

MAYOR
Michael L. Alvarez

MAYOR PRO TEM
David L. Cohn

INTERIM TOWN MANAGER
Scott J. Kaufhold, P.E.



TOWN COUNCIL

Gordon B. Daniels

Gary M. Savoie

Amy R. Stanton

Mark A. Wireman

**Indian Trail Town Council
Regular Meeting
January 12, 2016
Civic Building—6:30 PM**

MINUTES

The Indian Trail Town Council convened at 6:30 PM on Tuesday, January 12, 2016 for a Regular Town Council Meeting in the Council's Chambers at the Civic Building—100 Navajo Trail, Indian Trail, NC.

The following members of Council were present:

Mayor Michael L. Alvarez
Council Member Gordon B. Daniels
Council Member Amy R. Stanton

Mayor Pro Tem David L. Cohn
Council Member Gary M. Savoie
Council Member Mark A. Wireman

All members of Council were present.

The following members of Staff were present:

Interim Town Manager/Director of Engineering Scott J. Kaufhold, Town Attorney Keith Merritt, Town Clerk Kelley Southward, Planning/Neighborhood Services Director Rox Burhans, Community Economic Development Director Kelly Barnhardt, Parks & Recreation Director Jason Tryon, Contract Analyst Vicky Watts, Engineering Project Manager Adam McLamb, Communications Coordinator Mike Parks, Community Engagement Coordinator Julia Zweifel and Senior Planner Gretchen Coperine.

1. CALL MEETING TO ORDER & PLEDGE OF ALLEGIANCE

Mayor Alvarez called the meeting to order at 6:30 PM and led everyone in the Pledge of Allegiance.

2. AGENDA ADDITIONS & DELETIONS

- Mayor Alvarez announced that Representative Arp will not attend meeting, motion to remove him from Presentations, Item 4C.
- Councilman Cohn: Strike and reschedule Discussion (Item 10C), Porter's Ridge Athletic Association, they could not attend meeting.
- Councilman Daniels: Permission to add to Business (Item J) permission to address the Ashcroft development.
- Councilman Wireman, add to Business (Item 9K) RFP for comprehensive financial audit. Add to Business (Item 9L) change date for February council meeting from February 9 to February 11; Remove Business Item 9D. Add Discussion (Items 10E) Policy on Private Roads; add to Discussion (Item 10F), VFW Road.

3. MOTION TO APPROVE AGENDA

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Motion to approve amended agenda as presented by Member Savoie. Vote to approve was unanimous.

4. PRESENTATIONS

a) 2015 Christmas Parade Awards

Mayor Alvarez, thanked all participants on behalf of the Town of Indian Trail, Council, staff and residents. The sponsors and winners of the Christmas parade float contest were in attendance. The parade was held on Sunday, December 6th. The Union West Rotary Organization coordinated nearly 100 individuals and unique conveyances that took part in the parade. There were five float categories, listed below with winners and sponsors. Papa Murphy's Take & Bake Pizza, Steven C. Long, Notary, CSNA, The Fun House Inc. and the Indian Trail Arts and Historical Society, each donated a \$25 gift certificate and magnet. State Farm Insurance and The Fun House, Inc. were parade judges. The awards were announced as follows:

Best Youth – Winner - Shiloh Elementary School Chorus (in attendance)

Sponsored by: Indian Trail Arts and Historical Society, dedicated to preserving the history of Indian Trail.

Best Decorated – Winner - Girl Scout Troup 2803

Sponsored by: Indian Trail Arts and Historical Society

Most Red and Green – Winner - Escape Travel and Cruises (in attendance)

Sponsored by: Papa Murphy's Take & Bake Pizza (Hwy 74, near Walmart)

Most Spirit by a Business – Winner - Masterpiece Studios

Sponsored by: Steven C. Long, Notary, CNSA

Most Creative – Winner - JoAnne's Florist

Sponsored by: The Fun House, Inc.

The Town of Indian Trail Council thanked all participants and sponsors. Councilman Cohn asked those sponsors and winners in attendance were asked to stand to receive recognition and applause. Those in attendance also posed for a group photograph.

b) Approval/Presentation of a Proclamation naming AJ Helotie "Mayor for a Day"

Mayor Michael Alvarez read the Proclamation for Independence Day 2015 proclaiming AJ Helotie to be Indian Trails's Mayor for the Day on July 4th 2015.

Council Member Wireman made the motion and the vote was unanimous to approve.

Mayor Alvarez presented the framed Proclamation to young AJ Helotie.

c) Presentation of the Connect NC Bond Package by Representative Dean Arp

Representative Dean Arp was not able to attend. Item was removed in Agenda Additions and Deletions.

d) Presentation and acceptance of Annual Financial Statements for period ending June 30, 2015; Ms. Clare Meyer, CPA of Tinsley & Terry CPA's, P.A.

Ms. Clare Meyer, CPA of Tinsley & Terry presented. The report was issued by Tinsley & Terry for financial statements for the town as of June 30, 2015. An unmodified opinion was issued, which is the highest level of assurance. No statutory, contractual, or budgetary violations, were noted. In the State single audit report there were no findings that needed to be reported.

Ms. Meyer opened for questions:

Q&A

Council Member Wireman

Q: Regarding statutory audits, my understanding is that you don't specifically audit internal controls or offer opinions on internal controls?

A: No, the internal controls are documented as part of the audit and used to determine level of testing that needs to be performed.

Q: How many accounts in the general ledger? Is every account tested?

A: About 900 – 1000. No, every account or transaction is not tested in the audit.

Q: What percentage of the accounts was tested during the audit?

A: Cannot respond off top of my head, because some of accounts are grouped, i.e., payroll has six accounts, plus 5 or 6 functions. The audit is a sample of the transactions.

Q: Budget amendments for fiscal year that audit was performed, what % of budget amendments?

A: Auditing is always a sample. I believe we looked at a month's worth.

Q: Wanted to highlight over the past several years, the town has not spent a lot of money on roads. From a financial risk perspective, concerned that if the money has not been spent on the roads for maintenance, the fixes increase in cost over years. As part of the audit process, do you look at that type of financial risk for maintenance items?

A: The audit covers July 1, 2014, through June 30, 2015. Maintenance items are not part of the financial audit process.

Council Member Daniels:

Q: Considering Council Member Wireman's questions, if the audit contains the source of use of funds, would that answer question as to what monies we have and how they are being spent?

A: Yes, the audit shows the fund balance for restricted assets. And you can see what has been spent by function within the audited financial statements.

Q: Any recommendation for future audits for municipalities re: Council Member Wireman's question about maintenance?

A: I advise town to have a capital management plan, 1-5-10 year for all physical assets held, buildings, roads, anything that need to be maintained.

Council Member Savoie:

Q: Is this audit approach standard for peers in this governmental industry?

A: Yes, the audit is driven by standards my industry has as to how we approach an audit and then the audit for a town is mandated by general statute. There is an oversight committee with the local government commission. They review all audits that are performed before they are allowed to be released to the town. This provides an additional oversight because they want to see consistency among towns.

Q: Any risk would lie with our protocols, policy and procedures, which you evaluate?

A: Yes, we document and look at them to determine how it will affect the actual financial transactions during the year. From that we determine what level of testing we need to do to assure ourselves that the numbers are materially correct.

Q: Any suggested changes in our protocols and policies?

A: We did not have any this year, we have had some in the past years. I did suggest, in a letter to management and the Board, that your Staff should go to class and get updated on the Green Book Standards (concept of internal controls) to make sure internal controls being implemented are proper for size and complexity of town. The federal government has clarified the Green Book Standards, a concept of internal controls in governmental environments.

Q: How long have you been auditing our town? Throughout that time, have you ever made recommendations regarding internal controls? Have you seen our policies and procedures?

A: We have been auditing your town for about 7 years. Yes, I have seen your formal policy and procedures. In the years we first started auditing, when you did not have formal policy and procedures, we did have some findings.

Q: Do the same personnel come on site for audit every year?

A: No we try to rotate. This year, I was on site for the audit. The Manager had been on site for the previous 4 years for the audit.

Councilman Cohn

Q: Do you do primarily the same thing every year? Do you bounce around or look at the same things?

A: Our standards require us to bounce around on what we are looking at and to look at some "surprises". We do identify key risk areas to make sure there is proper coverage on those areas. Every summer, a communication is sent to the board to ask if they have any areas of concern. That is also reviewed with management and a random employee every year, which develops our planning for substantive testing.

Q: Does the town generally do the same audit every year, or every once in a while, do a more in-depth audit?

A: No an audit is the highest level of assurance you can give over financial statements. There are other types of audits that could be performed, but generally those are triggered on as needed basis and if there is a concern about a specific area. That concern would need to be identified before the audit. In the past, the town has asked about other types of audits, i.e., forensic.

Q: I read somewhere that a town should change auditors every 3-5 years?

A: Towns are different than large businesses/Fortune 500 companies. The reason is that the auditors are usually on site most of the year due to volume of transactions. So if you have someone on site then it is a good idea to rotate. You can go to LGC website to see history of auditors for towns and length of time they've been auditing them. We do suggest you do a RFP on a regular basis to make sure you are getting a fair fee and evaluate the quality versus price.

Councilman Wireman:

To answer Councilman Cohn's question, according to Municipal Government of NC, chapter 15, page 459, it does actually state that most cities engage auditors for a term of 3-5 years.

Motion to accept and approve the financial audit and Annual Financial Statements for period ending 6/30/15 made by Council Member Daniels. Unanimously approved.

- e) **Presentation by Leverage Resources regarding a Community Involvement Survey**
Mike Giaimo

Leverage Resources creates solutions and strategies to help organizations develop sustainable growth. Handout distributed to Council. Public can email Leverage Resources and ask for a copy of the presentation. County over last two decades has realized significant growth.

Development needs and opportunities are consistent with growth, infrastructure, roads, services and residential and commercial development needs. Community involvement is of key importance. It is key that resources understand the vision and initiatives. This requires an effective public awareness, communications, events and surveys, and a full support system to feed into community participation and committees to support efforts.

The solutions and strategies Leverage Resources provide are customized. Surveys are key, prior town survey was only 400 participants, not representative, too small of a sample, clear disconnect. We can get more involvement and still be cost effective.

Councilman Wireman

Q: What impact could be expected?

A: Surveys are done online and on paper to reach all residents. Responses will allow you to recreate mission statements based on response and guidance. We have seen a double digit growth in involvement which is key. The Citizens Academy on your website is a great example and opportunity for having informed and involved residents.

5. PUBLIC COMMENTS

- Mr. Art Spurr, 4100 Woodcreek Court, resident of Ashe Croft subdivision. In the 90's, Ashe Croft did not have the water drain off system that they have now or the requirements. So we have a tiny retention pond that borders on Crooked Creek. Crooked Creek has continued to rise due to development and water flowing downhill. On August 8 last year, Crooked Creek went over its bank and flooded our pond. The Town Council and NC DOT, and the Town of Indian Trail has a development across the road from Ashe Croft Subdivision, they have been allowed to tie their drainage into Ashe Croft subdivision. Those houses are being flooded out every single time it rains, due to development across the street. There used to be only one drain, now there are 230 + houses, going at a 90 degree angle off the pipe. The NC DOT says that when the drainage system leaves their right-of-way it's no longer their responsibility. So once the pipe goes behind those houses and makes the 90 degree turn, it is not their problem. We're being flooded from the top and plugged from the bottom and nobody has taken responsibility for it. Thanks to Town Council and those that came to look at the situation. It has gotten bad, even when it doesn't rain, the development across the street is still pumping their ponds. Every 2 years, the 100-year flood plain keeps getting larger, and more houses get eaten up because of it. And that is because the infrastructure is not in place before things are approved.
- Ms. Kimberly Light, resident of Ashe Croft subdivision. Neighbors are frustrated by lack of response to emails and calls. Residents have been told the issue is a State issue and no one in Indian Trail can help. Since Bay Yard Group began construction at Unionville Indian Trail Road, the problem has gotten worse. Based on long time, 20 + year residents, storm runoff and flooding has never been this bad until construction began. Problems started when the Bay Yard Group tied the drainage system for the new development into our system resulting in increased water. While tying into our system our sidewalks and roads were torn up. The road conditions at the entrance at Ashe Croft Drive make it hazardous to enter and exit the neighborhood. Along the back of the homes on Brookforest Lane, there is an easement to handle storm water runoff and it is not maintained by HOA, homeowners are supposed to mow and weed to maintain. It was tedious but manageable. With construction, this area is impossible to maintain. Heavy rain, added runoff, dead fish, trash, water and sludge 3-4 days after a storm. Water is being pumped off from retention pond at construction site across the road. A worker told me that they were only pumping off only 2 feet of water from the retention pond but could be pumping 20 feet. The continued to pump for 2 more days, at least

8 hours/day. It is killing grass, our soil composition has changed, standing water remains until it evaporates. Residents have been dismissed by Town of Indian Trail engineers that say it is a State issue and the house needed to flood to get help from Town. Home and property values are deteriorating. We need a remedy for the situation and assistance from elected officials, to help taxpayers with this issue without passing the buck. To help prevent further damage, property value deterioration, mosquitoes, sickness and flooding. Pictures presented to council.

- **Shirley Howe, 6205 Clearwater Drive, Indian Trail.** Several months ago she relayed at Council meeting during public comments that the state government recommends changing the audit company every 3 – 5 years. An RFP was sent out some months ago. She notices that the Town is still using the same audit company. Wants to ask why. Secondly, the audio of council meetings are not available to listen to on the Granicus. She asks that the information be in the Town newsletter. Councilman Daniels had requested this prior and it only went in newsletter once. It needs to be in town newsletter every edition. Thanks to the newly elected members and Scott on his position.

6. LAW ENFORCEMENT UPDATE

- Lt. Coble reported that the US Marshall Service asked for assistance this morning locating and serving a warrant on a man wanted out of NY for narcotic trafficking. Resulted in a foot pursuit, suspect is in custody and will be extradited. On December 6th, a male entered Circle K at corner of Chestnut & Potter Road, armed with knife, suspect fled on foot. Deputies & canine unit arrived on scene. Detectives are working on leads. On January 1st, a male, meeting the same description, entered the same store and robbed the cashier at knife point, fled scene on foot. Crimestoppers has been issued. This is the same store where a NC Highway Patrolman and one of our deputies shot at a year and a half ago. Sunday, January 10th, at 9:55 pm. Burger King, male with handgun robbed store employees of money from safe, discharged handgun no injuries. Fled the scene. Deputies responded, 2 minute response. Canine unit utilized. Lead developed off surveillance video and determined he left from vehicle from back of parking lot. Detectives are working on the case, hoping to get posted on Crimestoppers.
- Working with planning department on Golf cart registration process, wrinkles ironed out, confident that by first part of February should be registering golf carts. March is ordinance deadline for golf cart registration.
- Working with public works in Crooked Creek Park, on No Parking signage. No parking signs recycled No Parking signs from elsewhere and erected in Crooked Creek.
- Working with engineering department on re-striping on Chestnut Parkway. 73 additional parking stalls that have been created at Chestnut Square Park utilizing on street parkway on Chestnut Parkway. May be temporary. Raised the parking to a total of 390 parking stalls, not including handicapped or 4 playground access stalls.
- Working on 2015 stats and within 3 weeks the Town Manager will receive detailed information about law enforcement cases in 2015, goals and initiatives for the upcoming year.
- 1,034 calls for service in December; (up from November at 985) self-initiated activity, 1,652; Average Response Time 9 minutes, 24 seconds, (9:21 in November) 132 motor vehicle crashes of which the Sheriff's office investigated 66, and NC State Highway Patrol investigated the other 66. 259 reports taken by deputies assigned, same as November.
- There is a Facebook page for the Indian Trail Bureau of Union County Sheriff's.

7. CONSENT AGENDA

- a) Approval of November 10, 2015 Regular Meeting Draft Minutes
- b) Approval of tax refunds for overpayment of taxes greater than \$500.00
- c) Approval of Budget Amendments
- d) Approval of the Revised Powell Bill Map

Motion to approve the Consent Agenda as presented, by Councilman Cohn. Unanimously approved.

8. PUBLIC HEARINGS

– Please adhere to the following guidelines:

- Proceed to the podium, and state your name and address clearly;
- Be concise; avoid repetition; limit comments to three (3) minutes or less;
- Designate a spokesperson for large groups

- a) **ZT2015-003 Heritage Trees: Request to amend the definition of Heritage Trees and amend the Heritage Tree Protection provisions of the UDO: Chapter 1640.260, Chapter 830.040(E) and Chapter 880.040(A). This is town-wide amendment; the applicant is the Town of Indian Trail.**

Gretchen Coperine, Senior Planner, Town of Indian Trail, gave a detailed presentation, providing definitions, current and proposed changes to the Development ordinance.

Definitions: A Text Amendment is a request to alter or add to the text of a chapter of our Development Ordinance. A Text Amendment can be done at request of staff, citizens, the Planning or Tree Board or Town Council. Process: The Staff prepares research & report, the Planning Board hears it, a draft ordinance is prepared, the Planning Board makes recommendations to Town Council, and Town Council makes final decision.

Background: In Ordinance, trees over a certain size have to be protected, if they cannot be protected, they have to be mitigated. This amendment was initiated by the Tree Board in response to requirements that are impractical to meet in our existing code. Intent is to provide standards which are feasible to comply with but also allow appropriate tree preservation and flexibility for commercial sites in replanting and mitigation scenarios.

Existing definition of Heritage Tree: Any tree that is 12 inches in diameter or larger is a heritage tree.

Proposed Amendment: Specify if the tree is deciduous, (oak or hickory) it would have to be 14 inches or greater in diameter. An evergreen tree (pines or cedar) would have to be 18 inch or greater in diameter. Have identified nuisance trees that would not be defined as a heritage tree.

Actual Mitigation Standards:

Current standard: When a tree is taken out over 12 inches in diameter, it has to be replaced with 3 trees; if 18-24 inches in diameter, it will be replaced with 4 trees; 24 inches or more in diameter, replaced with 5 trees.

Proposed change: Instead of doing a total tree count for mitigation, single-family residential (subdivision) zone, 50% replaced, non-residential zone 25% replaced. For example, an 18 inch tree would have to be replaced with a 9 inch tree or in non-residential it would have to be replaced with 25% or with a 4.5 inch diameter tree.

The proposed change allows you to differentiate between residential and non-residential and provides a more equitable mitigation.

Alternate Mitigation Options

- 1.) In-Lieu Fees
- 2.) Alternative Planting Plan or,
- 3.) Off-site Plantings,
- 4.) Or any combination of the options.

Example: Fisher Textiles

Under existing requirements, they would have to replant 249 trees on 6 acres;
Under proposed requirements, they would need to replant 29 trees.

Example: Zaxby's

Under existing requirements, they would have to replant 226 trees on 3 acres;
Under proposed requirements, they would have to plant 62.

Example: Killingworth

Under existing plan, they would have to replant 63 trees on 1.7 acres;
Under proposed, they would have to plant 26 trees.

This was presented to the Planning Board and they had general questions about trees found most commonly on site and expressed overall support and approval of amendment.

The Planning Board revisited the amendment to include an additional option for mitigation and found the required consistency findings and recommended unanimously to approve the item as presented.

The following consistency statements were found: (Read into record by Gretchen Coperine)

- 1.) The proposed UDO Amendment is consistent with the following goals of the Comprehensive Plan.
 - **Open Space and Natural Environment Goal #5:** Because it will enable responsible growth and development while preserving and protecting the natural environment and features.
- 2.) This UDO ordinance amendment is in the best interest of the public because it helps further responsible land development while maximizing the community forest environment.

Gretchen asks Board for two motions:

- 1.) Motion to make Consistency Findings as read into record and,
- 2.) Motion to make a final Decision to Approve, Approve with Modifications, or Request More Information.

Motion made by Council Member Savoie to approve the Required Consistency Findings as read into record by Staff. Motion approved unanimously.

Motion made by Council Member Stanton to approve Ordinance #0160112-231 a UDO text amendment regarding Heritage Trees ZT 2015-003, as presented. Motion approved unanimously.

9. BUSINESS ITEMS

- a) **Council consideration to approve an amendment to the 2013 Union County Sheriff's Office Agreement for Law Enforcement Services.**

To approve the amendment pursuant to the approved 2015-2016 town budget which added additional deputies based on the approved budget. Mr. Kaufhold asked all to note that the final version being approved today was sent out via email to all Council Members this afternoon, and is slightly different than the one in the package. On this version, the language changed in document is in Paragraph 14 of Agreement, dealt with removing traffic deputies, which deleted second and third sentences to Section 13 of original Agreement. Councilman Savoie asked if the document needed to be re-approved by Union County. Mr. Kaufhold said

that Union County made the changes to the document and it only has to be re-executed, changes have already been approved by Union County.

Council Member Daniels asked to add a comment to the record regarding the law enforcement survey which suggested an increase of deputies to 28 for year 2020 and to look at expediting the increase in deputies sooner. Council Member Cohn said that he would note the comment to the record.

Motion made to approve amendment to the 2013 Union County Sheriff's Office Agreement for Law Enforcement Services by Council Member Wireman. Motion was approved unanimously.

b) Council consideration to approve the Geotechnical Services Contract for the Town Hall Project.

Mr. Kaufhold advised that this contract is for necessary work that is already being performed by Geotechnical Services for the Town Hall project. It adds additional costs of \$65,000 to the project for necessary work related to Town Hall Project.

Motion made by Council Member Daniels to approve the Geotechnical Services Contract for the Town Hall Project as presented. Motion approved unanimously.

c) Council to consider providing direction to staff regarding the town's parking ordinance; make amendments to make this a civil penalty. (Councilwoman Stanton)

Councilwoman Stanton brought up the current parking ticket cost, \$218 currently, with a required court date and fee paid to the court system. The cost and process is too high compared to surrounding communities. Staff needs to move the issue regarding costs and ordinance up in priority on the agenda. It needs to be made more reasonable for citizens and visitors to Indian Trail.

Lt. Coble: Prefer parking tickets to be a civil penalty, \$20-\$25. A civil penalty will go to the Town's general fund. Consideration needs to be given to how to convey message and identify streets which should not have any parking? There are streets where parking is affecting UPS, postal service, and EMS services. The plan needs to be workable for Indian Trail. Chase has been reviewing the drafts and ordinances, with an eye to today and to the future. Engineering department needs to be involved.

Councilman Savoie asked how are state and private roads handled? Chase responded that private roads are considered a driveway for purposes of enforcement of motor vehicle laws.

Indian Trail's parking ordinance has needed revision for years. Council agreed on 90 day window to review issue for completion.

Motion made by Councilman Wireman to move forward to direct Staff regarding Town's parking ordinance to make it a civil penalty and provide solutions on how staff may handle said process. Approved unanimously.

d) Council to consider directing Town staff to estimate the cost to complete the paving of Sardis Drive from Aldi to Sun Valley Place. (Council Member Wireman)

Item was removed in Agenda Additions and Deletions.

e) Council to consider the formation of an Economic Advisory Committee. (Council Member Wireman)

This is a continuation from the previous Council meeting, and dismemberment of EDAC. The Economic Development department was directed to focus on parks and didn't report directly to Council. Council Member Wireman researched the topic and discovered that there has been no focus on economic development in 5 years. In 2012, we had a 71% residential tax base, 24% tax class base. In 2014, the residential tax base increased to 73%, business tax base decreased to 22%. This shows lack of economic development and that the residents are carrying the burden from a tax perspective. From 2012 – 2015 economic development has been allocated \$1.12M between salary etc. Committee needs to support and enhance.

Recommendations:

Having an Economic Advisory committee that reports directly to council on a regular basis is important and can support and enhance what needs to be done from an economic perspective. Tactical items for the committee would be to start focusing on tree replacement (addressed today), sidewalks, and other impediments to business. We need to determine how we can mitigate impediments to businesses that come to Indian Trail that can help sustain a family and help to foster business growth.

Councilman Daniels: Economic Development Advisory Committee was started last year and Indian Trail is one of only two towns in Union County that had an EDAC. He agrees an economic development committee is needed.

Motion made by Councilman Wireman to move forward with forming a new Economic Advisory Committee and to direct staff to develop bylaws and procedures. Approved unanimously.

f) Council consideration to promote an Alternate member of the Board of Adjustment to a Regular Member; to fill the unexpired term of Seat #5 ending June 30, 2017.

Mr. Kaufhold introduced topic and the need to promote an Alternate to fill the seat for personnel in Seat #5, who has moved from the area. Kelley Southward, Town Clerk, introduced the alternates and shared applications with Council.

Kelley Southward, Town Clerk –

There are two alternates from Board of Adjustments that applied, Dr. Ally and Pat O'Connor. Both applications are in the package. Both have been serving as alternates for more than 12 months. The Chairman has recommended both equally.

Pat O'Connor in attendance. Dr. Ally could not attend this evening's meeting as he had business in Washington, DC.

Mr. Kaufhold asked if the applicants serve on other boards or committees?

Pat O'Connor responded that he does not serve on other boards and committees, other than Board of Adjustments and has lived in Union County for 35 years. Ms. Southward responded to same question in regards to Dr. Ally. Dr. Ally is on several other boards and committees but is reducing to the two. Dr. Ally has said that if he is not selected to move up to the regular member seat on the Board of Adjustments he would let Board of Adjustments go. He has two other committees he would like to stay with, but if Council would promote him to the regular member seat, he would like to stay with Board of Adjustments.

Councilwoman Stanton noted that Mr. O'Connor has lived in Union County for 35 years. Dr. Ally moved to Union County in May of 2014.

Motion made by Councilman Cohn to nominate and promote Mr. O'Connor to sit on Board of Adjustments to fill the unexpired term of Seat #5, ending June 30, 2017. The motion was approved unanimously.

g) Discussion and possible action regarding ABC Board member pay.

Mr. Kaufhold-

Background: The ABC has their own board and staff and acts autonomously. The Town appoints the Members of the ABC Board and sets the pay for Board Membes. The new financial person with ABC Board discovered there were some salary discrepancies in amounts that were approved for Board Member pay vs. what was paid out to the tune of \$6,000 over 5 years (\$50 per meeting for two of the members). The Town does not cut those checks or collect the money, but the town does approve the amount of salary. Laurie Lee, Director of ABC Board Audit and Pricing Unit in Raleigh had noted to the ABC finance person that the pay change be made retroactively to resolve the issue.

Councilman Daniels: He does not think that an error in the past should be approved retroactively. Acknowledge the error, direct staff to have procedures to set pay at a certain level and make sure there are grounds to monitor pay. Let's move forward and make it right and make a procedure to monitor agreed upon money.

Councilwoman Stanton: Do we know where this started? Mr. Kaufhold responded no, we do not, just the numbers and the period of time.

Councilman Wireman:

Q: Concur with Councilman Daniels, regarding not approving it retroactively to 2011, not sure what the implications would be. The issue may need Mr. Merritt's input or to someone at State level to make sure that the Town does not have any ramifications.

A: (Mr. Merritt)

This was not an action that was taken by the town. ABC Board is appointed by the town, but there isn't really any oversight other than setting salaries of board members.. It wouldn't come back to the town. State ABC Board has made a suggestion to deal with it. The town has a few choices, say we are approving it retroactively but we have not approved any salary over and above what was approved. Ask staff to come back to another meeting with Agenda item to revisit salaries. If not approved retro, my assumption is that it would create a problem between ABC Board and State and it's possible they could go back and say the received funds will have to be repaid. Choice, deal with issue, or leave ABC Board in position to deal with the state.

Council asked staff if the suggestion from the ABC Board was received in writing? Ms. Southward responded that it was not in writing but it can be requested in writing from Ms. Lee. Council felt it would be best to contact Ms. Lee and have her provide any suggestions for resolving this matter in writing. Mayor Alvarez suggests Council to consider that it could set a bad precedent to approve mistakes to be corrected retroactively. Council will table requiring written verification of recommendation from ABC Board.

Councilman Savoie:

The town could take the position that although it was not approved at the time, it is approved retroactively. But the ABC Board will have to attend Town Council meeting to agree to the salary going forward. Choices are to deal with issue, and handle retroactively, or leave ABC Board in having to deal with the issue with the State.

Motion made by Councilman Wireman to table discussion on resolving ABC Board pay discrepancy in order to allow Keith and Scott Kaufhold to research further. Motion approved unanimously.

h) Council consideration of unsealing Closed Session Meeting Minutes as discussed by Council on 12/8/2015. (Councilwoman Stanton)

Action Requested of Council: Staff to be guided to review closed session minutes to determine if the documents contain any sensitive that should not be disclosed in ordinance with state statutes. If any meeting documents do contain sensitive documents, the document must be reviewed by attorney review. There is a guided outline where county staff can review the minutes which would save the attorney fees and costs to reduce costs and allow Town to get the information out to residents.

Keith Merritt: The Town Clerk is the only Staff person that could do that review. Can't have any other staff person go through them because there is personnel information, protected by State law. Only the Clerk or HR could review it to ensure there is not disclosure of personnel information.

Councilman Wireman:

Every 3 years, closed session minutes become part of public record. There are always gray areas in privacy, but there are good resources and checklists for guidance. Staff could identify any gray areas and set those aside for attorney review. It is not feasible to have attorney review all documents. It would allow us to meet the spirit of statutory guidance while at same time not spending attorney review for items that can be reviewed internally. I will defer to Scott regarding qualifications of his staff to review.

Mr. Kaufhold- concerned with exposure and liability. It only takes one thing to slip through the cracks.

Councilman Daniels –

Q: Keith, Who is responsible for release of information should there be liability regarding release of information?

A: (Keith Merritt) The Town Clerk is the custodian of the records and the Town Manager. Public records requests go through Town Clerk. They are the only two people who could be authorized to legally review the information before release. The Town Clerk is the custodian of the records. The Clerk signs off on the certification that it is true, accurate and complete. And that person has liability for improper production. From a civil standpoint, you would have to prove damages, but it is a class 1 misdemeanor with a \$100 fine.

Councilman Cohn: Would like to know how many closed session minutes are out there, and in his opinion those will decrease in future, but will vary from year to year. So he thinks it is a good idea to have the minutes reviewed by the Clerk but we need the staff to help the Clerk with other duties in order to free up her time for that process.

It was suggested to take a look at the past couple years and move forward in identifying how much and not continuing to table issue.

Per Mr. Kaufhold, the Clerk identified approximately 25 pages of closed session minutes over past 3 years. The work has already been done for some years and released to the public. *Councilman Daniels made motion to table discussion on unsealing Closed Session Meeting Minutes as discussed by Council and to be reopened or discussed at first council meeting in April. Unanimously approved.*

i) Council consideration to approve the amended Board/Committee Appointment Policy as prepared by staff upon direction made by Council on 12/8/2015. And, if the amendment

is approved action by Council to adjust Board/Committee membership to be compliant with the amended policy.

Kelley Southward, Town Clerk.

Last month Councilman Wireman had an Agenda item regarding limitations in the appointment policy stating that no board or committee member could serve on more than two boards and/or committees at one time. Some language had been drafted Section 2, subsection I Limitation. The one exception that was not discussed at the meeting, is that by ordinance in the UDO the Tree Board sits as the Planning Board. So when drafting this ordinance, they were counted as one committee. As those Planning members would technically serve on three committees, the Amendment is being brought back to Council.

Council member Wireman made motion to approve amended Board/Committee Policy as prepared by staff. Approved unanimously.

j) Ashe Croft –stormwater/drainage issues. Direct Staff to look into this and get it fixed. (Councilman Daniels)

Scott Kaufhold – Two phases are temporary (smaller storm events, 10 year storm) and permanent erosion controls. Town does not have authority over temporary. Local governments cannot have requirements that exceed State requirements.

Erosion control is state controlled. When temporary goes to permanent, than the Town will have control over it and Town has high standards for much higher storms, 100-year storm. Town is working with Contractor, and Developer to pump out ponds, and has asked State to address the issue directly with homeowners. Has a filter system that is above and beyond what the Developer was required to do. The State allows the developer to pump water out of the ponds. There has been such heavy rainfall, rain runs off the site and sediment builds-up and water accumulates. It has been documented via video and photographs. If homeowners can demonstrate that it caused home flooding, (crawl space or finished floor damage) that opens up many options.

Councilman Wireman:

Q: Keith, Does Town have any statutory authority that Town can explore to remedy for residents?

A: (Keith) Erosion control is State of NC, State needs to respond and address regarding erosion control. If measures are failing it is up to State. Based upon what he has heard tonight, he doesn't think we would have authority to request builder to meet higher requirements than what state required.

Councilwoman Stanton:

I have seen the problems first hand. With approval I will contact the contractor for the subdivision under construction directly or go to their office. Councilman Daniels has placed calls four times and never received a response.

Councilman Cohn:

We need to talk with developer first, next, talk with the State. And ultimately it is an Indian Trail problem since it affects our residents and a big concern of the Town and Council.

Mr. Burhans said that Council should confirm that the proper owner and entity has been contacted; the original developer/contactor may have sold the project a year ago, need to confirm that Town is contacting correct entity. Owner may be AB Homes?

Councilman Savoie

Q: Scott, What is potential solution?

A: They would use developable land, short term. There are options to try to help. The nature of the design requirements with the two entities, one handling temporary, and one handling long term are at issue. Temporary is designed to hold smaller storms. There are some options that are not foolproof but they can be discussed and requested of developer, but at end of day, we can't pull permits or certificate of occupancy.

Scott Kaufhold:

We need option to bridge long term and short term gap. Demonstrate and document before and after damages. Make sure that the contractor takes care of damages before they leave.

Motion by Councilman Daniels to place Ashe Croft home situation topic on next Agenda for update. Approved unanimously.

k) RFP Comprehensive Financial Audit

Councilman Wireman:

I asked for this agenda item to be added this evening because I've been informed that Mr. Kaufhold has received two proposals from auditing firms in response to the RFP sent out after the December 8th meeting for a more comprehensive audit. The required annual audit only tests certain accounts and looks at a larger picture rather than drilling down to carefully review our 976 line items. Not certain that we have a clear picture of our finances just based upon the sheer volume of the number of accounts we have. This comprehensive audit is in no way shape or form to look for fraud. I'm not going after anyone or trying to find blood in the water or send anyone to jail. The comprehensive audit is simply to provide a clear financial picture of the town's finances. We have a lot of big projects and special funds associated with capital projects and our debt service and Council needs to have a clear understanding of all the funds and finances for the Town as a whole. Council will soon be faced with tough financial decisions.

Councilman Savoie:

I have not seen the RFP that was sent out but I would like to see it: what have we asked these auditors to do?

Scott Kaufhold:

Two RFP responses were received in response to December 8th discussion to research costs for performing a more comprehensive financial audit which is more of an operational and fiscal review. Select view of a certain number of accounts, and sheer volume, not sure if we have a clear picture of the town as a whole. Big projects, Town Hall, neglected infrastructure, due diligence perspective. The direction from Council last month was a phased approach. Have a CPA and attorney look at a cross section; designate a number of hours to look across funds and bonds. Basically the legal framework for which the Town spends money. If something unusual or curious is found during this initial phase, then a second phase could be completed to drill down and look at the curious portions in further detail and depth.

Scope of RFP

Operational and Fiscal Review. Contacted five firms that have experience with this, two responded. Phased approach involving CPA and Attorney and designated hours and legal framework for which money is spent. If something unusual is found in initial audit, then would be able to move into Phase II.

Financial Forensic LLC, Linda Green Angus' resume is impressive. Provided a different approach of looking at financials and a good understanding and what we were looking for. Previous to this line of work she was a county manager so she is very familiar with

governmental accounting and management practices. She was involved in a very controversial forensic audit in South Carolina; Council can Google her name to learn the details. Although we are not looking for a forensic audit she has a way of looking finances with a different approach.

Councilman Daniels said that he can understand new Council members desire to have a more in-depth audit when they come on board; he'd probably want the same. He commented that most accountants that work in establishment don't want to be associated with a forensic audit. Consider and use caution when choosing companies that specialize in forensics and especially those that have "forensic" in their business name for the good of the Town and investors. In his professional opinion when trying to enhance economic development one does not want to be involved in a forensic audit. Again, he has nothing against a specialized more in-depth audit but for the good of the Town urged Council to stay away from "forensic" audits or any firm that has such in their name. He was upset by the ramifications of this for the Town.

Councilman Savoie noted we will be looking for a new auditor this year. He suggested that Town hire a new auditor with capability to conduct due diligence and ancillary drill-down capability going forward. It would save money going forward and provide economies of scale.

Councilman Cohn said that the states recommendation is change auditors every three to five years; we've had the same auditor for at least seven years. He understands new Council Members' desires for a more in-depth audit but also understands what Councilman Daniels was saying about the use of the word "forensic" for the audit or the name of the auditing firm. He understands that \$12,000 is a lot of money but feels it is worth it if it straightens things up and provides Council with a clear understanding of where the Town stands financially. If there are any problems let's identify them and get them sorted out that so that we can move forward. Mr. Merritt said \$12,000 is just for the first phase, which as outlined in this proposal would basically be to figure out what needs to be done or examined.

Councilman Daniels felt that Councilman Savoie had a great idea. If we are going to be selecting a new auditor for the annual audit why not combine that with this. They could go ahead and complete this comprehensive audit now and then be ready for the annual audit in the summer. Make sure you choose someone that has the capability to do both. It would be a death sentence to choose a person whose company has "forensic" in its title.

Councilwoman Stanton asked if it was being suggested to choose a new auditor to dig deeper into the audit that is to be done at the end of this fiscal year. Councilman Daniels confirmed. Councilwoman Stanton said that Ms. Meyer said this evening that the fiscal year audit is always done the same; a sample is taken it's not an in-depth type of audit. Councilman Daniels said they use a standard; we would be asking for a different level. Councilwoman Stanton asked why wait until June; we'd pay extra for a more in-depth audit anyway why not just select someone now to do this more in-depth audit. Councilman Daniels said we could request a special audit now; he just liked the idea of whoever is going to be the new auditor for the annual audit also be the one to do this comprehensive audit. Councilwoman Stanton said she is ready to select a firm this evening to do the comprehensive audit. Councilman Savoie said he thought it would just be economical to choose one firm to do both audits.

Councilman Wireman felt this was a good discussion point but wished it had been brought up last month. If we are going to send out a new RFP it will delay the process another month. He doesn't want to create a slippery slope where something comes to Council month after month because the criteria of what was originally sought get expanded upon each month; it delays progress. He recommended moving forward with the RFP before us this evening and

select a firm now. If we want to expand the contract with the selected firm then we should have it on the next agenda.

Councilman Daniels again noted his concerns for selecting a firm with “forensic” in the firms name. Councilwoman Stanton asked Mr. Kaufhold if he had talked with both firms that have submitted RFPs; he confirmed that he met in person with one firm and talked to the other by phone. Councilwoman Stanton said the firms cannot change their name and opined that it would not cause any great alarm. If our Interim Manager feels this is the firm we should go with then she supports his recommendation. Councilman Daniels said we may be better served if we wait until a new Finance Director is hired before selecting an auditor for this comprehensive audit.

Mr. Merritt was recognized by Mayor Alvarez and requested a brief, 5-minute recess so that he could have a quick discussion with Mr. Kaufhold.

Mayor Alvarez called for a 5-minute recess. After 5-minutes Mayor Alvarez called the meeting back to order.

Mr. Kaufhold was recognized. Mr. Kaufhold recommended to Council that the RFP be re-advertised as there are some technical issues that have been brought to his attention. To that end, it opens the possibility to add to the RFP. So, if Council so desires the RFP could be revised to include the standard fiscal year-end auditing services in addition to the comprehensive operational and fiscal review audit.

Motion by Councilman Wireman to table and amend RFP to correct technical issues and look for an audit firm that can provide additional services for the annual fiscal year-end audit as well as the operational and fiscal review comprehensive audit. Approved unanimously.

L) Change Town Hall Meeting from February 9th to February 11th.

Motion by Councilman Wireman to change Town Hall Meeting from February 9th meeting to February 11th. Unanimously approved.

10. DISCUSSION ITEMS

a) Town Stormwater Issues (Council Member Cohn)

1st Avenue, 2nd Avenue, and other private roads have had issues for years. Storm water money has not been spent in several years on these issues but rather been spent at the parks. This Council needs to take a serious look at fixing these problems and others, even if private roads. The residential annual stormwater fee is about \$50 a year, which raises about \$1.2 million per year for stormwater. Even if we had to raise the fee \$20 or \$30 for one year to help generate funds to fix these problems it would be worth it for the residents that have to live with these terrible flooding conditions as some of the folks from Ashcroft spoke of earlier this evening. We finally have a Council that wants to help the residents so let’s strike while the iron is hot. First step would be to get a cost estimate from a consulting engineering firm of what it would cost us to fix the problems.

Mr. Kaufhold said that staff has looked at these issues with the resources available to staff. If Council wants to get good cost estimates an engineering firm would have to be hired to identify what the problems are and propose solutions that have cost estimates associated with the proposed solutions. It will cost the Town to have an engineering firm do the work necessary to find out what the solutions will cost.

Councilman Savoie asked if there was a prioritization list. Mr. Kaufhold said that there are probably half a dozen problem areas; with historic, habitual stormwater issues. He would suggest that the consulting engineer look at three problem areas at a time and provide the analysis and costs estimates to Council for their consideration in moving forward.

Councilman Wireman asked if the engineering department has a discretionary fund to pull from to hire a consulting engineer to look at these issues. Mr. Kaufhold said that there are funds available for this purpose. Councilman Wireman said that Council does want to help residents. He doesn't know if he would want to raise fees at this time but will have a better idea after the comprehensive audit where we are standing financially and if raising fees would be necessary. He recently toured the Town and saw some of these issues first-hand and it's very emotional to know that people in our Town are enduring some of the situations that were witnessed

Councilman Daniels said if it is found that stormwater funds were used for matters that they are not permitted to be used for then that would be unacceptable. He asked for clarification; would we be addressing Town roads and private roads? Mr. Kaufhold said that he suggested known problem areas be reviewed, which could mean Town roads, state roads or private roads. Of course, Town Powell Bill funds could not be used on private roads. So, it would be up to Council to decide if they wanted to allocate other funding sources (like from the stormwater fund) to address issues on private roads. Upon query from Councilman Daniels, Mr. Kaufhold agreed that Treywick is another problem area and there is a potential plant extension in the vicinity, which will likely only worsen the bad situation.

Councilman Cohn clarified that he did not say he wanted to raise stormwater fees he was just noting that such was an option to provide funding should it be necessary. He further clarified that he did not say that stormwater fund money had been used illegally. It was not illegal to spend stormwater funds on the stormwater controls for the parks. He was simply saying that funds were spent at the parks rather than in other areas for the past couple years.

Councilman Cohn submitted a motion to ask staff to get a cost estimate from a consulting engineering firm to look at these issues; three areas. Unanimously approved.

b) Update of Council's plan for the new Town Hall (Council Member Cohn/ Mr. Kaufhold)

Mr. Kaufhold gave an update on the new Town Hall construction status and background. As Town Engineer, he was not included in this project.

Background: Originally started at a 25,000 SF building, at some point in time it was decided that 20,000 SF would suffice. Buildings under 20,000 square feet avoid Department of Insurance review which, can add 3-9 months to the approval process. Lobby and open areas remained the same from the 25,000 sq ft design; office space was sacrificed. Aesthetically appealing but lost some good functionally. 1/3 of the way into the schedule and budget on the project. Last council meeting, started working with architect and builder to maximum the space and provide a cost estimate to provide more practical use of space for the community.

Not included in the \$8M facility – furniture, telecommunications or data, A/V security cameras, complete landscaping per UDO (perimeter included), roadway frontish improvements, water sewer tap fees, building permit fees, dumpster enclosures were removed, geotechnical services contract (approved earlier this evening for a cost of \$65,000) and sufficient room for current staff. Mr. McLamb noted that there had been a work program done for the building which included office spaces needed as well as other aspects such as lobbies, staircases, meeting rooms, utility rooms etc. Current staff would not all be able to fit in the

building as designed a month ago. There are several departments that would have to let a member of staff go in order for all departments to fit in the area that they were designed for.

Mr. Kaufhold said when he was serving only as Director of Engineering he and his department were excluded from the planning and other aspects of designing the new Town Hall. These issues would have certainly been brought up by his department had they been included.

As directed last month by Council, Mr. Kaufhold, Interim Town Manager/Director of Engineering, has tried to maximize the useable space by reducing large open areas, combined meeting spaces (community room and Council Chambers) and basically got about 5 times the community space. By doing this Mr. Kaufhold believes sufficient room for current staff has been created. These are the ideas right now; we don't currently have cost estimates for these proposed changes.

The architect will be creating some redesigns as described and Mr. Kaufhold will bring cost estimate back from architects and builders regarding the redesign and maximize space. We don't know if the cost will be more or less or if we will be at a break-even point but such will be relayed as soon as the information is received. We are attempting to value engineer the building to maximize space, get more community use and scale back on the "fanciness" in order to provide more practical use.

Mr. Kaufhold showed an outside rendering of a view he said was not previously shared. The view showed the 40-foot retaining wall for the Chestnut Parkway, which he said will be almost within arms-reach of the building. Upon query from Councilman Savoie, Mr. Kaufhold estimated the distance of the retaining wall to be about 40 feet from the building at its closest point.

Councilman Wireman said "WOW". He thanked Mr. Kaufhold for his due diligence and getting the truth out to the residents. He doesn't believe this had been communicated accurately to the residents previously. This presentation has been an eye-opener for him and he is very concerned about the overage amount. \$8M is going to only get us an empty building. He thanked staff for the redesign that will provide a home for all of staff and plenty of community space. Councilman Wireman thought that a contractor /builder for the interior work had not yet been selected but Mr. Kaufhold said that was incorrect an interior contractor has been selected by the Construction Manager at Risk; they are responsible for taking the project from start to finish (outside of furniture and the other things previously listed).

Councilwoman Stanton said she is also wowed and can't believe things had gotten this far and she realizes it not the fault of anyone who is here now. She asked if there was room for staff to grow. Mr. Kaufhold said he believes there will be room for the staff that the Town has now as well as community space. It could buy the Town time to build a separate community building and then phase-out the community space in this building to phase-in more office space. It all depends on what the needs will be in the future.

Councilman Cohn disagreed with Councilwoman Stanton by saying there are folks present at fault for this building. The residents were not given the opportunity to vote on construction of this facility and he opined that such is a shame. He believed no one had been told the truth. He has been on Council for four years now and he knew the Town's Engineering Department was not included and that there were mistakes made with the design of the building. Why were our own experts not included? We need follow through with what we say and what we approve. The Town Hall is supposed to be an \$8.5M project and we can all see this evening that in reality it will cost much more. Councilman Cohn said in his opinion they were not told the truth previously. We are still building parks that were supposed to be complete so there

are a lot of big projects going on and he believes this Council will do everything it can to keep taxes low but it will be a challenge.

Councilman Cohn said that Council cannot stop the Town Hall project at this point because there is too much already invested in the project. Don't believe the rumors that we are going to gut the building and scrap this project. That cannot happen. We have a great Town Manager and staff and we'll end up building a nice Town Hall that will make everyone proud. Councilman Cohn said it was not a project he was in favor of and doesn't believe the majority of residents were either but it is too late to turn back now.

Councilwoman Stanton clarified her previous statement that when she said it was no one's fault here she meant staff. She as well as residents know where the blame lies.

Mr. Kaufhold said we have to move forward and expend funds to find out what these changes will cost (or if we'll break even). Councilman Wireman said even though some of these data points are hard to swallow he appreciates the truth being put out there and would like this practice to continue moving forward. He agreed with Councilman Cohn that we will work with what we got to make the best Town Hall possible and maximize space and be a building that will be here a long time. He urged residents to contact him with their questions and concerns. Councilman Cohn asked how many parking spaces would be on the site. Mr. Kaufhold said about 50-60; the minimum required by code.

Mayor Alvarez noted that a resident, Mr. Gary Evans, in the audience asked to speak; he asked Council if they were agreeable to hearing Mr. Evans. Council Members Cohn, Stanton and Wireman said they did not have a problem with hearing Mr. Evans. Councilman Daniels said that he did not have a problem with it but earlier there was a different gentleman that wanted to be heard and it was not permitted or entertained to be permitted and he would like things to be fair and consistent.

Gary Evans, 4800 Mossy Cup Lane, was recognized and permitted to address Council. Mr. Evans asked, of the two Council members that voted for this project that are present this evening, were they aware of this situation, that this building would not be furnished, did not include telecommunications? It is probably going to cost another \$5M to finish this building, were you aware when you voted on it? When you were behind closed doors?

Mayor Alvarez said if Council Members so choose to answer the question they will answer Mr. Evan's question during Council Comments.

c) Provide assistance & support to Porter's Ridge Athletic Association in their search for athletic fields/facilities (Council Member Cohn)

Removed from Agenda in Additions and Deletions.

d) Announce all current Board/Committee vacancies

The Town Clerk announced the following vacancies:

Stormwater: 3 regular seats and 1 alternate seat

PARC: 4 regular seats and 1 alternate seat

Board of Adjustment: 2 alternate seats

Transportation Advisory Committee: 2 regular seats and 2 alternate seats

Planning/Tree Board: 1 regular seat

Public Safety: 1 regular seat and 1 alternate seat

Quad Alliance: the resident seat is vacant

e) Roads Acceptance (Councilman Wireman) (this item was added during additions and deletions)

Indian Trail has private roads that demand attention, annexed into Indian Trail. Due diligence requires a proactive policy to address challenges for private roads. Come up with a percentage of maintenance costs based on wear and tear.

Councilman Cohn says that there was a plan brought to Council in the past. Keith Merritt says that there was a policy that was adopted regarding accepting private roads and taking them into public roads. There was a cost sharing process based upon an analysis. Councilman Cohn says he doesn't think the policy was adopted. The Clerk will look into it and clarify whether it was adopted. Town staff to bring to next meeting if it exists to have discussion.

f) VFW Lane (Mayor Alvarez)

Mayor Alvarez asked Council to consider fixing the VFW road, veterans of foreign wars. They open up doors to the community, gave their lives for their country. Knows the residents would be in favor.

Councilman Daniels asked for costs involved in fixing the road. Councilman Cohn agrees that costs and a discussion should take place, but he's in favor of fixing. Mayor Alvarez suggests that we ask Staff to get with Commander to get scope and cost.

Councilman Wireman said that it was an honor to have Mr. Crep, a WWII Veteran with us this evening and thanks for service. Recommends that we move forward with getting costs to fix road. Consensus reached.

At this point Mr. Kaufhold asked to be recognized. He stated that there had not been a consensus or action related to move forward with having the architect make plan revisions, which will be an expense, so that we can come back with estimates of what the overall changes will cost. Councilman Wireman moved to approve the expense of having the architect make plan revisions so that cost estimates can be obtained and the motion carried unanimously.

11. UPDATES

a) Manager's Update: Scott Kaufhold, Interim Town Manager

- Rogers Road sidewalk is going out for bid, federal aid project. Last large cement project. Authorization from NCDOT received to advertise for bids. Hope to start construction in March / April.
- The current Position Classification/Pay plan is 10 years old. A Human Resources consultant was hired to evaluate, access, and make recommendations for changes. She will be finalizing her findings and should be able to present in upcoming budget retreat session for discussion.
- Proposed traffic calming projects, law enforcement and engineering has said are "no brainers". Historic problem areas for a long while for speeding and volume.
- Chestnut Parkway, on street parking, we were able to get it re-stripped at cost \$20/each. Vs. to build a new parking spot would cost \$2500/each. Help for public safety and traffic issues.

b) Department Head Update: Community & Economic Development—Kelly Barnhardt

- Working on updating databases of business in Indian Trail. As of July 1st, 2015, businesses are no longer required to get a Business privilege License. Will take a few months. Working on gathering information about available space, buildings and land.

- Working with Union County Procurement Director on upcoming vendor fair. Will be held on April 6th at South Piedmont Community College. To help smaller businesses in and around Union County. It is a daylong event, Indian Trail will have a table.
- Upcoming NC Works Incumbent Worker Training Grant information session will be held on February 18th in conjunction with Centralina Workforce Development Board and the NC Department of Commerce. Web link in weekly report. Geared to Business Owners and getting workforce information training.
- Attended CREW workshop/luncheon. Lecture was regarding infrastructure in our region but this meeting was mainly geared to I77 managed lanes. Helpful information to allow Indian Trail to plan accordingly.
- Will attend emerging leaders workshop in Charlotte for NC Economic Developers. Will have variety of site selectors to talk to, and valuable to talk to other ED folks across the state.
- Monthly newsletter ran behind in December due to holidays. Will go out this month in printed format, next month via email.
- Our town and committee meetings are posted again on social media sites. Once GRANICUS is up and running we can put link on our facebook site and can use constant contact email database to email out to residents.
- Updating web content, tedious and time consuming. Making strides.
- Events is in its slow season. Start strategizing for spring events. The new event season starts in March, Kick off with Founders Day recognition. Easter event mid March, information and details next month.
- Citizens Academy budgeted for this year in the Spring. Can tweak content and settings if interested. Would need to start getting information out there soon. Class range is 20-22 applicants based in past.

c) Department Head Update: Planning & Neighborhood Services—Rox Burhans

Year end statistics. Population growth trends, growth of western union county communities. 2010 population 33,518 citizens, 2014 jumped to 36,628. Indian Trail projected in 2015 at 37,000. Monroe is growing slower than the rest at 3.8% Indian Trail 2010- 2014 period grew at 9.3% Stallings at 9.4% Waxhaw grew at 22%.

New Homes Permits: 2010 modest growth - , 2012- 2013 was highest, leveled off in 2014- 2015 to around 250 permits.

New Business Permits – In 2015, issued permits for 123 new businesses, that’s primarily businesses located in existing space and included home occupation type permits. Note: Permits only, does not mean the businesses opened their doors.

Solid Waste – Indian Trail trends at present - .85 tons (1,700 lbs) per household generated. Recycling is on downward trajectory - About .21 tons (400 lbs) per household. Yard waste is at .05 tons (100 lbs) per household.

12. COUNCIL COMMENTS

- **Mayor Alvarez**—thanks to the VFW for sticking it out through the meeting
- **Councilman Cohn** – Scott, you are doing a good job, you have taken on a lot and your hard work is appreciated. I appreciate your working with law enforcement and Council. We are back to an open government. It is nice to know exactly what is going on in town, and what the staff is doing. Questions are being answered to the best of your ability and knowledge. The

staff is excited again. Law enforcement comes to us and tells us about a clogged drain, how often do you see that? Thanks for everyone staying so late.

- **Councilman Daniels** – Address an issue, if the Town Clerk could check to see if we had a closed meeting in Town Hall. Meeting with Scott at 10:00- Want to discuss the wants and needs of the Town hall. We need to discuss the wants and the needs, example we already have furniture that we can use and “make do”.
- **Councilman Wireman** – Long productive meeting but necessary issues and housekeeping. Appreciate all the support I continue to receive. We are doing the right thing for the right reasons. There was frustration with lack of transparency, and allowing residents true input. As you saw in December and tonight, I am holding true to campaign promises for truth and transparency. Thanks to Town staff for working hard. Scott you’re doing a great job and taking the task to heart and you have a great supportive staff. Chase, always fun to ride around with you. Can’t say enough about law enforcement, the face of Indian Trail.
- **Councilwoman Stanton** –Thanks everyone for being here. Staff, you guys are fabulous. Scott, you have really stepped up, you have answers, and when you don’t, you find answers. Lieutenant, thank you for always being there for us. Thanks for having our backs, don’t hesitate to call us. We are here for you.
- **Councilman Savoie** – All my decisions for the Town Hall were based off numbers and presentations that were done throughout Council meetings and workshops. I ensured that we had Construction manager at risk so that we could stay within budget. First time I saw that list (of what was not included) was tonight. Thanks to staff for everything they do, and LT for all you do. Thanks for everyone for staying out here.

13. CLOSED SESSION

Councilman Wireman moved that Council enter into Closed Session pursuant to N.C.G.S 143-318.11(a)(3) to protect the attorney-client privilege and 143-318.11(a)(6) To consider the qualifications, competence, performance, condition of appointment of a public officer or employee or prospective public officer or employee; the motion carried unanimously.

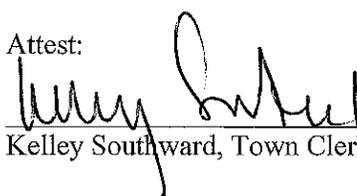
Upon conclusion of Closed Session Councilwoman Stanton moved to return to Regular Session.

Motion to suspend the rules to add to the agenda: “consideration of employment contract for Interim Town Manager” submitted by Councilman Savoie; carried unanimously.

Consideration of Employment Contract for Interim Town Manager: *Councilman Cohn moved to approve the Interim Town Manager Contract with Mr. Scott Kaufhold, as written; the motion carried unanimously.*

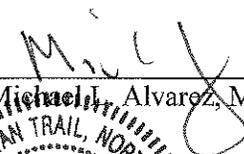
14. ADJOURN: *Councilman Savoie made motion to adjourn, all in favor; approved unanimously.*

Attest:



Kelley Southward, Town Clerk





Michael Alvarez, Mayor