

VILLAGE OF WESLEY CHAPEL
SPECIAL COUNCIL MEETING MINUTES
WESLEY CHAPEL TOWN HALL
6490 Weddington Road, Wesley Chapel, NC 28104
October 19, 2017 – 6:00 PM

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

Council Present: Mayor 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. Request State Audit of Village of Wesley Chapel and Payroll Process; 2. Clarification of Job Titles for Time and Clerk's Work

Council Member Rodriguez received a phone call from our auditor yesterday, saying she was finalizing the audit and picked two council people to talk to each year, but upon his questioning she said she didn't talk to anyone last year, and did talk to one lady two years ago. She asked if there were any concerns or anything he wanted to discuss. He asked her if she talked to Cheryl and she said yes, and he said he would have appreciated her not beating around the bush. Council Member Rodriguez said this was not secret, but a pattern of behavior we will be able to establish for stuff like this going on. He told her he spoke to the State of North Carolina and the Council of Government and we have not had an outside audit other than our annual audit. The attorney at COG said the auditor is only looking at the information we provide, and she confirmed that, and said if you think there is something I should look at, let me know. The suggestion from North Carolina was to proceed with your current auditor, give her a specific list of items that you have concerns about, and Council Member Rodriguez confirmed with our auditor that if he tells her what we want, she can research it and give him a price on that. If she is unable to do that, the second step would be to go for a forensic audit; the State of North Carolina would have someone come in and if there is anything we have specific, they will take a look at that. He told our auditor he would contact her in the next week or so and let her know the specifics. Council Member Rodriguez said one item is the payroll issue concerning our clerk and the way time and comp time is kept. He did not like that it was kept on a piece of paper. He said a few times he has parked across at Hickory Tavern, sat there close to 9 am and saw Cheryl come up at 10 after 9, or whatever. He has some of those times and what he is requesting specifically is a copy of the alarm codes when someone enters the building, prior to Tim starting, because Tim comes on time or earlier. He said he would like to see the time sheets which you guys have already approved me seeing, to see if they agree with the alarm codes. Third would be the actual pay stubs so it shows what the hours and comp time for that week is. He will ask the auditor to look at the three months before Tim started.

The second thing Council Member Rodriguez wanted to look at is our Lowes credit card; Brad, Mike Como and Cheryl each had a card, and he wanted to know who approved a Council Member having a card. He wanted to know what was purchased, and if there were receipts to back it up, going back to when it was opened. If there were receipts out of the ordinary, he wanted to know where in the council minutes they were approved.

Council Member Rodriguez said there are two options, you can have our auditor look at everything, or the State comes in and does a forensic audit going back five years, and they go deep in the books and the minutes.

Council Member Rodriguez motioned that he would contact our village auditor for starting the audit of those items. Mayor Pro Tem Kenary seconded the motion. Council Member Como asked what he was looking for. Council Member Rodriguez said any improprieties with the numbers, this is more of taking a look at specific items; he said cost would depend on what we ask of her, he was told a state audit is \$3,000 to \$5,000. Council Member Como commented that planning and zoning is covered by contract labor and we only have one employee and this is a slap in her face; and she has never had a single blemish on all the audits in all the years she has been here. As far as the credit card, there is nothing to find, the bottles of water you drink at the meetings, he picked up a case at Lowe's for \$4. When we were building the park, we needed wasp spray for wasps under the pier bench, I was not spending thousands of dollars, do all the research you want, it's a waste of money. Council Member Rodriguez said Council Member Como has a tendency to ask Cheryl's opinion on things, and the clerk is not involved in the decision making process for the town; the Council does that. Council Member Como said she has been here longer than any of us, and has the history and knows the procedures; to not ask someone who knows something is insane. Council Member Kaperonis said he was terribly embarrassed, we have had no problems with our audits, I am in favor of a state audit every five years; a clean bill of health, there's nothing to worry about; I hate spending money, there's too many things we need to be proactive with. Mayor Pro Tem Kenary said she was in favor of the audit, she cited an email from March of 2017 and requested (with a copy to all council members) all the reimbursements to Mike Como. The reply from the Finance Officer said our accounting software does not break down the expenditures by project, we follow the State chart of accounts; I will let you make your own determination if any of the projects exceed our \$500 purchasing policy limit for any project. She felt it was a concern that the Finance Officer said she could make her own determination. Some of the items were approved by Council such as replacing the power inverter on check 16145. Mayor Pro Tem Kenary read the totals of each of the pages of expenditures (park expenditures by account line item for July 2013 – June 2017, a four year time period). Mayor Pro Tem Kenary said she also requested other information – one question was please provide me with the minutes of Parks and Rec where the recommendation to begin a new trail by State Route 84 was made, and the reply was all Parks and Rec minutes are on-line, I would not know where to look for that. She asked please provide me the minutes of the budget request recommended by Parks and Rec for Council consideration during the budget meetings that would supply the said trail by 84, and the reply was I do not know what you mean by the minutes of the budget request. Mayor Pro Tem Kenary said she has minutes that speak to when Parks and Rec submitted their budget request, and nowhere in those minutes does it refer to a new trail. She also requested the minutes that expressly give Council Member Como permission specifically and expressly to cut trees in the area along State Route 84, cut and/or remove any

other vegetation along State Route 84, and start carving of a new trail at Dogwood Park along the area of State Route 84. The reply from the clerk was I would have no idea where to look for that. Mayor Pro Tem Kenary requested a map and description of the trees to be removed, and Council's approval to remove said trees per the map provided, and the reply was to ask the Planner. Mayor Pro Tem Kenary said there is no record of such things because it never happened. She added there is a NC GS that says you may not remove a single tree on a property without express written permission; there's a reason for that. She would like minutes to tie back to each of these expenses and additionally we have property assets that are missing from the trailer; there is a police report, and as far as she knows no serial number; an air pack blower and some electrical cords are missing. Council Member Como added nothing was missing until you took over the park; none of the information that was obviously prepared before this meeting was provided before this meeting; I could have had minutes of the audio recording from exactly what she is talking about; four of the five former council members are in this room that could answer that. She was not present for that meeting but she could listen to the audio tape, but purposely you did not let us know what was going to be discussed tonight. The Mayor said you are not being asked to provide anything, what is on the agenda is to discuss a state audit. Council Member Como said why are we talking about what time Cheryl walked in the door; Council Member Rodriguez said because the people in our community pay for Cheryl's salary, for us, and for everything we do in this town; I brought up a time clock, but we decided not to do it, but it provides accountability. Mayor Pro Tem Kenary said there are other dates, for example, when Mr. Como spends \$1,000 and our purchasing policy says you need council approval if more than \$500, and he says in the minutes he called the mayor and a council member. Another council member felt they had to approve it after the fact, because the purchase was done, and three council members would constitute a meeting. Council Member Kaperonis brought up limitations on the cost, which was then discussed. Council Member Rodriguez restated his motion to say that we move forward with the audit of the Village of Wesley Chapel and make sure the cost does not exceed \$5,000. The Finance Officer noted funds have not been budgeted for this. The motion was rescinded.

Council Member Rodriguez motioned to move \$5,000 from contingency to an account called "Wesley Chapel Audit". Mayor Pro Tem Kenary seconded the motion.

The motion passed 3-1 with Como voting nay.

Council Member Rodriguez motioned that we move forward with the audit for no more than \$5,000. Mayor Pro Tem Kenary seconded the motion.

The motion passed 3-1 with Como voting nay.

Clarification of job titles was discussed next. Council Member Rodriguez read job duties. He first read duties of the Mayor who presides over the meeting, calls special meetings and votes to break a tie. He assumes all powers and duties enumerated in the general statutes as well as any others conferred by council. The statute recognizes the Mayor is the official head of the city for purposes of serving civil process and state agencies recognize him as the figurehead of the town; for official correspondence, actions such as grants, awards and enforcement of federal laws.

Council Member Rodriguez read council responsibilities; can re-organize, re-generate or work with funds on behalf of the city government except when expressly prohibited by the laws.

Council can create, change, abolish and consolidate offices, positions, departments and boards. The government and general management is invested in the council. Mayor Kapfhammer noted this is otherwise known as weak mayor, strong council.

Council Member Rodriguez read city clerk duties; to keep a journal of the proceedings of the council, be the custodian of all the city records and perform any other duties as required by law, to have full and accurate minutes of council proceedings which shall be open to public inspection and upon request of any council member the yeas and nays of the actions shall be taken. Each city shall have a true copy of all adopted ordinances in an ordinance book and also a separate book which contains the council's minutes. Each city having a population of 5,000 or more shall adopt and issue a code of ordinances. The clerk will also administer oaths to people entering office; and provide applications to advertise, hold or carry out a sale of public property.

Council Member Rodriguez said when the clerk receives paperwork on something, such as the landscaping at Dogwood Park the clerk is tasked as the record-keeper and the clerk should provide all information we request for a meeting, it should all be provided, if she is not sure what we want, email or call us. He added every council member when they come on signs an ethics policy; he asked the clerk if she fills it out too, and she replied it is not required for staff to sign it.

Council Member Rodriguez asked the clerk about the minutes when we were approving the bond for Five Stones, Jeannine and Mike had a confrontation, and it should be in the minutes, as well as the cursing at the last council meeting. Mayor Kapfhammer asked him to take it off line, this is not on the agenda tonight, and he was not going to allow a witch hunt on the clerk. Council Member Kaperonis noted the clerk is the chief cook and bottle washer, we have been at this for two years, sit down and talk, it's not that hard. Council Member Como said comparing Wesley Chapel to other similar sized local towns, in Mineral Springs the mayor is also the finance officer. Mayor Pro Tem Kenary stated I had an agenda item yesterday calling for all documentation pertaining to the park including minutes and anything related to the park so we could have a good discussion, and she did not have backup and reached out to the Mayor, so this directly pertained to her. Last week we agreed to move forward with this project next door, and Mayor Pro Tem Kenary reached out to the engineer and attorney, and the engineer did not receive the contract because the clerk noted we had not yet gotten the attorney's approval; is it the clerk's job or council's job to follow up on these things. Council Member Rodriguez said he felt it problematic that the clerk does so many tasks. Mayor Kapfhammer said determining who has the action item on a specific topic is not on the agenda tonight.

Council Member Rodriguez motioned to adjourn; Council Member Como seconded the motion.
The motion passed 3-1, with Como voting nay.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor