Tucker and Representative Horn are working to get the money for a nice

intersection there. Council Member Como questioned the urgency to de-annex. Council Member Rodriguez said it can be done quicker during this short session, but others could come up in January.

3. Consider approving a Resolution stating the Village's Opposition to De-annexation for Purposes of Re-zoning Property

Mayor Horvath read the proposed Resolution into the record. Council Member Rodriguez motioned to approve the Resolution, incorporated herein. Council Member Como seconded the motion.

The motion passed unanimously.

Village of Wesley Chapel Resolution 2018-01

**RESOLUTION FROM THE VILLAGE OF WESLEY CHAPEL
ON SENATE BILL 802 UNDER CONSIDERATION TO
DE-ANNEX LANDOWNERS FROM THE VILLAGE OF WESLEY CHAPEL**

WHEREAS, the Village of Wesley Chapel respects the authority vested in the State Leaders of North Carolina and the representatives of the citizens of the different districts of the state; and

WHEREAS, the Village of Wesley Chapel has authority to set rules and regulations for the development of land in the Village and has adopted and maintained rules regulating development in the Village and these rules and regulations were set forth at the request of the first planning board and council and continue to be upheld and supported by the citizens of the Village of Wesley Chapel; and

WHEREAS, the Village of Wesley Chapel Council's purpose is to support the citizens' vision for their Village and to serve as a voice for the greater good of the municipality; and

WHEREAS, the Village of Wesley Chapel has received no formal or informal requests to meet with any of the landowners listed on the de-annexation request to discuss their individual desires pertaining to their land before the petitioner's request was sent to the state directly; and

WHEREAS, the Village of Wesley Chapel Council has not received any solar farm development requests or questions from the property owner for the largest parcel, and not aware of any others developer requests for the additional properties listed on the de-annexation request, since its incorporation, nor at any time prior to this bill being filed; and

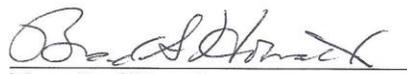
WHEREAS, the Village of Wesley Chapel has not made any false pretenses to any citizen who has voluntarily annexed into the Village of Wesley Chapel, fully understanding the development guidelines, which have always been available to the public; and

NOW, THEREFORE be it resolved that the Village of Wesley Chapel hereby opposes de-annexation of properties within the Village. The Village believes this will set precedence, and cause irreparable harm should the State undermine and bypass the authority of this Municipality by granting de-annexation from the village.

Furthermore, the Village of Wesley Chapel has offered to listen to the desires of the landowners; specifically to work on the zoning language modification through a text amendment needed for the solar farm usage discussed.

To act on this petition and grant de-annexation, would at a minimum be perceived as an arbitrary act, and by all methods an unreasonable abuse of privilege of power, circumventing the local government laws which the Village and its citizens have established, in turn causing a ripple effect of injury to this Village and all other municipalities in the State.

Adopted this the 8th day of June 2018.



Mayor Brad Horvath

Attest: 

Cheryl Bennett, Clerk



4. Adjournment

Council Member Rodriguez motioned to adjourn; Council Member Como seconded the motion.
The motion passed unanimously.

The meeting ended at approximately 6:30 pm.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath