

VILLAGE OF WESLEY CHAPEL  
COUNCIL SPECIAL MEETING MINUTES  
WESLEY CHAPEL TOWN HALL  
6490 Weddington Road, Wesley Chapel, NC 28104  
October 13, 2016 – 7:00 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 Pro Tem Kenary, Council Members Como, Kaperonis and Rodriguez

**Council Absent:** Mayor Kapfhammer

**Others Present:**

Attorney Becky Cheney, Clerk/Finance Officer Cheryl Bennett; Planning/Zoning Administrator Bill Duston

**Standing Items**

1. Call to Order, Pledge of Allegiance, Invocation *Time Stamp 0:00*

Mayor Pro Tem Kenary led the Pledge of Allegiance and Council Member Rodriguez gave the invocation.

2. Public Comments *Time Stamp: 0:13*

Elaine Rosoff spoke regarding the park monument sign that was an Eagle Scout project. A Union County building permit was not obtained, and she stated we failed the scout. She added the County has no interest in our sign, and asked Council to leave the sign alone.

3. Adoption of Agenda *Time Stamp 5:58*

Council Member Rodriguez motioned to adopt the agenda; Council Member Kaperonis seconded the motion.

The motion passed unanimously.

4. Consider Approval of Consent Agenda *Time Stamp 6:29*

- a. Approve the minutes of September 12, 2016 meeting
- b. Approve the previous month finance report
- c. Approve the previous month planner's and code enforcement report
- d. Mayoral Proclamations: Red Ribbon Week, Breast Cancer Awareness Month, Domestic Violence Awareness Month

Council Member Rodriguez motioned to approve the consent agenda, Council Member Kaperonis seconded the motion.

The motion passed unanimously.

**September 30, 2016 Balance Sheet**

**ASSETS**

<b>Current Assets</b>	
<b>Checking/Savings</b>	
Fifth Third Bank checking	362,984.49
Fifth Third Maxsaver	305,894.13
BB&T Money Market	507,458.83
Cash Change Fund	<u>50.00</u>
<b>Total Checking/Savings</b>	1,176,387.45
Misc. Fees Receivable	<u>618.75</u>
<b>Other Current Assets</b>	
Property Tax Rec.	782.00
Allow. for Doubtful Accounts	<u>-543.00</u>
Total Sales Taxes to be Received	1,584.91
<b>Total Current Assets</b>	1,178,830.11
<b>Fixed Assets</b>	
Land	813,423.00
<b>Dogwood Park</b>	
Dogwood Park Improvements	722,271.00
Dogwood Park fountain	12,960.00
Dogwood Park Water Improvement	8,440.00
Dogwood Park Gate	7,076.00
Dogwood Park Shipping Container	3,200.00
Dogwood Park Signs	<u>3,803.00</u>
<b>Total Dogwood Park</b>	757,750.00
Town Hall	1,361,869.00
Furniture & Equipment	37,682.00
Town Hall Driveway/Irrigation	48,892.00
Accumulated Deprec.	<u>-290,058.98</u>
<b>Total Fixed Assets</b>	2,729,557.02
<b>Other Assets</b>	
Net Pension Asset	<u>3,185.00</u>
<b>Total Other Assets</b>	<u>3,185.00</u>
<b>TOTAL ASSETS</b>	<b><u><u>3,911,572.13</u></u></b>

**LIABILITIES & Fund Balance**

<b>Other Current Liabilities</b>	
Pension deferrals	20,792.00
Contrib to pension plan CY	-4,211.00
Deposits To Refund	215.75
Due to Union County Schools	63.15
Escrow from Developers	196,090.00
Deferred Revenue	<u>239.20</u>
<b>Total Other Current Liabilities</b>	213,189.10

<b>Fund Balance</b>	
Fund Bal. inv. in Fixed Assets	2,729,557.02
Fund Bal. non-spendable	196,090.00
FB Restrict for P&R fee in lieu	99,227.78
Fund Bal. Committed for CIP	37,782.11
Fund Bal assigned TH land	25,000.00
Fund Bal. Assigned for Com. Cen	87,196.00
Fund Balance Assigned for NNO	313.40
Fund Balance	615,967.48
Excess of Rev. over Exp.	<u>-92,750.76</u>
<b>Total Fund Balance</b>	<u>3,698,383.03</u>
<b>TOTAL LIABILITIES &amp; Fund Balance</b>	<u><u>3,911,572.13</u></u>

**Budget Report**

	<u>Sep 16</u>	<u>Jul - Sep 16</u>	<u>YTD Budget</u>	<u>% of Budget</u>
<b>General Fund</b>				
<b>Income</b>				
Appropriated Fund Balance	0.00	0.00	7,214.00	0.0%
Total Property Tax Income	6,578.84	8,407.19	156,983.00	5.36%
Total Fees and Licenses	1,580.75	13,661.74	40,600.00	33.65%
Interest Earned	55.51	124.39	500.00	24.88%
Total Revenue Sharing	<u>-1,212.92</u>	<u>-1,212.92</u>	<u>410,500.00</u>	<u>-0.3%</u>
<b>Total Income</b>	<u>7,002.18</u>	<u>20,980.40</u>	<u>615,797.00</u>	<u>3.41%</u>
<b>Expense</b>				
Total Town Hall Operating Expense	2,019.01	7,296.41	25,900.00	28.17%
Total Operating Expenditures	597.97	23,737.52	85,030.00	27.92%
Total Planning & Zoning	5,575.25	11,683.57	79,003.00	14.79%
Total Gen. Govt. Salaries	14,760.73	30,334.37	134,104.00	22.62%
Total Professional Fees	1,136.25	9,387.01	54,000.00	17.38%
Total Capital Outlay	0.00	0.00	30,000.00	0.0%
Total Public Services / Safety	21,416.75	43,276.31	91,672.00	47.21%
<b>Parks &amp; Recreation</b>				
Total Recreation Events	0.00	0.00	6,000.00	0.0%
Total Park Maint. Supplies & Materials	198.00	198.00	1,000.00	19.8%
Total Park Maint. Services	3,311.52	10,300.08	43,088.00	23.91%
Total P&R Capital Outlay	0.00	0.00	66,000.00	0.0%
<b>Total Parks &amp; Recreation</b>	<u>3,509.52</u>	<u>10,498.08</u>	<u>116,088.00</u>	<u>9.04%</u>
<b>Total General Fund Exp.</b>	<u>49,015.48</u>	<u>136,213.27</u>	<u>615,797.00</u>	<u>22.12%</u>
<b>Net General Fund</b>	<u>-42,013.30</u>	<u>-115,232.87</u>	<u>0.00</u>	<u>100.0%</u>
<b>Capital Projects Fund</b>				
Appropriated for Town Hall	0.00	1,442,700.00	1,442,700.00	100.0%
<b>Total Transfer from General Fund</b>	<u>0.00</u>	<u>1,442,700.00</u>	<u>1,442,700.00</u>	<u>100.0%</u>
<b>Capital Projects</b>				

Total TH expense	7,650.00	1,420,217.89	1,442,700.00	98.44%
Net Capital Projects Fund	-7,650.00	22,482.11	0.00	100.0%
Net Excess of Rev. over Exp.	-49,663.30	-92,750.76	0.00	100.0%

Village of Wesley Chapel, NC  
 Proclamation for Red Ribbon Week



**WHEREAS:** communities across America have been plagued by the numerous problems associated with illicit drug use and those that traffic in them; and

**WHEREAS:** there is hope in winning the war on drugs, and that hope lies in education and drug demand reduction, coupled with the hard work and determination of organizations such as the Mecklenburg County Young Marines of the Marine Corps League to foster a healthy, drug-free lifestyle; and

**WHEREAS:** governments and community leaders know that citizen support is one of the most effective tools in the effort to reduce the use of illicit drugs in our communities; and

**WHEREAS:** the red ribbon has been chosen as a symbol commemorating the work of Enrique “Kiki” Camarena, a Drug Enforcement Administration Special Agent who was murdered in the line of duty, and represents the belief that one person can make a difference; and

**WHEREAS:** the Red Ribbon Campaign was established by Congress in 1988 to encourage a drug-free lifestyle and involvement in drug prevention and reduction efforts; and

**WHEREAS:** October 23-31 has been designated National Red Ribbon Week, which encourages Americans to wear a red ribbon to show their support for a drug-free environment;

**NOW, THEREFORE BE IT PROCLAIMED AND RESOLVED,** that I, Dr. David Kapfhammer, PhD, Mayor of the Village of Wesley Chapel, North Carolina, do hereby proclaim October 23-31, 2016 as RED RIBBON WEEK in Wesley Chapel, North Carolina and urge all citizens to join me in this special observance.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the Village to be affixed this 10<sup>th</sup> day of October, 2016.

Signed \_\_\_\_\_

SEAL Attest

Mayor Dr. David Kapfhammer, PhD

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

Village of Wesley Chapel, NC  
Proclamation for Breast Cancer Awareness Month



**WHEREAS**, A woman is diagnosed with breast cancer every two minutes, making this disease the most frequently diagnosed cancer among women in the U.S., other than skin cancers; and

**WHEREAS**, During 2015 approximately 231,840 new cases of invasive breast cancer were diagnosed and more than 40,290 women succumbed to the disease in the United States; and

**WHEREAS**, The more than three million breast cancer survivors living in the U.S. today are a testament to the importance of promoting awareness about breast cancer, providing information, funding research, and offering treatment; and

**WHEREAS**, the efforts of numerous organizations have made a major contribution to spreading breast cancer awareness to both women and men through outreach, education, and screening and treatment programs, and have empowered people with the message of early detection; and

**WHEREAS**, October is designated as National Breast Cancer Awareness Month and the pink ribbon is the internationally recognized symbol of breast cancer awareness;

**NOW, THEREFORE I**, Dr. David Kapfhammer, PhD by virtue of the authority vested in me as Mayor of the Village of Wesley Chapel in North Carolina, do hereby proclaim October to be

**BREAST CANCER AWARENESS MONTH**

in Wesley Chapel and urge all citizens to wear pink ribbons in recognition of breast cancer awareness and in honor of those who have lost their lives to breast cancer and those who are now bravely fighting the battle.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the Village of Wesley Chapel to be affixed this 10<sup>th</sup> day of October of the year of our Lord two thousand sixteen.

Signed \_\_\_\_\_ SEAL Attest \_\_\_\_\_  
Mayor Dr. David Kapfhammer, PhD



Village of Wesley Chapel, North Carolina  
Proclamation for Domestic Violence Awareness Month



Whereas, domestic violence affects all Union County residents, and far too many people suffer abuse at the hands of a spouse, partner, parent, child, or sibling; these victims can be of any age, race, religion, or economic status and the resulting damage is inflicted not only on the victims, but their children, families, and communities; and

Whereas, domestic violence includes not only physical but also mental abuse, emotional abuse, financial abuse, sexual abuse, and isolation; and

Whereas, domestic violence is widespread, including one in three Americans who have witnessed an incident of domestic violence with an annual cost to US companies of \$3.5 billion in lost work time, increased health care costs, higher turnover, and lower productivity; and

Whereas, according to the North Carolina Coalition Against Domestic Violence, there have been 1,065 women, men, and children murdered as a result of domestic violence since January 1, 2002 in North Carolina; and

Whereas, according to the North Carolina Council for Women, domestic violence programs across the state responded to over 56,000 crisis calls and provided services to over 61,000 victims last year; and

Whereas, the key to prevention is education, community awareness, having zero tolerance for domestic violence, and requiring accountability by the abuser; and

Whereas, Union County recognizes the importance of having collaborations by multiple partners to promote social norms, policies and laws that support gender equity and foster intimate partnerships based on mutual respect, equality, and trust; and

Now, Therefore, be it resolved that I, Dr. David Kapfhammer, PhD, Mayor of the Village of Wesley Chapel, do hereby proclaim October 2016 as Domestic Violence Awareness Month in Wesley Chapel, and urge all citizens to support this observance. I further urge our citizens to increase their awareness and education of this destructive force which deeply affects a large number of families in our State each year and to become part of the efforts to stop violence in families.

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Mayor Dr. David Kapfhammer, PhD

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Date

5. Report from Finance Officer *Time Stamp 7:17*

During the month of September, the Finance Officer moved \$500 from Contingency to Town Office Maintenance Services (for the new HVAC contract), and \$400 from Contingency to Parks and Rec repair services (for gate repairs). The Finance Officer reviewed the routine monthly transactions. We received the last quarterly payment of state shared revenues that applied to the prior fiscal year, so any differences from what was estimated shows up as a plus or minus in current year revenues. We paid for the second quarter of deputy services. We have not released final payment to the irrigation installer pending resolution of the street lights repair by Duke Energy.

6. Continued Public Hearing on CZ 16-01 Heritage Senior Housing Conditional Rezoning  
*Time Stamp 10:05*

Zoning Administrator Bill Duston introduced Travis Manning from Kolter; Mr. Manning had no comments.

Public comments were then heard.

Pam King from Wesley Woods would have liked to have seen the proposal packet on line, she did see information on the Indian Trail website. Her main concern was traffic, going left out of Wesley Woods is very dangerous, and there is poor sight distance. Indian Trail however had a study showing a light was not needed.

Larry Dukes from Indian Trail said he attended 11-12 meetings in both towns on the proposal, it is not easy to exit from Taylor Glenn, even at 6:15 am. He asked the traffic be looked at, and a traffic warrant study requested noting safety concerns as Wesley Chapel Road is a two lane road.

Richard Herman from Taylor Glenn said he knew it is not an easy decision, and there were views on both sides and traffic is a concern.

Richard Almashy from Wesley Woods did not see any way they could move the road to allow a 450 foot sight distance, and a longer distance would be needed for trucks. He felt the speed limit should be lower. He said with the curves and humps, many cars go off the road and have damage which may not be turned into the police and noted four schools are within two miles. He requested the re-zoning be denied and ask that the State lower the speed limit.

Gayla Adams from Wesley Woods noted Wesley Chapel Road was not designed to handle today's traffic, nor the traffic from this and other new developments. There is not the sight distance to exit from Wesley Woods at Woodridge, it is even tough turning right. Development keeps being approved without the impact on traffic, schools and surrounding areas and safety of residents being considered.

Kathy Miller from Brandon Oaks asked if the developer had purchased the land, they haven't yet. She noted the developer presented to Indian Trail that if they don't approve this, then the developer would do option B, with no thread trail, and no buffers, and houses on the flood land in Wesley Chapel. This impacts Sun Valley schools; age 55 is not "seniors", they still have children. She asked how the 80/20 works in Indian Trail and in Wesley Chapel, and said the roads can't take the added traffic. She spoke with Indian Trail deputies and questioned if they would come to Wesley Chapel homes when paid with Indian Trail tax money. She added after the last meeting council stayed here with the developer, and asked what happened.

Steven Starnes, attorney for Mark and Jill Ramige who own the four acre tract on Hawfield Road echoed others' concerns. He said they have engaged a Charlotte firm for an impact study and it shows impact, both a decrease in value from the land development way, and also the inconsistent development way. They are still completing the study. An offer to sell has been put on the table.

Cathi Higgins from Indian Trail said residential development should encourage community, and this does not. Children can live in any of the homes; there are two HOA's and different fees, different tax rates (Wesley Chapel is only a little over one and a half cents while Indian Trail is more than 18 cents), two types of law enforcement, and different ordinances. One town provides trash service, one doesn't, the age restricted areas get various amenities, while the traditional homes only get walking trails, it is exclusionary and divisive. She asked who is going to keep track of the sales for the 80/20 rule.

Shannon Mallozzi spoke out regarding the park monument sign, even after being told this was only for public comments on the development proposal.

Dixon Yard from Wesley Woods asked if the community would get a chance to vote on this. Bill Duston stated Council makes land use decisions. Mr. Yard asked if this could be contingent

on a new road being built. Mr. Duston noted Council can approve, deny, or add reasonable conditions that the developer agrees to.

Steven Starnes said he thought it could be sent to a referendum. Attorney Becky Cheney said that cannot be a substitute for Council's vote.

Council questions were heard next.

Council Member Como asked about reducing the speed to 40 mph, the developer was okay with that, and Council tasked Mr. Duston to follow up and ask NCDOT about that. The criterion before a traffic study is required is fifty AM or PM peak hour trips, a traffic impact analysis was done, and reviewed by our engineer consultant and NCDOT. Council Member Como asked about the road which is mostly in Indian Trail, it will be a DOT quality road. Bill Duston noted the only way to get this density in Wesley Chapel is senior housing, our definition was 80% of owners with one person in the home age 55 plus, or all owners being age 62 plus, and actively marketed to seniors, there could be people under age 18 in the 80%, and the 20% could be any age. One condition is an annual report from the HOA or developers, if they are below the 80% threshold they will get a warning letter, and would be given a reasonable time to bring it up to the 80%. After that you could fine them, use civil penalties, or even classify as a misdemeanor, or no more permits would be issued in the development.

Council Member Kaperonis said he thought the spine road would mitigate a lot of the traffic, if you were going to work in Charlotte, you wouldn't go down Wesley Chapel Stouts Road. When we had a meeting here with CRTPO on roads, he was disappointed there weren't many people here. He thought it was on the transportation plan for road widening, but Bill Duston clarified that Indian Trail has started the motion through CRTPO to get funding to widen Wesley Chapel road, but there are no definitive plans now. Council Member Rodriguez added there is a 15-18 year lead time to get a road widened.

Council Member Como commented that Gary Sides of the Board of Education wants to unravel the re-districting, which may help some of the traffic issues.

Indian Trail has a community meeting scheduled for October 17, 2016 and their council meeting on October 25, 2016. Bill Duston requested they send us their minutes. The Ramige's impact study will be sent to Mr. Duston by October 27, 2016. Council Member Como motioned to continue the public hearing to the next regular meeting on November 14, 2016 at 7 pm at town hall, 6490 Weddington Road, Wesley Chapel, NC 28104. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

### **Committee and Deputy Reports**

#### **7. Youth Council Committee *Time Stamp 56:13***

The Chair could not attend, so Mayor Pro Tem Kenary reported they are working on a 5K, and they got an okay from Southbrook for event parking for the morning of their event.

8. Planning Board *Time Stamp 59:15*

The Planning Board Chair was not present, so Bill Duston noted there are several text changes on their agenda, including the storm water text changes that will be presented by the engineer and were reviewed by the attorney, including a permanent maintenance bond on the storm water facilities. Other items include conflicting text on the CUP threshold, restaurant definition, and subdivision signs. Mr. Duston received a request for donation boxes – not charity, but a for-profit company, and asked if Council wants him to bring it to Planning Board. Council Member Como motioned to task the planner to look into it and come up with proposed text. Council Member Kaperonis seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Kenary said she wanted a “No Hawking” ordinance, which was what our intent was with the “No Solicitation” ordinance, and she motioned for herself to work with John Ganus the code enforcement officer on a “No Hawking” ordinance. Council Member Como seconded the motion. It will come to Council in December.

The motion passed unanimously.

**Old Business**

9. Call for public hearing on temporary family health care structures text amendment to zoning ordinance for November 14, 2016 at 7 pm at town hall *Time Stamp 1:07:14*

Council Member Como motioned to call for the public hearing on temporary family health care structures text amendment to the zoning ordinance for November 14, 2016 at Town Hall, 6490 Weddington Road, Wesley Chapel, NC. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

10. Conservation Zoning Summary *Time Stamp 1:07:57*

Bill Duston had spoken with Mayor Pro Tem Kenary today, and there may be some more tweaks to the text. Mayor Pro Tem Kenary motioned for herself and Bill Duston to work on this and have it for the December council meeting. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

11. Temporary Use Permit *Time Stamp 1:09:20*

Bill Duston explained he had a situation with two active produce stands, which are classified as a temporary use. One paid, and one did not a year ago, the one that had not paid last year did pay this year, but a different second one would not pay this year. Council Member Rodriguez said we don't want to be retroactive, but do need to be pro-active; either we apply the ordinance to everyone or get rid of it. Bill Duston noted another temporary use, sales of Christmas trees, had been discussed last year, and he is sending letter to all known Christmas tree sellers to be pro-active. Council Member Rodriguez motioned for Bill Duston to send a letter to Mr. Boatright, and include what we will do if he does not comply, and have the Mayor and Council review the letter. Council Member Kaperonis seconded the motion.

The motion passed unanimously.

12. Farmers Market Update *Time Stamp 1:16:28*

Mayor Pro Tem Kenary reported the farmers market will open on Saturday, October 15, 2016 at 8 am and run to noon. Signs were purchased. Council Member Rodriguez motioned to move \$600 from Contingency to Parks & Rec Advertising. Council Member Kaperonis seconded the motion.

The motion passed unanimously.

Vendors will include the Boy & Girl Farm, Circle B Ranch, pumpkins/apple vendor, and a bread vendor. Bill Duston advised he needs a letter from the bread vendor, he has paperwork from the first two vendors. Clerk Bennett noted the attorney said we should get insurance certificates as well as waiver forms; Council Member Rodriguez said he probably won't have insurance forms that fast, but will get the hold harmless waiver forms. Attorney Cheney noted the vendors probably have insurance, but just need to get the certificates. The market will be held every Saturday until mid-November, and then start up again next year.

13. Park Entrance Sign *Time Stamp 1:23:11*

Council Member Rodriguez stated he likes the sign, and appreciates the work put into it, but when he came on council he toured the park with Brian Matthews from the County, and he mentioned the permit, which we did not have. Pat Utley from Parks and Rec suggested an engineer to reverse engineer the sign. When the engineer got the plans, they found problems, the foundation was not wide enough, and they quoted a fee of \$2700 for engineering, and \$2000 for soil testing. This would not guarantee a building permit approval, this would just allow them to know the specs of how it was built. Council Member Rodriguez asked the engineer if we could pick up the sign, and make a new base, but the engineer said no, the sign would crumble. A call was made to the Boy Scout office in Albemarle, who reassured him this would not affect the Eagle Status of the project and Scout. If someone calls and complains, the sign would have to be taken down. Council Member Rodriguez stated we should be held to the same standards as we hold residents, rather than pretend it's all right. It is absolutely not the fault of the Scout who built the sign, the person he was working with let him down.

Council Member Kaperonis motioned to make special dispensation to leave the sign. Council Member Como seconded the motion.

The motion was voted on with two yeas (Como and Kaperonis) and two nays (Kenary and Rodriguez).

Mayor Pro Tem Kenary motioned to go into closed session per NC GS 143-318.11(a) (3) to consult with the attorney. Council Member Rodriguez seconded the motion.

The motion was voted on with two yeas (Kenary and Rodriguez) and two nays (Como and Kaperonis).

Council Member Rodriguez noted that knowing we cannot be permitted on the sign, and having a paper from an engineer saying the sign is not structurally sound, if we ignore it, what are the ramifications of someone being injured from the sign for example if a car hits it and it crushes them. Attorney Cheney reminded that she had suggested we go into closed session, but said with the letter on record from the engineer that the sign requires shoring up, chances are increased you will be found liable; it increases your liability exposure. Council Member Rodriguez stated his

responsibility is to the majority of Wesley Chapel. There were repeated outbursts from the Scout's father, Elaine Rosoff and another audience member during this item.

Council Member Rodriguez motioned that we remove and replace the sign with a structure built to the specifications that will pass the permit inspection. Mayor Pro Tem Kenary seconded the motion. Council Member Como asked to go on record that there are several trees in the park that are diseased and might fall down and expose us to liability. Council Member Kaperonis stated the young man did a great job on the sign.

The motion was voted on with two yeas (Kenary and Rodriguez) and two nays (Como and Kaperonis).

A short recess was held.

14. Park Fence Removal *Time Stamp 1: 41:45*

Council Member Rodriguez noted at the original park inspection it was noted the fence on the back line is not on the survey line. Council hired RJ Harris Surveying to survey the line. Our fence is anywhere from seven to fourteen and three quarters feet from the line; some property owners have built their fences up to our fence. After contacting Matt Whitlow from the State PARTF office, Mr. Whitlow noted you absolutely cannot give away State financed property and the property is deeded to PARTF since they gave us a \$500,000 grant; also if a property owner gets injured within their fenced yard but still on park property, we would be liable. The other item he had issue with is that some of the residents have gates into the park; while we have a gate up front that restricts access to dawn to dusk, these residents have private gates and can enter the park whenever they want. There was a Scout project to move the fence, but someone added some wiring that made it impossible to move the fence.

Council Member Rodriguez motioned to have the attorney send letters out to residents along that property line and let them know within sixty days we are removing that fence that is off the property line, giving them ample time, also we have bundles of salvage fence, and allow them to take that to put the fences back in so there would be no cost other than their installation, and not install gates into the park. Matt Whitlow from PARTF will be coming out to inspect the park; Council Member Como stated he wanted to be present at that meeting and asked if Mr. Whitlow was aware of the park topography; Council Member Rodriguez stated he mentioned that to him, and he was not concerned about that, he was concerned about the property line. Council Member Kaperonis seconded the motion. Council Member Como noted if they don't put up a fence, then they can walk into the park, and stated the money was wasted on the survey because he knew exactly where the property line was and insisted it was not seven feet, it was seven inches; he wanted to wait on this until Mr. Whitlow came out and inspected.

The motion was voted on with two yeas (Kenary and Rodriguez) and two nays (Como and Kaperonis).

Council Member Como said before the fence was installed people could traipse into the park, and we put up the fence to be good neighbors, and most of the fence was there from the 1970's. Mayor Pro Tem Kenary stated for the record, one section was existing fence, and it is six and a half feet over the line, the rest of the fence was newly erected fence by the Council Member. Council Member Como claimed there was an agreement by the adjacent homeowner to the property in the 1970's to attach their fence to this property's fence.

**New Business**

15. Appointments to Board of Adjustments – regular members Elaine Rosoff (term ends 8.31.2019) and Amanda Fuller (term ends 8.31.2018) and alternate Deb Bledsoe (term ends 8.31.2019) *Time Stamp 1:55:10*

Mayor Pro Tem Kenary noted she reached out to legal because the NC Constitution says you are prohibited from holding two offices except as the General Assembly shall provide, but the General Assembly under Article 128-1.1 allows dual office holding and states an elected official can hold an elective position and an appointed office, or that a person can hold two appointed offices.

Council Member Como motioned to appoint Elaine Rosoff as regular Board of Adjustment member with a term ending 8.31.2019. Council Member Kaperonis seconded the motion.

The motion passed unanimously.

Council Member Kaperonis motioned to appoint Amanda Fuller as regular Board of Adjustment member with a term ending 8.31.2018. There was no second to the motion, and the motion died. There was no motion on Deb Bledsoe. Council asked the attorney to find out if a committee was an appointed office. It was clarified that both Ms. Fuller and Ms. Bledsoe are just alternates to Planning Board, the storm water committee which Ms. Fuller participated in was just appointed by the Planning Board Chair; they only met once, and Mr. Duston noted they are done, so neither holds a committee position. Bill Duston detailed that Board of Adjustment only hears variances, or appeals to the Zoning Administrator decisions; they operate in a quasi-judicial manner, and appeals from their decisions go directly to court; they have only met once in three years. Items that go to Board of Adjustment do not go to Planning Board first. Mr. Duston noted a number of local governments have members that are both Planning Board and Board of Adjustment members, there is some built-in knowledge. Council Member Como wanted to table these items.

16. Committee Meetings *Time Stamp 2:06:07*

Clerk Bennett noted with only two members on both Parks and Rec and on Safety Committee there is not much going on, and it is creating busy work for the Administrative Assistant trying to check with the member on whether they have a meeting or not. Council Member Como motioned to have a hiatus of the two committee's meetings for six months provided we keep Parks and Rec and Safety on the Council agenda. Council Member Kaperonis seconded the motion. Mayor Pro Tem Kenary noted we can include both topics on the agenda under old or new business, but it doesn't belong under Committee reports, since there is no one to report on the Committee. The Clerk asked if we will receive agenda item forms for the two topics, since that is the norm for items to be on the agenda.

The motion was voted on with two yeas (Como and Kaperonis) and two nays (Kenary and Rodriguez).

Council Member Como motioned to have a twelve month hiatus of the Parks and Rec and Safety Committee meetings and keep advertising the vacancies on the website. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

**Ending Items**

17. Council Comments *Time Stamp 2:13:13*

Council Member Como stated Mayor Pro Tem Kenary tried to remove public comments and council comments from the agenda. He added there was sub-par aerating and seeding at the park, Lucas told him they would come out, and Bill Rodriguez needs to talk to them; the town hall sprinklers were not installed correctly and when the grass was mowed some were chopped off, they need to be sunk down. We are paying for pond maintenance, but the weeds are eight feet tall on the dam, and he wants Parks and Rec as a standard item on the agenda.

Council Member Kaperonis stated he was glad to hear the farmers market is at fruition, and the fall bash is coming up; he wants to move on from the park issues.

Council Member Rodriguez stated he will have drawings and quotes in the next week for the amphitheater. He is also working on the playground, and asked if there was interest in a playground/training course for dogs; Council Member Kaperonis liked the idea.

Mayor Pro Tem Kenary stated she wanted to answer accusations made; this is a special meeting not a regular meeting, and historically we have not had public comments or council comments at a special meeting, and she brought it to the attention of the Mayor to be consistent. Regarding the aeration and seeding, the professionals were called at your request to come and do the work. Regarding the sprinklers, it is 100% inaccurate to say the system was installed incorrectly. At the pond, Pam King said she would prefer to have the pond maintained with the weeds and growth to maintain an environment, which was at the committee's request.

Administrator Bennett noted one sprinkler head was broken when the bush hogging was done at town hall, Lucas is replacing that one. Regarding the dam, all the comments from the engineer regarding the dry ponds and the dam have been referred to Lucas Landscape and Foster Pond, Foster Pond will have their work done in the next week or two, and Lucas has it in the works.

18. Adjournment *Time Stamp 2:22:33*

Council Member Rodriguez motioned to adjourn; Council Member Kaperonis seconded the meeting.

The motion passed 3-1 with Como voting nay.

The meeting ended at approximately 9:45pm.

Respectfully submitted,

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Cheryl Bennett, Clerk

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Mayor Dr. David Kapfhammer