

VILLAGE OF WESLEY CHAPEL  
COUNCIL MEETING  
MINUTES  
March 10, 2008 – 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: Justin Krieg

Village Attorney: George Sistrunk

Concerned citizens: Kathy Patterson, Mike Patterson, Winston D. Patterson, Tony Patterson, Jim Andrews, Roxian Andrews, Roxane Kolar, Richard Gibson, Joseph Hall, David Wilk, Larry Bowman, Chuck Philips, Carol Mullis, Shirley Wilson/Casper, Dave Casper, Dan Horner, Kathleen Stansfield, Michael Lincoln, Wendi Lincoln, Mark Odidane, Rick Morris, Ray Davis, Jack VanTasel, Gayle Sebastian, Bill Gwinn, Jennie Holdar, Dawn Pinca, Karen Wylde, Donna Cochran, Tim Reichert, Robin Chandler, Mark Armentrout, Julie Brown, Cheryl Sica, Pat Stitt, Jim Stitt, Mark Skinner, Barry Dekis, Eric Black, Dan Leonard, Sean Collingsworth, Paul Sperry, Mark DiBiasio, John Brady

Meeting was called to order at 7:00 PM and a quorum was present.

1. PLEDGE OF ALLEGIANCE / INVOCATION

Mayor Clinton led the pledge, and Croffut did the invocation.

2. INFORMAL PUBLIC COMMENTS

Kathy Patterson noted that the Village is growing, and she appreciated the Council looking into a gun ordinance.

Sean Collingsworth and Paul Sperry signed up to speak, but passed.

Tim Reichert moved to Stonegate 8 years ago; noted there was not much shooting back then, but it has picked up a lot recently. He agreed with the right to shoot, but noted this is a safety issue. He can see the shooting range from his backyard; and noted there is tremendous noise with machine guns. Mr. Reichert said he recently joined an indoor range in Matthews, and noted there are other places available for shooting.

Kathleen Stansfield who lives in Champion Forest said she is primarily here for the roads, but noted she hears the shooting in Champion Forest too; while formerly it was infrequent, now it is almost daily.

John Underwood, who was scheduled to speak from NC DOT on Cuthbertson Road issues, could not attend.

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

Item 9, "Discussion of Gun Ordinance" was moved up to Item 6; Horvath made a motion to approve the agenda with this change; Bradford seconded the motion.

The motion was passed unanimously.

4. APPROVE MINUTES FOR:

Council Meeting February 11, 2008

Council Work Session February 19, 2008

Closed Minutes for Item 19, February 11, 2008

Pierce made a motion to approve the Council minutes for February 11, 2008 and the Council Work Session minutes for February 19, 2008. Croffut seconded the motion.

The motion passed unanimously.

Pierce made a motion to table approval of the closed minutes for Item 19, February 11, 2008 to the next meeting; Croffut seconded the motion.

The motion passed unanimously.

5. STAFF REPORTS

- a. Review and approve the Village Financial Reports dated February 29, 2008, submitted by Cheryl Bennett, Finance Officer.

The February financial reports show \$309,508 in year to date revenues, and \$150,498 in year to date expenditures. The CD was renewed for five months at a yield of 3.77%. Horvath made a motion to approve the February financial reports; Bradford seconded the motion. The motion was passed unanimously.

- b. Tax Report Update dated February 29, 2008 prepared by Nancy Schneeberger

Schneeberger reported collections of \$2561.75 for 2007 tax, \$21.49 for 2006 tax; \$10.53 for 2005 tax. Taxes Receivable for 2007 are \$4149.82. Bradford made a motion to approve the tax report; Pierce seconded the motion. The motion passed unanimously.

- d. Request tax refunds for \$6.75 - for parcel 06048352 \$1.95 to Desousa; parcel 06051049 \$2.39 to Laster, and parcel 06042010 and 06042009 \$2.41 to McCoy.

Horvath made a motion to approve the above tax refunds; Bradford seconded the motion. The motion passed unanimously.

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

Krieg reported the Master Plan Committee draft of Sections 4, 5, and 6 will be reviewed and discussed at the March 12 committee meeting. Development plans were received for 2 small buildings between Target and CVS at Village Commons. The Local Area Regional Transportation Plan moves forward; COG

will serve as the project manager, and a service agreement was drafted for the project scope and sending the RFP to consultants. Project ranking for the long range transportation plan started, and Krieg believes they were successful in getting the Hwy. 84 widening project ranked a highly as possible. Revisions on the Quintessa project are taking longer than expected, and their timeline is pushed back at least a month; Horvath requested a revised timeline. Bonnie Fisher, our engineer, reviewed 4 subdivisions bonds, and a couple will be released.

6. DISCUSSION OF GUN ORDINANCE

Weddington, Marvin, Waxhaw, and Indian Trail all have firearm ordinances. Bradford presented a proposed ordinance as follows.

**VILLAGE OF WESLEY CHAPEL  
FIREARMS ORDINANCE**

WHEREAS, G.S. 160A-189 authorizes municipalities to regulate, restrict, or prohibit the discharge of firearms at any time or place within the boundaries of the municipality, and

WHEREAS, the purpose of this Ordinance is to protect the public safety by regulating the indiscriminate shooting of firearms within the corporate limits of the Village of Wesley Chapel,

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Village of Wesley Chapel:

Section 1. DEFINITIONS

(a) "Firearm" Any weapon or similar instrument, including a center fire rifle, from which shot, shells, bullets, or similar projectiles are discharged by means of the explosion of gunpowder.

(b) "Center Fire Rifle" A shoulder weapon with rifled bore using center fire ammunition.

Section 2. DISCHARGE OF FIREARMS GENERALLY

Except as provided in Section 3 of this Ordinance, it shall be unlawful for any person to discharge a firearm within the municipal limits of the Village of Wesley Chapel.

Section 3. EXCEPTIONS

This Ordinance shall not apply to the discharge of a firearm when it is used in the following situations:

(A) in defense of persons or property

(B) by law enforcement officers in their official duties

(C) shooting or killing any dangerous animal or reptile

(D) an individual hunting on his own property (or on another's property with written permission from the property owner for the activity on his person at all times) exhibiting reasonable regard for his neighbors' person and property if such person has written permission for such activity from all persons owning any of the following types of places or structures which are located within 450 feet of the activity:

- a. the property line of land containing a dwelling house
- b. the property line of land containing a school
- c. the property line of land containing a church
- d. the property line of any other type of building, while occupied
- e. a public or private park or recreation area
- f. a field or pasture containing domestic livestock
- g. any other type of public gathering place.

#### Section 4. FIREARMS USE BY CHILDREN

It shall be unlawful for any person, being a parent or guardian of, or standing in loco parentis to, any child under twelve (12) years of age, to permit such child to have possession or custody of, or use in any manner whatsoever, any firearm, whether such firearm is loaded or not, without direct, active adult supervision of the child at all times the child is holding the firearm.

It shall be unlawful for any person being a parent or guardian of, or standing in loco parentis to, any child between twelve (12) years of age and fifteen (15) years of age, to permit such child to discharge a firearm without direct, active adult supervision of the child at all times the child is firing the firearm unless that child has passed a Hunter Safety Course or similarly recognized course in firearms safety.

#### Section 5. DISCHARGING FROM ROAD RIGHT OF WAY OR ACROSS PUBLIC VEHICULAR AREA

No firearm shall at any time be discharged from any road right of way or in such a way that it will result in any resultant projectile passing across a sidewalk, highway, street, or any other public vehicular area.

#### Section 6. ENFORCEMENT

The Union County Sheriff's Department, the North Carolina Wildlife Officers (Wildlife Protectors), and any other law enforcement officers are authorized to enforce the provisions of this Ordinance.

#### Section 7. HUNTING REGULATED BY NC GENERAL STATUES

The provisions of this Ordinance shall apply to all persons engaged in hunting as regulated by Subchapter III of Chapter 113 of the North Carolina General Statutes or similar successor statutes.

Section 8. PENALTIES AND REMEDIES FOR VIOLATIONS

(A) The violation of any provision of this Ordinance shall be a misdemeanor and may be punishable by a fine of not more than two hundred dollars (\$200.00) or imprisonment for not more than thirty (30) days.

(B) This Ordinance may also be enforced by any appropriate equitable action which may be brought by the Village of Wesley Chapel or any person or entity owning any of the types of places or structures described in Section 3(D) of this Ordinance which are located within 450 feet of an activity which violates the provisions of this Ordinance.

Section 9. ORDINANCE PARTS SEVERABLE

It is hereby declared to be the intention of the Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and that if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional or invalid by the valid judgment of decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, as the same would have been enacted by the Council without incorporation in this Ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph, or section.

Section 10. EFFECTIVE DATE

This Ordinance shall be effective upon its adoption.

Adopted this the \_\_\_\_ Day of \_\_\_\_\_, 2008.

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CHERYL BENNETT, CLERK

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TRACEY CLINTON, MAYOR

Bradford had two versions; one version did not include the words “property line” in Section 3 (D) a., b., and c. Bradford preferred including the words “property line” because generally the yard or playground is where children are.

Horvath had drafted a proposed machine gun ordinance, but he asked it be tabled for now.

Mayor Clinton inquired on the 450 foot criteria; Bradford said it was the maximum she saw in an existing ordinance. Horvath said per the NRA

sourcebook the range of a shotgun with size 00 can shoot up to 748 yards; and a size 9 up to 528 feet, (page 1-1-11). Mayor Clinton also confirmed that with written permission from a neighbor, there could be shooting within 450 feet of a property line. Bradford also said on Section 3 (D) we could add the words “with a shotgun” after “an individual hunting”.

Horvath made a motion we have a Public Hearing on the proposed firearm ordinance on Tuesday, April 1, 2008 at 7 pm at Wesley Chapel United Methodist Church. Pierce seconded the motion.

The motion passed unanimously.

The Public Hearing will be advertised and the proposed ordinance put on the website.

A brief recess was held.

**7. CALL FOR PUBLIC HEARING ON APFO AMENDMENT TO  
SUBDIVISION ORDINANCE**

The Planning Board made a positive recommendation to adopt the APFO as Appendix 17-C to the Zoning Ordinance. Pierce made a motion to have a Public Hearing on the APFO Amendment on Monday, April 14, 2008 at 7 pm at Wesley Chapel United Methodist Church. Bradford seconded the motion.

The motion passed unanimously.

**8. RECEIVE CERTIFICATES OF SUFFICIENCY FROM CLERK  
REGARDING PROPOSED ANNEXATION PETITIONS**

**Certificate of Sufficiency**

To the Wesley Chapel, North Carolina Village Council:

I, Cheryl Bennett, Village Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all the owners of real property lying in the area described therein, in accordance with G.S. 160A-58.1.

In witness whereof, I have here unto set my hand and affixed the seal of the Village of Wesley Chapel, this 10th day of March, 2008.

SEAL

\_\_\_\_\_  
Cheryl Bennett, - Village Clerk

Attached: Petitions for Lot 1, Wesley Oaks, 06-048-483

**Certificate of Sufficiency**

To the Wesley Chapel, North Carolina Village Council:

I, Cheryl Bennett, Village Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all the owners of real property lying in the area described therein, in accordance with G.S. 160A-31.

In witness whereof, I have here unto set my hand and affixed the seal of the Village of Wesley Chapel, this 10th day of March, 2008.

SEAL

\_\_\_\_\_  
Cheryl Bennett, - Village Clerk

Attached: Petitions for Wesley Oaks - Lots 291,99,68,55; and Twelve Oaks - all lots (1-24) and Common Open Space # 1, 2, and 3.

The two above Certificates of Sufficiency were presented, and a motion to accept them was made by Croffut. Bradford seconded the motion.

The motion passed unanimously.

8. CONSIDER RESOLUTION 2008-04 FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31, and RESOLUTION 2008-05, FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-58.2

Horvath made a motion to approve Resolution 2008-04; incorporated herein.

Pierce seconded the motion.

The motion passed unanimously.

**Resolution 2008-04  
RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF  
ANNEXATION PURSUANT TO G.S. 160A-31**

WHEREAS, petitions requesting annexation of the area described herein has been received; and

WHEREAS, the Village of Wesley Chapel has directed the Village Clerk to investigate the sufficiency of the petitions; and

WHEREAS, certification by the Village Clerk as to the sufficiency of the petitions has been made;

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Wesley Chapel United Methodist Church, at 120 Potter Road South, Wesley Chapel, North Carolina at 7:00 pm, on April 14, 2008.

Section 2. The area proposed for annexation is described as follows:  
Wesley Oaks- Contiguous All Waxhaw,  
28173

TAX #	Lot #	RESIDE	St. #	Street
		NT		
06-048-201	291	Shattuck		6600 Blackwood Lane
06-048-514	99	Kenary		712 Cavendish Lane
06-048-576	68	Dickens		715 Springwood Lane
06-048-592	55	Ross		6613 Walton Hall Ct

Twelve All Waxhaw, 28173  
Oaks

06-051-265	19			5000 Butler Ct
06-051-264	18			5004 Butler Ct
06-051-266	20			5005 Butler Ct
06-051-263	17			5008 Butler Ct
06-051-267	21			5009 Butler Ct
06-051-262	16			5012 Butler Ct
06-051-261	15			5016 Butler Ct
06-051-257	11			5100 Rhett Ct
06-051-251	5			5101 Rhett Ct
06-051-256	10			5104 Rhett Ct
06-051-252	6			5105 Rhett Ct
06-051-255	9			5108 Rhett Ct
06-051-253	7			5109 Rhett Ct
06-051-254	8			5112 Rhett Ct
06-051-259	13			1100 Tara Plantation Blvd
06-051-260	14			1101 Tara Plantation Blvd
06-051-258	12			1104 Tara Plantation Blvd
06-051-268	22			1201 Tara Plantation Blvd
06-051-269	23			1301 Tara Plantation Blvd
06-051-270	24			1305 Tara Plantation Blvd
06-051-250	4			1306 Tara Plantation Blvd
06-051-247	1			1401 Tara Plantation Blvd
06-051-249	3			1404 Tara Plantation Blvd
06-051-248	2			1405 Tara Plantation Blvd

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Approved 04.14.08

06-051-271 COS#1

06-051-272 COS#2

06-051-273 COS#3

Section. 3. Notice of the public hearing shall be published in the Enquirer-Journal, a newspaper having general circulation in the Village of Wesley Chapel, at least ten (10) days prior to the date of the public hearing.

Approved March 10, 2008.

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Mayor Tracey Clinton

ATTEST:

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Cheryl Bennett, Clerk

Bradford made a motion to approve Resolution 2008-05, incorporated herein.

Horvath seconded the motion.

The motion passed unanimously.

#### **Resolution 2008-05**

### **RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-58.2**

WHEREAS, petitions requesting annexation of the non-contiguous area described herein has been received; and

WHEREAS, the Village of Wesley Chapel has directed the Village Clerk to investigate the sufficiency of the petitions; and

WHEREAS, certification by the Village Clerk as to the sufficiency of the petitions has been made;

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

Section 1. A public hearing on the question of annexation of the non-contiguous area described herein will be held at the Wesley Chapel United Methodist Church, at 120 Potter Road South, Wesley Chapel, North Carolina at 7:00 pm, on April 14, 2008.

Section 2. The area proposed for annexation is described as follows:  
Wesley Oaks lot 1; tax parcel 06-048-483.

Section. 3. Notice of the public hearing shall be published in the Enquirer-Journal, a newspaper having general circulation in the Village of Wesley Chapel, at least ten (10) days prior to the date of the public hearing.

Approved March 10, 2008.

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Mayor Tracey Clinton

ATTEST:

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Cheryl Bennett, Clerk

10. DISCUSS RECOMMENDATION FROM YMCA EXPLORATORY COMMITTEE

Mayor Clinton reported the recommendation from the YMCA Exploratory Committee is to pursue an agreement with the YMCA. The Y would give us some payment if we deed them the land rather than lease it. The Village will receive meeting room space and some park. Some members of the Committee felt a long term lease with the ability to build a town hall would be best, but the majority was in favor of a deed. The majority of the committee wants a pool and youth programs like Saturday night programs, and suggested we work with them for short term beautification. The Committee was advisory, so it is now up to Council.

Horvath proposed two members of Council, Mayor Clinton and Rick Croffut work with the Y to come up with a proposal. Pierce seconded the motion.

The motion passed unanimously.

11. UPDATE ON HAMPTON MEADOWS

Two more estimates came in, one for reclamation at \$170,000 and the other at \$282,000. Regarding water lines, Christy Putnam says the pipes are run alongside the roads, and if repairs occur the yards would be dug up, not the roads. Horvath will turn this over to Mary Oaks.

12. REVIEW ADVANCE FORMAT AND AGENDA

The Advance will be April 11 and 12; the agenda will be presented at the work session next week. Mayor Clinton will have boards put up with survey results, financial overview, shopping center updates, town land, etc. at the Friday night dinner. Saturday am will be a meeting with the Planning Board, but as only a

couple of members will be available, there will probably be another joint meeting with Planning Board. Planning issues include form based codes, overlay districts, greenways, and ordinances such as tree save, and big box.

Other topics for the Saturday session will be council procedures, use of attorney, communications – website, anniversary celebration, vision branding, and town land. We will determine the price for the meal, and post on the website for citizens to join the Friday dinner session, as well as the Saturday session.

13. UPDATE ON LOCAL AREA TRANSPORTATION PLAN

MUMPO will make a budget decision in early July on funding up to 80% of the costs. A consultant will be hired, scope not yet decided. In the interim Phase I COG will be used to draft the scope and put out the RFP; they are requesting \$691 and 7.5 member hours from each town. If Mineral Springs joins in, the cost may come down. Pierce made a motion to accept this proposal for Phase I, contingent on the other municipalities participating. Bradford seconded the motion.

The motion passed unanimously.

14. REVIEW NEWSLETTER DRAFT

Pierce received two price quotes; this will be finalized at the work session.

15. ANNOUNCEMENTS

There is a meeting on revaluation of tax assessments March 12 at the Monroe Library. March 20 at the AG Center is a Mayor-Commissioner meeting. April 19 is the litter sweep day; organized by the Optimist Club and Nancy Pulsini; meet at 8 am at Optimist Park. The MUMPO meeting is March 19 at the downtown governmental center at 7 pm.

16. OTHER BUSINESS

Pierce made a motion to add to the agenda a closed session per NC GS 143-318.11(a) (3) for attorney client privilege regarding ordinances. Horvath seconded the motion.

The motion passed unanimously.

17. COUNCIL COMMENTS

Croffut thanked Bradford and Horvath for their work on the firearms ordinance.

18. CLOSED SESSION: MOTION TO CALL FOR CLOSED SESSION PER NC GS 143-318.11(a) (3) Attorney Client Privilege re: Village of Wesley Chapel v. Union County (ETJ) and Plyer, etc. v. Village of Wesley Chapel

Horvath made a motion to go into closed session per NC GS 143-318.11(a)(3) attorney client privilege re: Village of Wesley Chapel v. Union County (ETJ) and Plyer, etc. v. Village of Wesley Chapel. Bradford seconded the motion.

The motion passed unanimously.

A brief recess was held.

The Village attorney updated the council on the status of the lawsuits.

Minutes 2008.03.10  
Approved 04.14.08

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Minutes 2008.03.10  
Approved 04.14.08

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Minutes 2008.03.10

Approved 04.14.08

Pierce made a motion to leave closed session; Croffut seconded the motion.

The motion passed unanimously.

18. A. CLOSED SESSION PER NC GS 143-318.11(a) (3) FOR ATTORNEY  
CLIENT PRIVILEGE REGARDING ORDINANCES

Bradford made a motion to go into closed session per NC GS 143-318.11(a) (3)  
for attorney client privilege regarding ordinances. Pierce seconded the motion.

The motion passed unanimously.

Council conferred with their attorney.

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Minutes 2008.03.10  
Approved 04.14.08

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Minutes 2008.03.10

Approved 04.14.08

Pierce 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 approximately 8:25 pm.

Respectfully submitted,

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Cheryl Bennett, Clerk

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Mayor Tracey Clinton