

VILLAGE OF WESLEY CHAPEL
COUNCIL Work Session MEETING MINUTES
September 8, 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: Joshua Langen

Concerned citizens: Carol Mullis, Pat Stitt, Kathy and Mike Patterson, Wendi and Michael Lincoln, Winston and Dixie Patterson, Shirley Wilson, Dave Casper, Mark S. (illegible), Michael R. Land, M.D., Tom Reitz, Eddie Moore, Horace Deese.

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 Croffut gave the invocation.

2. INFORMAL PUBLIC COMMENTS – Horace Deese spoke; he said he didn't like spending money on deputies. He added that after we pay our taxes, we can't afford a gun; and Wesley Chapel doesn't need a gun law. He said we could appoint two big guys and they could take care of any problems.

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

Bradford made a motion to approve the agenda; Horvath seconded the motion.

The motion passed unanimously.

4. APPROVE MINUTES FOR:

Council Meeting August 19, 2008

Closed Minutes for Item 15, August 19, 2008

Bradford made a motion to approve the minutes for the Council Meeting on August 19, 2008; Horvath seconded the motion.

The motion passed unanimously.

The closed minutes for item 15, August 19, 2008 were tabled to the next meeting.

5. STAFF REPORTS

a. Review and approve the Village Financial Reports dated August 31, 2008, submitted by Cheryl Bennett, Finance Officer.

Pierce made a motion to approve the August 31, 2008 financial reports; Horvath seconded the motion.

The motion passed unanimously.
The budget report is incorporated herein.

	Aug 08	Jul - Aug 08	% of Budget	Annual Budget
Revenues				
Fees and Licenses				
Cable Franchise (from Time Warn	0.00	0.00	0.0%	12,000.00
Engineering Fees Reimbursement	741.94	2,205.69	27.57%	8,000.00
Zoning Permit	310.00	1,020.00	12.75%	8,000.00
Privilege Licenses	507.25	16,956.54	80.75%	21,000.00
Annexation Exp Reimbursed	30.00	30.00	10.0%	300.00
Misc. Fees	1,600.00	1,601.00	800.5%	200.00
Violations - Zoning	0.00	0.00	0.0%	0.00
Total Fees and Licenses	3,189.19	21,813.23	44.07%	49,500.00
Interest Earned	678.19	2,119.07	8.83%	24,000.00
Property Tax Income				
Current Year Property Tax	0.00	0.00	0.0%	113,193.00
Delinquent Taxes	52.41	94.31	15.72%	600.00
Interest/Ad Fee on Taxes	29.88	51.29	25.65%	200.00
NSF Fee Paid	0.00	0.00	0.0%	0.00
Utility Ad Valorem	0.00	0.00	0.0%	600.00
Vehicle Registration	866.08	866.08	10.85%	7,983.00
Total Property Tax Income	948.37	1,011.68	0.83%	122,576.00
Revenue Sharing				
Alcoholic Beverage Tax	0.00	0.00	0.0%	19,000.00
Cable (from State)	0.00	0.00	0.0%	40,000.00
Excise Tax (Piped Natural Gas)	0.00	0.00	0.0%	10,500.00
Franchise Tax (Electric Power)	0.00	0.00	0.0%	120,000.00
Sales & Use Taxes	0.00	0.00	0.0%	40,000.00
Telecommunications Tax	0.00	0.00	0.0%	12,000.00
Total Revenue Sharing	0.00	0.00	0.0%	241,500.00
Total Revenues	4,815.75	24,943.98	5.7%	437,576.00
Expense				
Operating Expenditures				
Tax Collection Fee	0.00	0.00	0.0%	1,725.00
Contingency	0.00	0.00	0.0%	20,800.00
Advertising - Clerk	0.00	0.00	0.0%	800.00
Annexation Expense	0.00	0.00	0.0%	4,000.00
Annual Retreat	0.00	0.00	0.0%	2,000.00
Books & Literature	0.00	0.00	0.0%	600.00
Dues and Subscriptions	0.00	5,321.00	42.91%	12,400.00
Election Expense	0.00	0.00	0.0%	10,500.00
Insurance - Liability	0.00	7,851.78	81.79%	9,600.00
Insurance - Workmen's Comp	0.00	470.00	58.75%	800.00
Land Maintenance	0.00	0.00	0.0%	3,000.00
Master Plan (incl. survey)	0.00	0.00	0.0%	5,000.00
Town office Maint.	0.00	119.85	6.66%	1,800.00

Misc town office	188.76	188.76	7.87%	2,400.00
Newsletter	1,683.00	1,683.00	25.89%	6,500.00
Office Expense				
Office Equipment				
Repairs	0.00	0.00	0.0%	1,000.00
Office Equipment	0.00	112.37	5.62%	2,000.00
Awards	0.00	0.00	0.0%	500.00
Electronic Commun (Tele/RR)	212.91	422.92	8.81%	4,800.00
Office Supplies	159.61	159.61	5.32%	3,000.00
Total Office Expense	372.52	694.90	6.15%	11,300.00
Postage and Delivery	42.00	42.00	6.0%	700.00
Rent	1,300.00	2,600.00	13.0%	20,000.00
Seminars	0.00	0.00	0.0%	2,000.00
Travel & Entertainment	0.00	175.20	5.84%	3,000.00
Utilities- Temp. Town Hall	165.14	304.69	7.62%	4,000.00
Welcome Committee	0.00	0.00	0.0%	1,000.00
Total Operating Expenditures	3,751.42	19,451.18	15.7%	123,925.00
Gen. Govt. Salaries				
Admin. Assistant	330.00	697.50	22.36%	3,120.00
Allowance for Salary Adjustment	0.00	0.00	0.0%	46,355.00
Mayor	0.00	0.00	0.0%	4,800.00
Mayor Protem	0.00	0.00	0.0%	3,000.00
Council Salary	0.00	0.00	0.0%	7,200.00
Clerk Salary	1,911.00	3,396.25	10.89%	31,200.00
Finance Officer Salary	710.76	1,243.83	15.71%	7,920.00
Payroll Taxes	520.03	849.66	8.58%	9,900.00
Payroll exp - Unemployment	0.00	0.00	0.0%	120.00
Fringe Benefits - Insurance	541.52	541.52	4.51%	12,000.00
Fringe Benefits - Retirement	0.00	191.55	4.18%	4,580.00
Total Gen. Govt. Salaries	4,013.31	6,920.31	5.32%	130,195.00
Planning & Zoning				
ETJ costs	0.00	0.00	0.0%	1,000.00
Administration (COG)	0.00	0.00	0.0%	8,000.00
P/Z Admin. Salary	3,846.16	5,769.24	11.54%	50,000.00
Planning & Zoning Board Salary	0.00	0.00	0.0%	4,540.00
Advertising	0.00	0.00	0.0%	1,800.00
P/Z Office Expense	23.82	23.82	1.99%	1,200.00
Planning/Zoning Expense	18.72	35.69	4.46%	800.00
Total Planning & Zoning	3,888.70	5,828.75	8.66%	67,340.00
Professional Fees				
Accounting	0.00	0.00	0.0%	3,400.00
Engr. Consulting	1,052.55	1,052.55	11.7%	9,000.00
Legal Fees	563.80	563.80	1.18%	48,000.00
Security	0.00	0.00	0.0%	1,116.00
Total Professional Fees	1,616.35	1,616.35	2.63%	61,516.00
Parks & Recreation	485.00	485.00	9.7%	5,000.00
Public Safety	0.00	0.00	0.0%	4,000.00

	Transportation Study	0.00	0.00	0.0%	38,000.00
	Capital Outlay				
	Computer Equip.	0.00	0.00	0.0%	3,600.00
	Furniture & Equipment	0.00	0.00	0.0%	2,000.00
	Software	0.00	0.00	0.0%	2,000.00
	Total Capital Outlay	<u>0.00</u>	<u>0.00</u>	<u>0.0%</u>	<u>7,600.00</u>
	Total Expense	<u>13,754.78</u>	<u>34,301.59</u>	<u>7.84%</u>	<u>437,576.00</u>
Net Deficit		<u>-8,939.03</u>	<u>-9,357.61</u>	<u>100.0%</u>	<u>0.00</u>

b. Presentation of Planning and Zoning Report by Joshua Langen

Langen reported four permits were issued; three for residential additions, and one residential renovation. He is working on bonds and waiting to hear on Kings Grant and Blackstone. He reported a draft of the flood protection ordinance went to the state and the attorney reviewed it. The flood maps should be arriving; the Mayor said she received a box with them at her house. Advertising for the new flood maps was discussed.

6. DISCUSSION AND POSSIBLE VOTE ON FIREARMS ORDINANCE 2008-09

Bradford went over the last details of the ordinance. Items discussed were a) if we wanted to measure distance from the point of fire to the property line or to the dwelling, b) requiring clearly marked property lines, and c) including HOA property. In Section 3D Bradford felt 450 feet from the point of fire to the dwelling is not sufficient; she wanted to ensure safety not only in the dwelling but also in the use of the property. In researching, she found 900 feet from the point of fire to the dwelling will protect the vast majority of dwellings; you can still shoot within the 900 feet, but you would need your neighbor's permission. She gave examples of property sizes; on a 7 acre property a small part may not be protected; and with larger properties, for example 11 acres, the 900 foot only protects part of the property. Having options of different distances based on property size was discussed; but this would be more confusing for enforcement. Horvath suggested increasing the distance from the dwelling; if 1,000 feet is good for the school, then it is good for dwellings or any other buildings. In Section 3D (e) Bradford suggested adding HOA common areas or recreation areas, because of the instances of deer stands on HOA properties. Section 4, Clearly Marked Property Lines, would apply to Section 3D, b., c., e., f., and g. Discussion was held on the logistics of marking property lines and the fact that the point of fire changes as the hunter moves around. Section 9 – penalties and violations was discussed; the Judge will determine the amounts. Horvath pointed out that Section 9B will change if we change the distances in Section 3D. Sistrunk said he hadn't spoken to Bill McGuirt, Sheriff's attorney; he did let him know it was on the agenda tonight.

Mayor Clinton asked what distances are in the wildlife commission laws: Bradford said 450 feet between a wildlife preserve and a dwelling; other distances are suggested for other hunting grounds; 450 feet is the minimum. Their law is specific

to state hunting lands, and municipalities can vary from it. Other ordinances in Union County have greater distances than 450 feet.

Horvath asked why in Section 3D target practice is not included. Bradford said it wasn't included because if you hunt you are required to take a safety course, but target practice alone wouldn't require that. She felt target shooting was better done in a controlled environment like an indoor range.

Pierce asked if there were any outstanding questions from the District Attorney; Sistrunk said not that he was aware of.

Mayor Clinton said she spoke with Sheriff Cathey today; he still is concerned regarding property lines marking, but said they would do their best to enforce the ordinance.

If passed and a resident calls the Sheriff, the deputy would have to come out and personally see the violation. If not, the resident could go to the Magistrate to request service, and then go to the District Attorney. Sistrunk said they would swear out a warrant or probable cause that the ordinance was being violated.

Horvath noted we had looked at the ordinances around us, Bradford pulled the information together, Dr. Land made us aware that others in the community are shooting, so this ordinance addresses the problem at a community level.

Pierce made a motion to approve Ordinance 2008-09, with the changes discussed:

1. Section 3D, changing 'within 450 feet of the point of fire:' to "within the following distances of the point of fire:"
2. changing distances in Section 3D as follows: in subsections a. and d. - 1,000 feet; in b., c. e., f., and g. - 450 feet
3. deleting "property line of land containing" in Section 3D subsection a., and deleting "the property line of" in Section 3D subsection d.
4. adding "Homeowner Association (HOA) common area or greenway" to Section 3D subsection e.
5. Section 4, after "as provided in Section 3(D)" adding "b.,c.,e.,f., and g. along the contiguous property lines of b.,c.,e.,f., and g."
6. Section 8B, changing "450 feet" to "the specified distances listed in Section 3(D).

Horvath seconded the motion.

The motion passed unanimously.

Ordinance 2008-09 is incorporated herein.

ORDINANCE 2008-09
VILLAGE OF WESLEY CHAPEL
FIREARMS SAFETY 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 Village Council of the Village of Wesley Chapel:

Section 1. DEFINITIONS

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

This does not include pellet, air, and BB guns, which nevertheless must be handled safely without endangering people or property.

- (B) "Center Fire Rifle" A weapon with rifled bore using center fire ammunition.
- (C) "Handgun" A firearm (as a revolver or pistol) designed to be held and fired with one hand.
- (D) "Rim Fire Rifle" A weapon with rifled bore using rim 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 exigent defense of persons or property
- (B) by law enforcement officers in their official duties
- (C) shooting or killing any dangerous animal
- (D) an individual hunting or skeet/trap shooting with a shotgun 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 the rights and safety of others and 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 the following distances of the point of fire:
- a. a dwelling house – 1,000 feet
 - b. the property line of land containing a school – 450 feet
 - c. the property line of land containing a church – 450 feet
 - d. any other type of building, while occupied – 1,000 feet

- e. the property line of a public or private park or recreation area, Home Owner Association (HOA) common area or greenway - 450 feet
 - f. the property line of a field or pasture containing domestic livestock – 450 feet
 - g. the property line of any other type of public gathering place – 450 feet
- (E) Training hunting dogs using ammunition blanks provided shooting takes place at a minimum 150 feet from the property line during daylight hours only.

Section 4. CLEARLY MARKED PROPERTY LINES

Any person who owns property that is contiguous to an area identified by Section 3 (D) b., c., e., f., or g. who intends to hunt or shoot skeet/trap or allow others to do so must clearly mark their property line before hunting. He or she must also clearly mark a perimeter measuring 450 feet from his or her property line before hunting or shooting skeet/trap.

Any person who intends to train dogs using ammunition blanks, as provided in Section 3 (E), or who intends to allow others to do so must clearly mark their property line before training. He or she must also clearly mark a perimeter measuring 150 feet from his or her property line before training.

Section 5. 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 similar course in firearms safety approved by the NC Wildlife Commission.

Section 6. 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 7. ENFORCEMENT

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

Section 8. HUNTING REGULATED BY NC GENERAL STATUTES

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 9. PENALTIES AND REMEDIES FOR VIOLATIONS

- (A) The violation of any provision of this Ordinance shall be a Class A misdemeanor and may be punishable by a fine of between five hundred (\$500.00) and one thousand dollars (\$1,000), the revocation of the privilege to hunt within Village limits for one year, and/or imprisonment for not more than thirty (30) days. Repeat offenders shall incur an additional fine that will escalate by one hundred dollars (\$100.00) per offense, not to exceed the maximum fine of one thousand dollars (\$1,000.00).
- (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 the specified distances listed in Section 3(D) of the point of fire of an activity which violates the provisions of this Ordinance.

Section 10. 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 11. EFFECTIVE DATE

This Ordinance shall be effective upon its adoption.

Adopted this the 8th Day of September, 2008.

CHERYL BENNETT, CLERK

TRACEY CLINTON, MAYOR

7. CONSIDER RESOLUTION 2008-13 TO ADOPT/ENDORSE/SUPPORT THE CONNECT REGIONAL VISION AND ACTION AGENDA

Sondra Bradford was appointed the CONNECT liaison; Horvath will be the back-up. Horvath made a motion to approve Resolution 2008-13 to Adopt/Endorse/Support the CONNECT Regional Vision and Action Agenda; incorporated herein. Pierce seconded the motion.

The motion passed unanimously.



RESOLUTION 2008-13
To ADOPT/ENDORSE/SUPPORT
The CONNECT Regional Vision and Action Agenda

WHEREAS, the Greater Charlotte Bi-State Region includes 17 counties, 12 in North Carolina and 5 in South Carolina, with a population of 2.4 million which is expected to double by 2030; and

WHEREAS, such major growth benefits economic development and job creation, the management of which is best conducted collaboratively in order to position the region for global competitiveness; and

WHEREAS, such major growth also challenges air quality, water resources, transportation, utility infrastructure and land consumption, all of which are matters of regional concern; and

WHEREAS, the Region has articulated an explicit desire to collaborate on issues of area wide impact; and

WHEREAS, to proactively address growth and quality of life, Centralina and Catawba Regional Councils of Government and the Charlotte Regional Partnership have successfully initiated the CONNECT regional vision process for the Greater Charlotte Bi-state Region; and

WHEREAS, the CONNECT Regional Vision and its prioritized Action Agenda represent the first consensus broad-based policy direction for this bi-State area, enabling future collaboration, widespread policy coordination and a stronger voice for consensus on regional interests; and

WHEREAS, the VILLAGE OF WESLEY CHAPEL agrees that it is both within its desire and in its best interest to support collaborative approaches to sustainable growth, healthy environment, strong economy, high-quality education, and enhanced social engagement;

NOW THEREFORE, BE IT RESOLVED, that the VILLAGE OF WESLEY CHAPEL hereby adopts the CONNECT Values, Vision, and Action Agenda as a guide for the future growth of the region, and agrees to consider the Values/Vision and associated policy options as a guide in decision-making about community growth in the VILLAGE OF WESLEY CHAPEL;

AND BE IT FURTHER RESOLVED that the VILLAGE OF WESLEY CHAPEL pledges to undertake the following actions in support of CONNECT:

1. Participation:

- a. Appoint a CONNECT Liaison to be the primary point of contact between the jurisdiction and the CONNECT team;
- b. Participate actively in appropriate CONNECT cabinets, work groups, and other bodies as requested, and in the update of CONNECT action plans;
- c. Participate actively in CONNECT workshops and educational offerings about growth and best practices, to enhance the level of public discussion;

2. Communication/Collaboration:

- a. Share copies of plans, policies, initiatives, and successes with the CONNECT Regional Clearinghouse being created;
- b. Notify its neighbors of upcoming plan changes, border matters, major developments, or other issues which may impact them, in a timely manner, directly through www.cogsconnect.org;

3. Engagement

- a. Assess its current policies, programs, and decision directions in light of the CONNECT vision and values;
- b. Adopt those aspects of the CONNECT Action Agenda that are locally appropriate, and engage as needed with CONNECT staff and peer jurisdictions to collaboratively implement those Actions;
- c. Provide letters of support for grant applications and other fund-raising efforts by the Councils of Government to implement CONNECT
- d. Support development of stable funding sources, including both public and private commitments, to provide for CONNECT Action Agenda implementation and leveraging of grant funds;
- e. Engage local media and citizens in discussions of how multiple community goals can be best achieved through regional collaboration.

Adopted this _____ day of _____, 2008

Mayor

Clerk

8. ANNOUNCEMENTS

Mayor Clinton said October is Domestic Violence Awareness Month; Union County leads the state in deaths due to domestic violence. Turning Point is giving out purple ribbons to show awareness, citizens may contact them.

Thanks were offered to Pierce for her work in the celebration – it came out great! Pierce said if anyone wants to e-mail us pictures, please do. Croffut offered thanks to all who helped. Bradford presented a token of appreciation to Pierce from Council. Bradford also noted about twenty people signed up indicating interest in the two new committees; and she got 111 Park and Rec surveys filled out; top interest was a park, then greenways, then bike lanes.

9. OTHER BUSINESS

The COG recycling group was discussed; Pierce requested more information on the scope. It will be put on the next agenda.

Horvath said he will be absent next week, and will also miss the MUMPO meeting on the 17th. Mayor Clinton said she could attend the MUMPO meeting.

10. COUNCIL COMMENTS - none

11. ADJOURNMENT

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

The motion was approved unanimously.

The meeting was adjourned at 8:15 pm.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Tracey Clinton