

VILLAGE OF WESLEY CHAPEL
SPECIAL COUNCIL MEETING MINUTES
WESLEY CHAPEL TOWN HALL
6490 Weddington Road, Wesley Chapel, NC 28104
October 18, 2017 – 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 Kapfhammer, Mayor Pro Tem Kenary, Council Members Como, Kaperonis, and Rodriguez

Others Present: Clerk/Finance Officer Cheryl Bennett

1. Pledge of Allegiance, Invocation and Determination of Quorum

Mayor Kapfhammer led the Pledge of Allegiance and Council Member Rodriguez gave the invocation.

2. Discuss: 1. Status of Dogwood Park CUP; 2. Dam Borings; 3. Park Path Forward re: Landscaping and Overflow Area; 4. Retire and Disband Park & Rec Charter and Committee; Discuss the Need of a New Charter and Committee for Park Events

Mayor Kapfhammer noted this meeting arose because this set of items had been consistently put on the back burner because it could not fit on the regular meeting agendas.

Council Member Como noted all he had received before tonight was the agenda, until a packet was given to him two minutes before the meeting, and it was a lot to digest. The Mayor said he should have had exposure to some of it in the past as some of the items had been on previous agendas and then pulled. Council Member Como noted we also voted to add dollar amounts to the agenda for transparency, and this is not included on this agenda; he suggested we discuss items tonight but put off decisions on spending money to the next regular meeting. The Mayor said he didn't think there was anything to vote on tonight.

Mayor Pro Tem Kenary noted the Dogwood Park CUP was approved by the Board of Adjustments (BOA) on March 19, 2012. She added that Council Member Como is familiar with the park and walked the park with new council members. There is one item, to fix the overflow area, that was to be put on the agenda and approved tonight so the work can be done. One outstanding item from the first phase of the park is the amphitheater cover. Mayor Pro Tem Kenary noted there were two conditions in the BOA order approving the park CUP, first that there shall be a walkway constructed at the intersection of Lester Davis Road and Highway 84 to enable pedestrians to walk safely between overflow parking at Southbrook Community Church and the park, and second there shall be a minimum of two portable restrooms facilities available at the park. The park does have portable restrooms, but a walkway has not been constructed, nor is there a contract in place to speak to the use of another entity's parking as overflow parking for our park. She added that an amphitheater in our Table of Uses is allowed as a conditional use in B-1, B-2 and in O-I districts. She asked about the BOA discussion and how did they approve the use when the use is not allowed in a residential area, and said she could not find that

documentation. The Clerk went and retrieved the BOA minutes for March 19, 2012. Mayor Pro Tem Kenary noted it would have been helpful for our Planner to be here tonight to explain what items need to be completed to get the Certificate of Occupancy (C.O.). Included in the March 19, 2012 minutes was Joshua Langen's planner's report, and Mayor Pro Tem Kenary read parts of the report aloud. It noted events at the park would require a temporary use permit. Mayor Pro Tem Kenary asked how the amphitheater was approved if the park was just supposed to be a passive park, and what was the reasoning behind it. She felt the documents should speak to the reasoning for future Councils to refer to, or was the amphitheater just pushed through. Loud discussion ensued, and the Mayor gavelled the meeting to order. Mayor Pro Tem Kenary noted meanwhile we have sat for a year on the bid for the amphitheater cover which keeps getting pushed off, and we need to complete phase one, and repeated that only one of the two conditions in the BOA order has been met. She asked the Clerk if all of the conditions have to be met or do we issue C.O.'s without all the conditions having been met. Council Member Como said we should be asking the Planner not the Clerk, and again the meeting was gavelled to order. The Mayor noted the park was opened, and now what does Council want to do about the condition. Council Member Como said we asked for the crosswalk as part of the widening of Weddington Road, he asked if she wanted to close the park. Mayor Pro Tem Kenary noted she brought it up to DOT who said the crosswalk shouldn't be a problem, but they haven't given a definitive answer; also there will be four lanes of traffic, not the existing two lanes. Council Member Como asked who is complaining about this. Mayor Kapfhammer noted we do not need a complaint to be non-compliant, and he agreed to reach out to the road project engineer to check on this. Council Member Kaperonis noted in Wadesboro they have a caution light at a crosswalk. The other issue is how the median will work into it. Clerk Bennett noted from Mr. Langen's report, the primary use for the CUP was outdoor recreation, and the amphitheater was just an accessory structure. Council Member Como noted for the \$500,000 PARTF grant they had to provide three amenities, including the fishing pier, walking trails, and the amphitheater. Council Member Rodriguez noted he has a price for an amphitheater and will get prices from two installers. The money is budgeted for the amphitheater and picnic shelters. He said he will have the answers this week, and could have a special meeting next week. The Mayor will work with the Clerk and Attorney to determine which supersedes the other, the CUP or the Table of Uses. Mayor Pro Tem Kenary also requested to know what we require of applicants before a certificate of compliance is issued.

Mayor Pro Tem Kenary said when walking the park with Bill Duston a year ago July, the plantings in the buffer area are dead, and he said they must be replaced. This needs to be on the list for the incoming Mayor. Council agreed the plants should be replaced. Mayor Pro Tem Kenary said Mr. Duston did not think the trees in the back buffering area met what our text calls for.

Regarding the dam borings, Mayor Pro Tem Kenary said going back to May the former Mayor said there was a document, and Council Member Como said he read the document, but she confirmed with the Clerk there is no document on the dam. There is a twenty-four inch stump, and from the document we have at town hall the root system could extend ninety feet. If you take it out, you could potentially collapse the dam. Mayor Pro Tem Kenary motioned to have Cheryl get three bids from an engineering firm to do the borings on the dam and include in their findings a recommendation of remedy if needed. Council Member Rodriguez seconded the

motion. There is \$5,000 budgeted for this. Council Member Kaperonis noted we may not need anything done, but let's look at it. Council Member Como said unlike when we looked at the high risk dam, this was a low risk dam, and the professionals said the borings were not needed. Council Member Rodriguez asked if there was a document that said that. Mayor Pro Tem Kenary noted the intent is to rip out the stump and we don't know the impact of the roots. Low risk just means no property downstream would be impacted.

The motion passed 3-1 with Como voting nay.

Council Member Como commented this is politically motivated right before the election.

Landscaping in the overflow area was discussed. Mayor Pro Tem Kenary noted the recommendation was to go with the higher quote from Lucas because they would build up the area that was washed out. Lucas quoted \$1,250, and the other quote was \$1,030. Both quotes use the rip rap on site. Mayor Pro Tem Kenary motioned to go with the quote from Lucas Landscape for \$1,250. Council Member Como noted since the overflow for the dam was repaired, not a single drop of water has gone over the weir; only when the obstruction was in place did we have water rushing through there in heavy rains. Council Member Rodriguez seconded the motion adding he agreed there is no longer overflow through the weir, but this is old damage and this should last a long time. Council Member Kaperonis said this is a maintenance thing, the \$1,200 should fix it.

The motion passed 3-1, with Como voting nay.

Retire and Disband Park & Rec Charter and Committee – Council Member Rodriguez said if we get the amphitheater and two picnic shelters, the Committee Charter scope of work is completed and he would like to replace it with a programming committee for events. Mayor Pro Tem Kenary read the goals from the Park and Rec Charter, and noted they had been completed. The goals included Design, Construction and Completions of Dogwood Park, Design and Construct Greenway, Continuation of Recreation Opportunities, Recreational Venues, Festivals, and Amenities. She also reviewed the Committee Milestones, and noted they were completed. Council Member Como disagreed stating the amphitheater, picnic shelters and bathrooms were in phase I and they are not complete, let alone phase II and III. Julie Brown made comments, and the Mayor reminded her the meeting was for Council to talk, not to entertain outside comments. Council Member Como asked Mayor Pro Tem Kenary if she was in favor of the committee continuing; she stated she was in favor of a committee that would have different directives as the directives in the charter are completed; a committee needs a charter that would provide for programming, event planning and so forth, and stated she was 100% in favor of citizen committees and proper directives for those committees. She noted the Charter has one item about coordinating programs at the park and that needs to become its own Charter with directives for that. Council Member Como noted this is phase I of three phases, and are you proposing to get rid of the Parks and Rec Committee and are you allowing the former members to be on the events committee? There are a lot of good people who were involved, don't handcuff them, there is a lot involved taking care of this park. Council Member Rodriguez asked specifically what has to be done. Council Member Como said they would like running water and bathrooms. Mayor Pro Tem Kenary said the CUP just says porta-pots. Council Member Kaperonis said he is not by thought process a deconstructionist, he is more a revisionist; he sees a living breathing document or group. We have so many mechanisms in government that get in

our way of making good and effective decisions. We've got a group FOPR, which we can't even get along with for two or three events in our park, there are some mechanisms that can be adjusted or fixed, maybe we start anew but not necessarily retire and disband Park and Rec; how do we involve that document. Council Member Rodriguez liked what Council Member Kaperonis said, adding he thought its being reborn in another sense, it's now coming up as a programming committee.

Council Member Como motioned to take a five minute break, Council Member Rodriguez seconded the motion.

The motion passed unanimously.

Council Member Rodriguez stated Council Member Kaperonis suggested disbanding the charter and keeping the Park and Rec Committee. Council Member Kaperonis noted these people have a passion for the park.

Council Member Rodriguez motioned to retire the Park and Rec charter, and keep the committee intact. Council Member Kaperonis seconded the motion. Council Member Como felt having a committee without a charter violates some rules; the Parks and Rec committee wants to participate and have shown time and time again they are willing to do what we want them to do, but they don't like being belittled. He preferred we have a revised Charter. The second was rescinded. Council Member Rodriguez amended his motion to reflect that Council Member Como will revise the charter and leave the Park and Rec Committee intact. Council Member Como seconded the motion.

The motion passed unanimously.

Council Member Rodriguez stated he is not against the park in any way, he put in a lot of work on the park and he wants to finish it up.

3. Adjournment

Mayor Pro Tem Kenary motioned to adjourn; Council Member Como seconded the motion.

The motion passed unanimously.

The meeting ended at approximately 8:11 pm.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor