

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 26, 2016
Civic Building—6:30 PM**

MINUTES

The Indian Trail Town Council convened at 6:30 PM on Tuesday, January 26, 2016 for a Regular Town Council Meeting in the Council's Chambers at the Civic Building—100 Navajo Trail, Indian Trail, NC 28079.

The following members of Council were present:

Mayor Michael L. Alvarez

Council Member Gordon B. Daniels (arrived late)

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, Communications Coordinator Mike Parks and Community Engagement Coordinator Julia Zweifel.

1. CALL MEETING TO ORDER & PLEDGE OF ALLEGIANCE

Mayor Alvarez called the meeting to order and announced that Councilman Daniels will be late to meeting. Council led in the Pledge of Allegiance.

2. AGENDA ADDITIONS & DELETIONS

Councilman Savoie: Move 7C, Approval of Budget Amendments to 9A.

Councilwoman Stanton: Modify the Taylor Glenn, Agenda Item 10A. Change it to consider all subdivisions that have similar safety concerns.

Councilman Wireman: add Discussion Item 11E, put together schedule for Committee and Board updates to Council.

3. MOTION TO APPROVE AGENDA

Motion by Councilman Savoie to approve amended agenda. Approved unanimously.

4. PRESENTATIONS

- a) Staff appreciation award for 10 years of service—Ms. Trena Sims

Mr. Kaufhold presented award. Trena Sims started as Assistant to Town Clerk, filled in as Deputy Clerk, and was under engineering for 3 years. Congratulations and thank you for your service! A token of appreciation was presented to Ms. Sims.

5. PUBLIC COMMENTS

- **Nico Iannelli 2000 Corona Lane.** Taylor Glenn Association, Acting President. Safety concerns since 2005. In 2015, there was an increase to 1200-1400 cars using Magna Lane, many from Brandon Oaks, with total disregard for speed and stop signs. 85% of the cars coming through are exceeding speed limits. Law enforcement has been called, but they can't be there at all times. There are 30 + children that live in the immediate cul-de-sac at risk. Resident is asking the Town to take into consideration traffic calming and work with HOA to alleviate this situation. The traffic study was done in September, but elected to wait to bring issue to this Town Council.
- **Brian Hooper 6000 Magna Lane** in Taylor Glenn subdivision. Cars that are cutting through, speeding and running the stop sign puts kids at risk, risk of property damage. He lives across from the main cut through for Brandon Oaks. The traffic wakes up son at night with vehicles running stop signs, lapping the neighborhood, and revving engines at 10:00 or 11:00 at night. Resident has issues turning left into his driveway. Need to slow people on Corona that use it as a cut through to get from Brandon Oaks through Taylor Glenn to get to Wesley Chapel. Issue has grown exponentially in a year. Need to address before someone gets hurt or killed.
- **Ms. Samantha Towns 104 Pine Lake Drive.** Nine years in Council meetings and heard everyone say how much they love Indian Trail, but it seems some of these people have disappeared from the meetings, because the election didn't go their way? Thank new Council for bringing a lot of things to light. Thanks to Mr. Kaufhold and his staff and for letting the citizens know what is happening in this Town.
- **Mr. Arthur Spurr, 4100 Wood Creek Court in Indian Trail.** Trena has done outstanding job for the public safety committee as a recorder. Thanks to Council for all things you are doing to help us with the stormwater problems we have in the Ashe Croft subdivision. As you know, we pay a stormwater fee. I have a suggestion for a solution to this problem. The houses in back of Brookforest, the State stops their responsibility at the end of pipe, but the easement runs behind the houses and through the common area and to Crooked Creek. There is no reason why the Town of Indian Trail can't fix it with the stormwater fees that we pay. The Town can put the pipe to the Creek, reclaim the land and make the State maintain it. On the pond side, use stormwater fees to redo the pond so that it is large enough to handle. Raise berg so that water does not fall from Crooked Creek into private property. Put massive pressure on Army Corp of engineers to fix the Creek that has turned into a raging river. The Town Council should put a Moratorium on any new construction that runs waters into Crooked Creek or any tributaries that feed that Creek until this problem is fixed.
- **Kim Light, 4021 Brookforest Lane.** In the past few weeks, I've interacted with several council members and State Representative Dean Arp. Thanks to all that came to our neighborhood and surveyed the damage. The yards are still in standing water and a big mess. The new neighborhood across the street, they don't just lower the level; they drain the entire pond from the retention pond, 500,000 gallons of water when full, all being forcibly pumped through our yards every time it rains. Our yards never have a chance to dry out. Is it right that a development uphill from us can tie into our smaller inadequate drainage systems, destroy our properties, and not have any responsibility for damages? This is supposed to be temporary, but who is responsible for the damage that is being caused? It has been going on for months and based on progress that has been made, for a long time to come. The damage is real. Is it possible that someone made a mistake and this plan isn't going to work? Did anyone examine what would happen to the yards in Ashcroft? We need a solution to this flooding and erosion issue before it gets even worse. Millions of dollars are going into the new Town Hall and Indian Trail parks. It would be nice if all residents could have homes and

yards they can enjoy. Thanks to everyone that has taken an interest in trying to help and keeping Indian Trail a great place to live.

- **Margarite Holm – 4023 Brookforest Lane in Ashe Croft subdivision.** Thanks to Town Council for listening to homeowners, especially Amy Stanton and Representative Dean Arp who came out to our development on January 18th. I am on the Board of HOA for Ashe Croft; tonight, I speak as a homeowner. The management company for Ashe Croft is aware of our situation. The HOA can do little about flooding taking place along the easements that run through our neighborhood. We strongly hope the homeowners and the Town can come to a satisfactory solution to the excessive amount of water our properties are receiving as a direct result of the construction. Indian Trail's growth should not come at the expense of resident properties.
- **Chuck Horn – from Monroe.** People in law enforcement, military, fireman, paramedic and school teachers can be nominated for Humanitarian of the Year award. Nominations among your peers. Sergeant Green Memorial Humanitarian Award. Get the word out to nominate someone. Also doing scholarships. NCheroesrealty.com

Mayor Alvarez noted that Councilman Daniels had joined the meeting; he arrived at approximately 6:50PM.

6. LAW ENFORCEMENT UPDATE

Lt. Chase Coble presented the activity report by category in 2015 as follows:

Answered 1,041 911 misdialed or hang-up calls; 9,237 preventative patrols; 3,040 traffic stops; 2,327 business checks initiated; 848 call by phone request; 744 animal related; 108 parking complaints; 113 domestic disputes.

- Vehicle crashes increased from 946 in 2012 to 1,091 in 2013; in 2014 increased to 1,189, in 2015 it increased to 1,390. Most are on secondary routes. Severity of crashes has gone down.
- Deputy training received (in addition to state mandated training): Juvenile Law Update training, Event Security Planning, Alcohol Testing Certification, Field Training Officer Crash, FBI Executive Development Leadership
- Our grant coordinator has been in touch with Jonathan Fieldman, who oversees safety unit for DWI task force. There is an opportunity for the Town of Indian Trail to apply for a grant for a traffic officer, 85% federal funding vs. 15% town funding in first year. In Year 1, the federal amount is \$125,000 spent; the Town's share would be \$22,000. Funding will not be awarded until October 2016. Application needs to be submitted by end of January. Indian Trail Traffic Safety officer. Good opportunity for street cleanup with traffic enforcement. Council is interested in proceeding with application.

Mr. Kaufhold asked Lt. Coble about the inclement weather recently. Lt. Coble responded that the Town got a good "heads up" and the storm. The schools made the decision to close and most people stayed at home. Two days prior to the storm, law enforcement had sufficient notice to do the planning & prep for the storm, snow tires, 4-wheel drive etc. Overall good experience during the bad weather.

Councilman Cohn – Thanked Mr. Polite with Papa Murphy's Pizza for donating food for the meeting.

Mayor Alvarez announced that the Boy Scouts were in attendance to meet requirements for a merit badge.

7. CONSENT AGENDA

- a) Approval of Tax Month End Report-December 2015
- b) Approval of tax refunds of overpayments in excess of \$500.00
- c) ~~Approval of Budget Amendments~~ (moved to Old Business Items 9A)

Motion made by Councilman Savoie to approve on amended Consent Agenda. Motion approved unanimously.

8. PUBLIC HEARINGS

NONE

– 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*

9. OLD BUSINESS ITEMS

a) Approval of Budget Amendments/ Merit Increases (Councilman Savoie)

Councilman Savoie questioned the merit increase, he fully believe in giving the merit and COLA every year, but recalled in years past receiving a list in an itemized manner. He questioned if this was policy. Mr. Kaufhold stated that this was the first year there has been a merit pool and it was an amount approved in the budget and delegated via the manager to department heads to disperse to employees based on performance. Councilman Cohn stated he did not recall merit raises being brought to Council, as they would not have knowledge of how merits raises should be disbursed to employees. Mayor Alvarez clarified that a list was presented during a closed session meeting previously.

Motion to approve Budget Amendments by Councilman Cohn. Unanimously approved.

b) Staff to present information related to VFW Lane as directed by Council to obtain; Action by Council as necessary upon presentation of the information ascertained by staff

Scott Kaufhold presented two options:

Option 1: Patching only, \$30,000, or Option 2: patching and overlay, approximately \$44,000. Both options include re-installing existing speed hump.

Councilman Cohn asked to hear from Gary Evans, in the audience, as Mr. Evans had put out announcement on facebook to see if anyone has an interest in donating the asphalt. Mr. Evans said that no donations have been received to date. Mr. Evans said he would continue to try. Councilman Wireman inquired as to the quality of the patching. Mr. Kaufhold noting it was high-quality. Patching would extend life 5-7 years and with an additional overlay it would be extended far beyond that; Option 2 would be at least a 10-year fix for the infrequently traveled road. Councilman Daniels asked what would last longer cement or asphalt and which is more expensive. Mr. Kaufhold said that asphalt on asphalt would last longer; it would not be advantageous to put concrete over asphalt. Concrete is much more expensive to repair but probably has to be repaired less frequently than asphalt.

Upon query by Councilman Savoie, Mr. Kaufhold said this project will go out for bid as part of the Spring Resurfacing Contract, probably in April. Council will have to approve the package and a budget amendment will be needed. In the mean time we can advertise; better to advertise early.

Councilman Wireman made motion to go with Option 2, patching and overlay. Motion approved unanimously.

c) Council consideration of changes to ABC Board Member pay—staff to present information obtained from NC ABC Commission

Mr. Kaufhold: At our last meeting, we discussed the pay disparity issue with ABC Board members. Town Council has authority to establish the pay for ABC Board members. When discovered by auditors for ABC, Laurie Lee, ABC Board suggested that the Council approve

the increase retroactively. The Council asked for her recommendation in writing and it was provided via email. The ABC Board's Finance Director could not find any records from her predecessor to show why the increase took place without Town approval.

Town Clerk researched and per Town records, the only time Town Council approved any pay for ABC Board was on January 12, 2011. At that time, the Council approved \$300 for Chair and \$200 for the other two members, which continued for a year. The following January everyone got paid \$100 more for the month. Then in February 2011, the Chairman dropped back down the normal \$300/month and the other two members were getting \$250/month, instead of the approved to \$200/month.

Councilman Cohn – a no-brainer, just approve retroactive and move on. I believe that the more you dig into how this happened, the more it will cost the Town. The bottom line is that if these people would have to pay back money that they didn't know they were getting in error, it is wrong. A lot of appreciation needs to be shown for people that work on this ABC Board, I've seen it firsthand. I don't want these people to have to pay this money back under any circumstances. It would be extremely unfair.

Councilman Daniels – David, I agree with you, that past employees should not suffer.

Q: A mistake was made. Do we have legal authority to put any controls to monitor this in the future? Why are we in this situation?

A: (Mr. Merritt) There is already a state law in place, not sure how a Town policy would affect what happened. The statutes say that this Board sets the compensation for Members of the ABC Board. Not sure of the exact circumstances as to how it was approved without Council approval, the ABC Board caught the error and now we are looking at resolutions. It is assumed that the ABC Board is aware of their obligations and responsibilities.

Q: Mr. Kaufhold, when the pay changed, what was the procedure? Was it followed?

A: (Mr. Kaufhold) Council originally set the pay, there is no record of the Council changing the pay. One approval, one amount.

Q: Mr. Merritt, is there a way to explore other options to resolve? Is there anything in the statutes we could explore?

A: There is nothing in the statutes. We can talk to local ABC commission to see if local ABC Board can pay it as an expense, but, understand they will be paying it back to themselves.

Q: ABC gives money toward certain funds, they could increase for a particular time, the funding of any kind of charity or non-profit?

A: (Mr. Merritt) I would have to look into it, we can talk to state board about it.

Councilwoman Stanton—It feels like someone knew what was happening and that the Board members would have noticed the increase. If it is approved retroactively, without investigation into how it happened, we may end up coming back at the issue again. I would like to see what came forth from those on the Board at the time. I am with Mr. Savoie and Mr. Daniels. I believe we need to look at the other angles. For the record, I've never been to an ABC meeting.

Q: Mr. Kaufhold, Isn't this all in the record at the beginning of each term as to how much they get paid beforehand?

A: (Mr. Kaufhold) Yes. It spells it out and amounts are documented from the audit as to when it changed in the audit. Dates and amounts are all documented. How it was communicated, what the approved pay was, I would have to look into it. At some point in time an extra \$50 went into the paychecks.

Councilman Savoie—I agree with Ms. Stanton. Approving it retroactively is almost like rewarding bad behavior.

Q: Why does overpayment have to come back from the employee? Why can't it just be a fine at the Top?

A: (Mr. Merritt), my guess is that the revenues for ABC Board are statutorily set. I would have to check into it further with Ms. Lee.

Mayor Alvarez—If the ABC Board has an attorney that attends the meeting, and they allowed the raise, in my opinion they should be responsible.

Mr. Alvarez asked permission for Mr. Brown to speak. Mr. Brown was on the Board at the time of the pay discrepancy.

Jan Brown, ABC Board:

I was on the first ABC Board, which consisted of a lawyer, CPA and me. The Town Council at the time approved \$250 for each Board member. I don't know who made the mistake, if it was a mistake or when it was made. I believe that everything was handled perfectly. Town council approved \$250 for each board member.

Q: (Mr. Cohn): I don't know who was on Council when that happened, you do, and I take your word for it. Why do you believe the Town Council approved it?

A: (Jan Brown) The Council had approved the Board and we were under your auspices. So I am assuming the Council had approved everything. We are audited and we give the audit to the Town Manager every year. There are other ABC Boards in the state that make equal to what we do and others make more.

Councilman Wireman

Q: Help me understand, is it your understanding that Council approved the \$250 or are you assuming that they approved it? Is it your understanding that it was approved in 2011?

A: (Jan Brown) It is my understanding that the Council did approve what we were making. We don't arbitrarily assign the salary, it has to be approved by Council. We provide a copy of the audit to the Town when we get audited. We invite you to come to our meetings.

Mayor Alvarez

Is possible for the Council to put the pay back to the approved \$200 amount, but forgive the \$250 that was paid to the employees? At a later date, if they want to put it back to \$250, we can address it.

Councilman Wireman:

I am with Mr. Cohn, we are in situation where are probably going to have to approve it retroactively. We do need to have more stringent controls. From a policy perspective we need to make sure that there is a review, quarterly basis at least. It's not fair that we were put in this situation. If we are held accountable, my recommendation is that it is our due diligence to make sure that we review it on a regular basis to make sure it doesn't slip through the cracks.

Offer to Council for consideration: Agree with Mr. Daniels that we have to forgive past transgressions. Also agree with Mr. Cohn that the beneficiaries are not responsible. It is Council's responsibility to make sure that we have additional stringent controls in place that we don't have this happen again.

Propose that we retroactively approve the pay increase. That would mean there wouldn't be additional legal fees spent and it would not penalize employees. Proposing that we approve it

and at the same time, work closely with staff to make sure that going forward, it is reviewed on a regular basis to make sure this issue does not slip through the cracks again.

Motion made by Councilman Wireman to approve retroactively and put safety measures in place for future. Councilman Cohn and Councilman Wireman voted in favor. Councilman Savoie, Councilman Daniels and Councilwoman Stanton Opposed. Councilman Wireman's Motion was denied.

Mr. Savoie states that in the email from Ms. Lee, she stated that there may be other options to explore beyond the three potential options being discussed. Staff can perform further due diligence and gather more information on additional options.

Council Member Stanton made motion to direct staff to explore other options with Ms. Lee without taking money back from board members themselves. Council members Stanton, Savoie, Daniels in favor while Council members Cohn and Wireman Opposed. Motion Carried three (3) to two (2).

Mr. Cohn stated that if no others options are identified as available, he is strongly opposed to making the Board members pay it back.

Mr. Merritt: The only source of new funds coming back into ABC store itself is going to be coming from the Board members themselves. The overpayment is considered to be funds lost to ABC Store profits so there isn't really an option that the ABC Store could repay the money because it was money lost by them to begin with.

There was a consensus to add this topic to the next meeting for a final vote. Mr. Kaufhold and staff confirmed timeframe is feasible to get explore additional options with ABC Commission, Laurie Lee.

Mayor Alvarez called for a brief recess at approximately 8:05 PM; the meeting reconvened about 10 minutes later.

d) Council consideration regarding the Request for Proposals (RFP)—Operational and Fiscal Review (Councilman Wireman)

During mandated yearly audit review at last meeting, it was disclosed that while the state does mandate yearly audits, it does not mandate which accounts to audit and the audit only includes a sampling of accounts. It looks primarily at state allocated funds, and does a small subset of those, and a small subset of budget amendments. Since the Town has a lot of major financial obligations that we as a Town have to continue to push forward, we would like to see more in-depth audits to include recommendations on internal controls. It was recommended that the RFP go back out for proposal and be amended to perhaps leverage the same firm to handle a comprehensive review and move in for state audit.

At the last meeting, there were some concerns expressed with the RFP. I talked with LGC, Local Government Council Agency, under department of treasure at state level. My understanding is that there were concerns being raised here are some conversations that this would be a negative if we moved forward. Those concerns were laid to rest in conversation with LGC. The State encourages and promotes municipalities doing more comprehensive review especially since all our major decision makers have left, it is our fiduciary responsibility to make sure we have a clear picture. LGC says there are not statutory road blocks, it is a positive indicator and is strongly encouraged. LGC had no concern with forensic being in the name of audit firm. If we make a decision to move forward with one of these companies tonight, the LGC will forward their information for final approval. LGC

relayed Councilman Wireman that it is strongly discouraged to use same firm for both types of audits, even though there are no statutory requirements.

Mr. Kaufhold distributed proposals, the same scope of services that was put out last time. Two responses to RFP, Barker Jones & Company, Davis Forensic Group; one is \$12,000, the other is \$36,000.

Councilman Cohn asked why the price discrepancy. Councilman Wireman's response is that Linda Green Angus, Barker Jones & Co. is the most technically qualified.

Motion made by Council member Stanton to approve Barker, Jones & Co. Unanimously approved.

10. NEW BUSINESS ITEMS

- a) **Council consideration in providing direction to the Town Manager regarding the need for traffic calming in the Taylor Glenn neighborhood—Magna Lane and Corona Lane; the neighborhood streets are maintained by both the State & Town. Also discuss the safety concerns around pulling out of the neighborhood—corner of Taylor Glenn Lane and Wesley Chapel Road. (Councilman Savoie) And all other subdivisions and neighborhoods with similar safety concerns (as added during additions/deletions).**

Councilman Savoie said the front entrance to Taylor Glenn neighborhood is very dangerous and has been an ongoing issue since neighborhood was established. The issue is with line of sight issue from Wesley Chapel to entrance of Taylor Glenn Lane. Ask staff to see what is available to reduce speed of individuals and allow someone to pull out and turn left. Severe accidents have happened there. People are driving 65 mph on Wesley Chapel, coming around the curve, speed limit is 45 mph.

Sight line – Have HOA look into moving shrubs and fence to improve sight line. Consensus by Council to have Mr. Kaufhold open up dialogue regarding with coming up with solutions for the line of sight.

Lt. Coble, has not had complaints of speeding on Wesley Chapel Road. All complaints have been within the neighborhood. Line of sight issue in front, fence and shrubbery needs to be cleaned up. Connectivity brings more traffic to areas.

Councilman Cohn asked Lt. Coble, tailgaters, etc. reporting a license plate number, does that do any good? Neighborhoods getting together can help watch for repeat speeders etc. and help each other solve the problems.

A: (Coble) Yes. Law enforcement can start looking for that vehicle. Although we can't necessarily make a criminal charge, have to be able to lawfully put the driver in the driver's seat.

Traffic calming will be tabled and discussed under Discussion Item C.

Mayor Alvarez had to leave meeting, gave gable to Mayor Pro Tem Cohn.

- b) **Council consideration to approve a Budget Workshop/Retreat Schedule**

Mr. Kaufhold and Ms. Southward identified a need to get direction form Council for upcoming budget.

Suggested Dates for workshop/retreat: (9:00 a.m. to 2:00 p.m.) and Council response:

Saturday, Feb 13 – Date Deleted by Council
Saturday, March 5 – Date Approved by Council
Saturday, April 16 – Date Approved by Council

Councilman Savoie: Confirm that the finance group will come into meeting with the proposed budget, to have something to look at from Mr. Kaufhold and his staff. Workshop will be more strategic and not actually building the budget.

Mayor Pro Tem Cohn suggested two workshop dates and if needed, can add another to the schedule. The Town Clerk suggested approving the March 5th and April 16th dates, which would allow Staff more time to prepare. Dates approved as recommended.

c) Council consideration to approve an Amended Capital Project Ordinance for the Municipal Complex

Elaborate on stormwater money in capital fund. Mr. Kaufhold said the road going into facility is a public road. The Powell Bill Fund was for road construction.

Councilman Savoie, included design fees, construction manager at risk.

Councilman Daniels –

Councilman Daniels requests an opportunity to discuss numbers further to make sure things haven't been double counted and to have Creech attend a Council meeting to address Council's questions up front.

Q: What made the costs escalate?

A: (Mr. Kaufhold) Numbers that weren't presented. Architectural fees, construction manager at risk fees, geotechnical, survey work, plat. All costs that would have been planned for up front. With prior proper planning with the engineering group this would have been avoided. Pre-construction activities are not advised by the building engineers for the Town's budget. Those would have been identified with prior planning.

Councilman Wireman – Construction costs were \$8M. Now the revised budget shows we went to \$8.7 M to complete construction. Bait and switch done in August for residents, very concerning that it occurred and residents are stuck with footing the bill. With change orders, this will probably go up.

Q: Mr. Kaufhold, with this price tag we have today, and what we are expecting to be rising costs, what is your sense if we were to walk away today? Are we at a breakeven point or point of no return?

A: (Mr. Kaufhold) We had a conversation on that scenario and tried to put a number to it. Very difficult to answer since there are so many variables: contract language, costs that have already been incurred by subcontractors and suppliers and lawsuit potential. It would be only a guess. My gut would be if we stopped today, we would lose money.

Councilman Wireman

I am comfortable that Mr. Kaufhold painstakingly reviewed numbers from an engineering perspective and his 24 years of experience in engineering weighs heavily on the validity of the numbers that are being presented as well as the process and procedures that should be followed for these types of projects/large expenditures.

Q: If I understand correctly from last meeting, there are general statutory requirements that the Town engineers have to be involved in the design phase to make sure that from a statutory standpoint there are certain things that have to be engineered in there, to make sure Town isn't in violation, (of permit for example).

A: Mr. Kaufhold: Town engineering staff is there to provide recommendations on how to proceed. These are things that were found after the fact. A lot of these things should have been done up front.

Motion made by Councilman Savoie to accept/approve the revised Municipal Complex Capital Project Ordinance (Ordinance #0160126-232); motion carried unanimously.

11. DISCUSSION ITEMS

a) Ashcroft/stormwater update

Mr. Kaufhold

Follow-up item from last meeting, moved as quickly as we could. Met with consulting engineers and looked at top three drainage problem areas, Ashe Croft being one of them. Drove the site, went over the issues and asked the consultant to go back and provide scope of services, with FEMA schedule, to take a look at what is going on. Look at two things: 1.) Is there anything that can be done in the short term and 2.) To provide a long term solution. Fee proposal, just under \$35,000, includes survey and design. Provides with alternatives to consider, but it does not include costs for final construction plans. At the end of the day, this is phase one of a two phase process. The deliverable would be: here are some options; Council considers the options/recommendations, get costs for the selected option.

Councilman Wireman

Q: If we are taking \$175,000 out of stormwater fund and allocating it to municipal fund, how much is left in stormwater fund?

A: (Mr. Kaufhold) As a guess, approximately \$2M.

Mayor Pro-tem Cohn:

Q: Did developer meeting happen?

A: (Mr. Kaufhold) Met with the developer and the contractor last week. We did get some interesting information and we should be able to see a short term improvement once we can get approval from Union County Public Works. There was a water line issue that is blocking a new storm water drain connecting in, once they get it approved should help. There were some minor things that the County said the developer would need to provide one or two items. Once the developer provides those, the field inspector will allow them to tie in with new pipes. . Good meeting with them. Will continue doing what we need to do.

Q: When will we know something back?

A: (Mr. Kaufhold) At least a month.

Q: How did this problem happen? How do we stop this?

A: (Mr. Kaufhold) It was built to current standards, so there is an issue there, with the State standards. Town can not supersede the State. Town has a high design standard for permanent. Greater downstream analysis.

Councilman Daniels:

Mr. Kaufhold did you meet with Raleigh about Ashe Croft?

A: NCDENR is the group that oversees and approves erosion control response and oversight, but I have not heard back. No response to calls or email. Dean Arp and I are playing phone tag, but will get together and will continue.

Q: Any state disaster recovery funds that could be recovered? Would they qualify?

A: (Mr. Kaufhold) We would have to look into that.

Councilwoman Stanton

Q: What can the Town do for the residents now?

A: (Mr. Kaufhold) We can ask the developer or contractor to go clean up sediment and mud build-up. That conversation has already taken place with the Developer. But beyond that, there isn't much we can do that wouldn't make it worse.

Motion to allow staff to move forward with Ashe Croft drainage study. Unanimously approved.

b) Private Road Acceptance Policy/Bonterra Agreement

Mr. Kaufhold

The Town has a street acceptance program that was amended and approved by Council on 11/25/14. We have an approved amended Street Acceptance Policy that is fair and equitable. We work with developers regarding taking over new roads. The State is not taking any new subdivision roads for maintenance. We work with the State each year.

Mr. Merritt

Bonterra Agreement. Bonterra was developed with private roads. The lot lines go to the center line of the road meaning the residents own the ground underneath the roads in Bonterra. Bonterra asked the Town to take over maintenance. Usually the developer would dedicate the roads to the Town but in Bonterra you can't do that, because the roads are owned by the residents. To convey the roadway in Bonterra, every property owner would have to sign off on it.

Is there a way for the Town to take over the maintenance of the road? The normal way is not available for Bonterra. The Board of Directors for the homeowners of Bonterra has the right to make private roads open for public use. Bonterra would have to vote to make their roads open for public use under homeowners document, 60% of the homeowners must approve.

In November/December 2014 an agreement was drafted. It was presented to Council for review and comment in December 2014. The Council approved a proposed agreement where the Town could take over maintenance. That agreement is in the hands of Bonterra. The framework exists, but Bonterra has never signed the Agreement. The council could rescind, modify or take to their residents to seek approval. The Town agreed to take over maintenance from back of curb to back of curb, there is no property being conveyed to the Town. The only caveat is to confirm with the State that they are eligible to use Powell Bill Funds to maintain the road. The State said that was fine, but Mr. Merritt would still want the agreement to go to the State to confirm. Council members and employees are personally responsible for improper use of Powell Bill funds for improper expenditures.

Mayor Pro-Tem Cohn:

It is his understanding that there is a lawsuit with the developer and the Town does not want to take over roads in that neighborhood with what is going on in the neighborhood. The Town needs to get a road acceptance policy for all streets. There should be an ordinance that we don't build any more private roads in Indian Trail. It's cheaper for the developer.

Councilman Daniels

There is a distinction between neighborhood private roads and private roads. Why not just absorb the roads now since we are going to have to do it eventually. The State will not lift a hand. Needs to be made equitable and fair for homeowners in Indian Trail, should make a motion that we are going to take over all neighborhood, state & private roads.

Councilman Wireman

Point of order to Mr. Daniels, we are not discussing State roads right now, let's get back to discussion or add that as agenda item.

Councilman Savoie:

There is a street acceptance policy already that any neighborhood can take that is fair and equitable. Once a development is completed, they should have to turn over the roads to the Town. Avoid private or state-owned roads going forward.

Mayor Pro Tem Cohn: Reserve the conversation for another day.

c) Draft Traffic Calming Priority List

Mr. Kaufhold

These locations that are being presented, we have been monitoring for years and are known issues from law enforcement and traffic data gathering perspectives. Estimate is \$5,000 each per speed table. Need to talk with emergency services and the traffic calming industry has been that speed tables are fine for subdivision. Speed Lump would be a precedent setting but need to discuss for lower volume streets with emergency services. Will continue to monitor as requests come in, but this is a good start. All new developments now include requirements for traffic calming. These are all town roads, so we will be using Power Bill money.

Recommended Priority List:

- Taylor Glen to Brandon Oaks
- Indian Trail Road to Old Monroe Road
- Gribble Road to Old Monroe Road
- Crooked Creek Circle at Crooked Creek Park

Councilwoman Stanton

Q: Have we spoken to HOAs and see if they can help?

A: (Mr. Kaufhold) the policy has been set for the previous two projects, and the Town has paid for it.

Suggestion for Mr. Kaufhold, see if there is anything that can be done for private roads?

Councilman Savoie

Q: What is timing for completion?

A: Could put contract out and get it done by spring. National standard is what is being followed regarding spacing, height etc.

Councilman Savoie made a Motion to move town forward in traffic calming as presented and get it done by spring. Unanimously approved.

d) Town Hall Update (Councilman Savoie)

Councilman Savoie

Mr. Savoie stated that in the previous meeting there was a discussion on not having any space left in the new Town Hall building. He used the last approved organizational chart, in budget and went through it and listed the personnel and vacancies, 34 seats, excluding public works and parks (which assumes they would stay in the Blythe building). So there are 49 available spots on 1st and 2nd only need 24 seats currently. There are actually 15 extra seats in the configuration he presented and feels there is ample space for staff. Asked to have floor plans added to minutes.

Mr. Kaufhold: There is not enough room for everyone in the engineering department. Example: Finance has room for 14 people and they only have one person. Recommends that Council ask the architect in to a meeting to work on work groupings. Mr. Kaufhold wants to ensure there is enough room to grow and have space for the community.

Councilman Daniels

FTEs in the budget contradicts the statement that the new building will not house the current employees. Can configure the workstations or add cubicles. I would like to have Creech and other architects at other meetings, I'm an amateur on this, and it's not my field.

Mayor Pro-tem Cohn

With all the money being spent, it should be perfect. Why we are building a new building and it is already inefficient with department placement of employees. May have more space but it is not practical.

Councilwoman Stanton

I agree putting cubicles in a new building is embarrassing. The offices need to be together by department, in own offices.

Councilman Wireman

Whether we agree with or not, the investment has been made. We were told it would handle current staff and handle Town growth. The money hasn't been allocated for all the terminals on the plan. We don't have the required necessities of what is required in the new building. Mr. Kaufhold is doing due diligence to make it functional.

e) Committee/Board Reporting Schedule (Councilman Wireman)

It has been a while since we had regularly scheduled updates from committees. Need to reach out to boards/committees and have them come out on a regular scheduled basis. Staff would work on creating a schedule.

12. UPDATES

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

Currently reviewing a contract for temporary employment services for two positions:

1.) Finance Director, formerly worked for Town of Davidson 2.) HR Director formerly worked with Mecklenburg County. Both positions will assist during the transition.

The HR Director is working on salary survey that was mentioned last meeting.

Mayor Pro Tem Cohn appreciates Mr. Kaufhold sharing the information and keeping Council informed on new hires and separations of staff.

b) Department Head Update: Parks & Recreation— Jason Tryon

- The big project is updating the master plan for Crooked Creek Park. Plan of action, first was to hold public meeting on January 6th. Woolpert was on site for the meeting. Broke up attendees in groups and had a discussion to see what amenities are important to them. Also created a survey for facebook, same questions; 434 people took the facebook survey, 124 left feedback. The Top 3 items for new facilities: more walking trails and bike paths, a recreational center, and a playground. Survey also requested comments or additional feedback and a lot of the comments tied into the ranking of facilities and top priority was playground. Which programs (from a list of programs) is most important to your household? 1.) special events, 2.) adult fitness, 3.) youth programs and summer camps.

- Dog Park opened in November, 114 people came to get passes for the dogs. The majority are residents. Shade structure installed and park benches pending around shade structure
- Field use, Chestnut Square Park, 10 different organizations will be using the fields.
- Crooked Creek Park, 23 different organizations request use. There is a waiting list. Tournaments booked with six different organizations, March 12th through November 4th. Majority of the teams are local team from Indian Trail or Union County.
- Parks Grant: ordered outdoor fitness equipment, hopefully installed by April or May. Six different types of equipment. Three of the six will be wheelchair accessible. Laid out disc golf course (18 holes) and trail line.
- Installing two additional shade structures, one is between fields #1 and #4, second one closer to the playground. Six Picnic tables on each shade structure.
- Variety of summer camps.
- Programs in parks: outdoor fitness for adults, couch to 5K running program, pre-school nature programs at both parks.
- Miracle League: They are still in fund raising stage, hoping to have project funded within next 18 months.

Woolpert, meeting with them on Thursday, put together another public meeting will present to council at February meeting.

Councilman Wireman requested an update on maintenance shed being built out by Dog Park: Jason Tryon: there have been some roadblocks getting in touch with project leaders. It was turned over to engineering department and Mike Wright, Public Works Director. Still being worked out for future.

c) January Quad Alliance Meeting Update: Councilman Wireman

Attended the Quad Alliance Meeting. Provided a brief history on the Quad Alliance: Indian Trail joined in 2013 for the purpose of economic development. Stated that there has been a lot of talk about shared services as of late. The membership cost originally was \$4000 yearly and is now \$5000. January was the yearly meeting for the Quad Alliance. Mr. Wireman stated that because this was his first meeting (Mr Kaufhold also attended), he abstained from the decision making process. The decision was made to withhold staff participation due to all of the important matters and tasks going on in the Town. The Quad Alliance agreed that the meetings would be scaled back to every other month and leave some positions open for future staff participation from Indian Trail.

13. COUNCIL COMMENTS

Councilman Wireman

Thanked the staff for all they continued to do and for their participation at the Council meeting. Thanked Mr. Kaufhold and fellow council members.

Councilwoman Stanton

Thanked Papa Murphy's for the pizza, thanked the residence for attending the meeting and staff for everything they do. Folks have been contacting her and thanking her for what Council is doing for staff and residents.

Mayor Pro Tem Cohn
Thanked everyone.

Councilman Daniels
Also thanked everyone for attending. Said Mr. Kaufhold is doing a great job considering he comes to this new position from Engineering. He encouraged Mr. Kaufhold to contact him if he has any questions regarding data and interpreting the data; he would be happy to help. He said to Mr. Kaufhold that it was not a backslap when he said that Mr. Kaufhold was double counting stuff. He said Mr. Kaufhold has taken on a lot and he will survive.

Councilman Savoie
Thanked residents and staff. He also thanked Mr. Kaufhold for stepping up.

14. CLOSED SESSION

Motion by Councilwoman Stanton to enter Closed Session pursuant to 143-318.11(a)(3) Attorney-Client privilege and 143-318.11(a)(6) Personnel; unanimously carried.

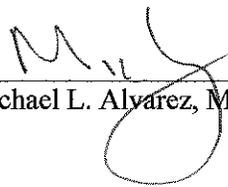
Motion made to come out of closed session by Councilman Daniels and unanimously carried.

15. ADJOURN

Motion to adjourn the meeting by Councilman Savoie and unanimously carried.

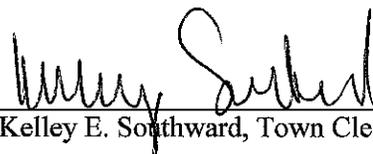
(SEAL)





Michael L. Alvarez, Mayor

Attest:



Kelley E. Southward, Town Clerk