

MAYOR
Michael L. Alvarez

MAYOR PRO TEM
David L. Cohn

INTERIM TOWN MANAGER
Scott J. Kaufhold



TOWN COUNCIL

Gordon B. Daniels

Gary M. Savoie

Amy R. Stanton

Mark A. Wireman

**Indian Trail Town Council
Regular Meeting
Thursday, February 11, 2016
Civic Building—6:30 PM**

MINUTES

The Indian Trail Town Council convened at 6:30 PM on Thursday, February 11, 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
Council Member Mark A. Wireman

Mayor Pro Tem David L. Cohn
Council Member Amy R. Stanton
Council Member Gary M. Savoie

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 at 6:30 p.m. and led the Council in the Pledge of Allegiance.

2. AGENDA ADDITIONS & DELETIONS

*Councilman Wireman, Motion to add under Presentations, Item 4E, Artists Music Guild.
Councilman Wireman, Motion to add to Old Business, Item 9b, recording and updated Granicus System.*

Agenda additions approved unanimously.

3. MOTION TO APPROVE AGENDA

Councilman Daniels made motion to approve Agenda as amended. Agenda approved unanimously.

4. PRESENTATIONS/INTRODUCTIONS

a) Introduction of Cindy Jones, Finance Consultant

Mr. Kaufhold: To welcome and introduce Cindy Jones, temporary and interim Finance Consultant. Cindy will be temporarily helping the Town in this role during the transition to hire a new Finance Director. She previously retired from the Town of Davidson.

b) Artist's Music Guild

Mayor Alvarez introduced David L Cook. The Artist's Music Guild is based out of Monroe and in partnership with Towns brings the arts back to schools.

David L. Cook, Christian musician, won two Grammy awards and seven Emmy awards. The Artist's Music Guild was created as a protection agency for legendary artists. The reach was extended to up and coming artists. As the arts were cut back in the school systems, the decision was made to extend the influence of arts and legends into the public school system to encourage kids. Arts funding has been cut 3% across the country.

Mr. Cook showed the Council a video of last year's Heritage Awards, which will air on February 20th, coast to coast, and will enter 17 million homes. The event took place at Architectural Center; there were over 1,900 people in attendance, including Mayor Alvarez. There were over 450 kids from the public school systems in attendance, many from below poverty level. During the convention at Monroe Mall, and in partnership with Office Maxx, the Guild purchased book bags and school supplies for every one of the 450 students.

The City of Monroe is a partner of the Guild and awarded the Artist's Music Guild \$10,000 this year due to the economic impact the Guild provided last year to their town. The Artist's Music Guild moved into Monroe Crossing mall and committed to bringing an arts program to the mall every month. The Artist's Music Guild events at the mall have increased foot traffic at Monroe Crossing mall by 12%.

The Artist's Guild is looking to expand its program to Indian Trail and work with Council on bringing more exposure to the arts.

In Indian Trail, three schools are already on board with the program: Sardis, Shiloh, and Sun Valley Middle School. It costs the Guild about \$1,000 per school to bring in educators and the curriculum and to provide book bags.

In April, at Monroe Mall, the Artist's Music Guild will be holding a "Union Idol" event and every school in Union County will be able to participate. The winner will receive a \$500 scholarship and also get a performance spot on the Heritage Awards. The Guild is asking Council to give the Artists Guild \$3,000 so that the Artist's Guild can bring music into those schools.

Councilman Wireman commented that it sounds like a great program, but he would like to see what the Town's gift policy says before committing to the requested contribution.

Councilman Wireman requested that Mr. Kaufhold email the Town's gifts policy to Council for review and postpone this item for the next agenda. Councilman Daniels also asked that

Mr. Kaufhold provide the Council with the current remaining funds available for contributions in this fiscal year.

5. PUBLIC COMMENTS

Mayor Alvarez clarified for the record that although the Town's policy states that Public Comments cannot be directed to an individual, the State Statute says that public comments may be directed to an individual. He further asked commenters to be forewarned that vulgar or out of line comments or actions will justify possible removal from meeting.

Eugene Griggs, 1706 Cottage Creek Road, Traywick community, in the Indian Trail flood zone. Mr. Griggs states that he has been trying to get water issues resolved for 10 years, with the County and the Town. The problem has only gotten worse. He is in attendance to address Council and residents of the Town. He needs help, the street needs help, and the whole neighborhood needs help to resolve the issue.

Mayor Alvarez closed Public Comments.

6. LAW ENFORCEMENT UPDATE

Lt. Coble:

- 2015 year-end report was distributed to Council.
- In January: 876 calls for service; 1,978 self initiated activity, increased from 1,652 in the month prior. Vehicle crashes: 117 reported; Reports taken 254; the average response time initially showed 14 minutes and 43 seconds. Upon investigation, Lt. Coble noticed that there was a call for service on January 28th where Lt. Coble had asked the dispatcher to re-open the file to get additional information; the request was handled in a few minutes. However by reopening the CAD card, it caused that one call to show a 7 hour response time. So once that call was taken out, it changed the average response time to 10 minutes, 4 seconds on average.
- Attended meeting in Bonterra. DOT also attended meeting. Update re: Poplin and Rocky River, a roundabout was slated for last year but was delayed. This spring, they are looking to get that done; there are already crews out from the gas company moving utilities. There was a concern with the impact of the bypass on the roundabout plans.

7. CONSENT AGENDA

- a) Approval of Tax Month End Report-January 2016
- b) Approval of tax refunds of overpayments in excess of \$500.00
- c) Charge the Revenue/Tax Collector to advertise delinquent 2015 Taxes
- d) Approval of Budget Amendments

Councilman Savoie made a motion to approve the Consent Agenda. Motion was 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) Town Hall Update

Mr. Kaufhold

Purpose of the update today is two-fold: 1.) To clarify information discussed during last meeting, and 2.) Provide an update to Council on the progress made with architect and builders on potential changes.

1.) Clarify Information

There are two approved documents, one is a budget, one is a contract, both were approved by Town Council.

- The capital project ordinance. Approved in August 2015 for \$7.98 million, that is the budget for the project. NCGS: Capital Project Ordinance authorizes all appropriations necessary for the completion the project. Six months previous to that, a presentation, move-in ready facility for \$7.99 million. At the last Town Council Meeting Mr. Kaufhold had relayed that his research showed that what was approved in August 2015 for \$7.98 million was not a move-in ready facility. The following items were not included in that cost:

Landscaping (per UDO)
Street Improvements (UDO)
Dumpster Enclosure (UDO)
Geotechnical Services
Furniture
Telecommunications/Data System
Security System(s)
Audio/Visual Systems
Development Fees

Collectively these items will cost about an additional \$1.2 million for the same building.

- Approved contract with Edifice, Construction Manager, Contractor at Risk (Exhibit 9). Cost of the work, includes the targeted value management goals. Once design plan were finished, \$8 million was approved but it was \$250,000 over the budget if you built it as the plans. So the direction and agreement was that the construction manager would find costs based on those design plans- it is a built in savings goal.

At the last meeting, we discussed the items that were not included which add additional costs of \$1.2 million. The additional costs of \$1.2 million were costs from different vendors (furniture, landscaping, telecommunications, security, road improvements, geotechnical, and development fees).

Construction Manager's contingency for \$436,000: designed for specific construction contingencies, ex: ½ is for bad soil/rock on site (\$50,000 of that money is already gone for soil underneath the building). The other element is called the Contractor's Contingency, (\$236, 000). Whatever is left of the contractor's contingency fund at completion, is shared between the Contractor (65%) and the Town (35%). Contingency funds currently available are down to \$299,000.

At this point even if we did not run into any other problems that would require the contingency we'll still have to put about \$900,000 into making the building move-in ready (\$1.2M less the \$299,000 =about \$900,000).

Councilman Wireman:

The numbers based upon the August 11, 2015 approval of \$7.98M in the Capital Project Ordinance (CPO) to the amended CPO approved last month bringing the new total up to \$8.7M was due to change orders that took place when the previous Town Manager was here, correct? Mr. Kaufhold said the CPO approved in August was to build the building and did not include the costs associated with the design of the building. State Statute requires that the CPO include all costs associated with the project including design fees. So, the CPO had to be amended last month to include those fees. So, it was an update to the CPO for those upfront costs they weren't typical "change orders".

Councilman Daniels:

Understood that cost to build the building was \$7.9M. He further had the understanding that the borrowed monies plus what the Town had in reserves totaled \$8.7M. Mr. Kaufhold clarified that the total of the two was \$8.75M. He would like Creech and Edifice to be present so that he can ask them when we look at the to do list as far as furniture and these other elements are we talking top of the line products or what? He viewed Mint Hill's facility and their costs were less. Were our estimates for top or middle or bottom of the line products? Mr. Kaufhold said the previous Manager would have to be asked that question. Councilman Daniels said he'd like to ask Edifice. Mr. Kaufhold said that such items were not in the Edifice contract and therefore they were not the ones who provided the estimates. Mr. Kaufhold said the cost estimates he has shared came from different vendors/suppliers. About a year ago those items would have been included in the Edifice contract but they were pulled out of the contract that was approved in August 2015. So now the Town is responsible for those elements; getting the cost estimates. Edifice, at this point, has nothing to do with providing these elements or the cost estimates for these elements. These estimates came from a file belonging to the previous Town Manager; he was apparently working on obtaining the cost estimates before his separation from the Town. Councilman Daniels held that he thought Mr. Kaufhold had previously said he got these estimates from the builder. Regardless he would like to have Edifice and/or Creech present to answer questions that arise. Councilman Daniels would like Council to see the previous change orders and would like to see Edifice and Creech at meetings to respond directly to questions. Councilman Daniels said that Council should be provided all change orders and vote on them. Mr. Kaufhold said that all change orders to date took place under the previous Town Manager, Joe Fivas, and they should have been presented under his administration. Going forward that is how it would and should be handled in regards to change orders. Mr. Kaufhold said the estimated costs for the missing elements came from individual vendors specializing in each product; a total of \$1.2M is just an estimate at this time based upon the floor plans that we have.

Councilman Cohn: Will continue to be up front and on the table as we have since December. The people should have had a chance to vote on this to begin with. I find it unusual that we would build an \$8 million building without the engineering department participating. It is strange that the people weren't given the opportunity to vote on the building but now you want to see the change orders for being up front with the people.

Mr. Kaufhold: If you polled most municipalities, most would have a building committee. Engineering was brought in on tail end of things.

Councilwoman Stanton: I wish that prior Council had asked for more transparency for this Town Hall. Thanks to Mr. Kaufhold and engineering staff for dealing with the issue.

Mr. Merritt was asked by Councilman Daniels about the definition of a Public Hearing. Mr. Merritt said that some issues require public input and it has to be advertised in a certain manner.

Councilman Daniels said that there were four Public Meetings on the Town Center. Councilman Cohn called point of order.

Mayor Alvarez: Asked Councilman Daniels to stay in order. The previous Council was blindly led forward, and in his opinion, the Public Hearings were a farce. This Council cannot rectify an error of the past. Need to move forward and not continue to harp on it. This item was on the Agenda and slated as an update.

Councilman Wireman:

He doesn't want to the project inadvertently delayed because change orders have to be brought to Council. From a contractual standpoint it could cost more money.

Mr. Merritt: added that if there are any changes that require the expenditures of additional funds, those changes will have to come back to Council for approval. He would have to look at capital project ordinance.

Councilman Wireman: So if the change order doesn't go above the \$8.7M then it doesn't have to come back to Council? Mr. Merritt: It would depend upon the wording of the Capital Project Ordinance.

Mr. Kaufhold stated that the Council should not cling to a false hope that the soil/rock money will be available.

2) Mr. Kaufhold: Town Staff was also tasked with looking into doing a temporary stop on the building which evolved into looking at ways to adjust the building's intended use.

The current floor plan disjoins staff. Currently working with builders and architects to see if there is a way to keep the steel in place, and to look at moving walls to get more community space and department cohesiveness, as well as a single point of contact for customer service. Proposed redesign includes:

- Delete cupola
- Lower mechanical area
- Reconfigure main lobby
- Move chamber to lower level
- Reconfiguration of building
- Reconfigure outdoor balcony
- General Contractor, 3 months
- Preconst. and change management
- Trade remobilization and resubmittals
- Contingency

Fee, Bond, Insurance

Cons: Cost for the various changes would be about \$394,000 which is a 5% increase.

Pros: Doubled community space. The square footage remains unchanged. New plan allows for department cohesiveness, provides for plan and project file storage, a single point of contact for customer service and for future expansion. Field staff would remain at Blythe Building.

Motion made by Councilman Cohn to postpone vote until the next Council Meeting. Mr. Kaufhold was given direction to send Council an email that details changes and costs of the proposed changes and bring back to Council at next Council meeting. Unanimously approved.

b) Granicus System (Mayor Alvarez)

The previous Council approved a new A/V system for this Town Hall building. It is a \$20,000 system and is in the budget. Need a motion to either decide to put it in the current building as budgeted, or rescind approval for this building and proceed with the A/V for the new Town Hall. Mr. Kaufhold estimates completion of the new Town Hall building for late fall or early winter 2016. Councilman Daniels said we are trying to make good use of tax payer money and to put \$20,000 in this building when we are only going to be here another year isn't justified to him. We don't like the current system but let's try to deal with it for the remainder of our time in this facility. Councilwoman Stanton asked what this building would be used for after the move; Mr. Kaufhold said that would have to be discussed in the future.

Councilman Cohn made a motion to instruct staff not to proceed with purchasing a system to upgrade the audio/video which records meetings for the current Town Hall building. All in favor. Motion is approved unanimously.

10. NEW BUSINESS ITEMS

a) Council consideration for policy procedure for Closed Session and Resolution #R090609-2 (Councilman Wireman)

Councilman Wireman:

Closed Session

Has always been a contentious issue. There was a question about the legality or perceived legality of our policy and procedures for closed session. I contacted the NC School of Government and the League of Municipalities. Both agencies said that the Town policy is legal under the state statutes, however, but both agencies said that it gives the perception that we are trying to hide information. I wanted to bring this policy up for discussion.

Councilman Wireman asked that the Council take a look at the current Closed Session Policy. Per State Statutes, Council must make the closed session minutes available for public inspection as soon as the reason for the closed session is no longer valid.

Remove the language that closed session minutes need to be reviewed by Council unless there is still a valid reason. Policy will still be keeping the intent but it won't be so strict that we need counsel review.

Councilman Savoie: if there are any questions or doubts as far as what is published regarding confidentiality i.e, personnel information, staff should call Mr. Merritt.

Councilman Daniels: It did not take long to request closed meeting minutes and to receive them from the Town Clerk. Mr. Cohn stated that he was not able to get access to Council Closed Session Minutes; he had to go through Town Attorney to attempt to get access. Mayor Alvarez called Mr. Cohn's comments out of order.

Mr. Merritt – Since this is a Town policy, it can be changed by Council and only refers to Council. This policy does not refer to the Public's right to view Closed Session Minutes.

Councilman Wireman has made the motion to revise the Policy Procedure for Closed Session as per following:

- *Second sentence, first bullet, deletes the following language: "for meetings taking place".*
- *Remove third sentence: "The closed session minutes cannot otherwise be viewed or listened to without the approval of a majority of the Indian Trail Town Council by vote taken in open session."*

The motion was approved unanimously.

Resolution #R090609-2

Councilman Wireman: This resolution was created for a specific Mayor and I would ask that it be removed from the books since it no longer applies.

Mr. Merritt, responded that it does not apply to Mayor Alvarez as written. Council can pass a motion to rescind it.

Councilman Wireman made a motion that the resolution #R090609-2 regarding communication with Town Staff is rescinded.

b) Council consideration of 1st Avenue Storm Drain Analysis Fee Proposal

Mr. Kaufhold:

This is the second location the Council has identified with regards to stormwater issues. Attached is a design fee proposal which includes survey and engineering services to analyze existing conditions and come up with some alternatives, with cost estimates to consider. There is no construction tied to this contract. This is a two phase approach, looking for a design standard improvement, and a scaled back version that would reduce flooding and convey run-off without destroying yards,

1st Avenue is a platted for public but it is still private, but no government agency has taken over. The Town and State Powell Bill records list it as private. Approximately 1/3 of the drainage that impacts 1st Avenue comes off a publicly maintained road.

Councilman Daniels: My understanding of 1st Avenue, is that where the water is being diverted that is causing the flooding problems is crossing over private roads and then it is going on to public roads. The residents are in a dilemma so I am in favor of the study.

Mr. Cohn: I brought up 1st Avenue and the stormwater problems to Council. I am in favor of fixing private roads in any area of Town for residents of Indian Trail. If the Town went in to fix the problem on 1st Avenue, you could spend well over \$1M. My understanding, through talking with Mr. Kaufhold, is to hope the study provides an alternative that would cost a couple hundred thousand to solve the problem/satisfy the neighborhood.

Mr. Merritt: The Town has the ability to do the study to uncover the problem. But Council needs to note that there are a couple of Town policies that say you can only maintain over public roads. So if at any point in time the Town wants to move forward, it will need to change some Town policies, as well as begin conversations with State about whether stormwater funds could be used for this project which involves a private road. Plus the Town would still have to get the consent of property owners. If the study gives a viable alternative, Town will have to jump other hurdles to move forward.

Councilman Wireman: Are the residents open to the Town taking over that road? Mr. Kaufhold has had several meetings with residents at stormwater advisory committee meetings and yes, they are in favor and would do what is needed on their part.

Councilman Stanton made a motion to approve the contract for study of the design fee for the drainage problems on 1st Avenue. Motion is approved unanimously.

11. DISCUSSION ITEMS

a) Public Information Requests Update

Mr. Kaufhold:

At the December 8th meeting, there were some conversations re: public information requests. Following the meeting, I checked and there were a few that had not been answered yet and were outstanding, well over a year old, and repeat requests. Mr. Kaufhold will get the responses out.

Councilman Daniels has one he has been waiting for response too; Mr. Kaufhold said he only identified two as outstanding so if the Council had others that were not responded to yet, to bring them to his attention.

b) Announce additional Board/Committee vacancies (Town Clerk)

Ms. Southward: There is a vacancy on the Planning Board and Transportation Advisory Board. We are not getting many applications.

Councilman Cohn stated that he knows of a couple of people that signed up for Planning Board. Town Clerk confirmed receiving a few applications for the Planning Board.

Mayor Alvarez stated that he has a community board at the store that he could post a vacancy list on; Ms. Southward will email vacancies to Mayor Alvarez.

12. UPDATES

- a) Manager's Update: Scott Kaufhold, Interim Town Manager
 - Operational and fiscal review, the process is underway.

- Union County Public Works is holding a Public community meeting regarding planned improvements for Crooked Creek Wastewater Plant. It is being hosted here on February 18th at 6:00 pm. Councilman Savoie asked that this information gets out to residents in the area so that they know the meeting is being held here.
- Taylor Glenn and sight distance issues, NC DOT was quick to respond that they will post warning signs re: intersection and speed. Mr. Kaufhold has not heard back from the HOA President re: fence and sight distance line.
- Town Manager and Staff priorities, weekly report and action item agenda, Current energies are focused on filling vacancies on staff, 25% turnover in short period of time. Will be looking at Finance Director and Assistant Finance Director next. Next priorities are the policy updates: school impact analysis, monthly Town Hall meeting open dialogue during Public Comment, parking ordinance, and economic advisory committee.

Inquiry from Council about bridge replacement project. Mr. Kaufhold informed that they will shut down Indian Trail Road for several months while they build the facility. The detour route is South Fork Road, very narrow road. NC DOT is not recommending any improvements along South Fork Rd. They will do a truck detour signage plan. Mr. Kaufhold did not have the scheduled dates with him.

Councilwoman Stanton:

Suggestion made that Julia provide updates to Council on the HOA meetings. Mr. Kaufhold agreed that was a good idea and at future meetings will rotate HOA updates in with other staff updates on the agenda.

Councilman Savoie:

He added a suggestion that the HOA dialogue be added to the website too for resident visibility and dialogue.

13. COUNCIL COMMENTS

Mayor Alvarez: all Council members have received a breast cancer pin in honor of a friend that is fighting it. Thanks to residents that came to fund raiser and to the community of Hemby Ridge who put on the fund raiser with community service committee. I encourage Council to reach out to Mayor Pressley and form a community service here that will help. Thanks to David for taking time to come out and present.

Councilwoman Stanton: Thanks to the residents that attended; Lt. Coble for keeping us safe. Wanted to let Kelly know that there is a possible quorum on February 27th, Lincoln Reagan dinner, at Ag Center; a few Council and Mayor will be in attendance. Thanks to staff for all that you do.

Councilman Wireman: Thank you to residents. We continue to move the ball forward. Scott you do an excellent job, revamping the Town Hall to have everyone together in a functional facility is very important and sends a positive message. I am looking forward to seeing the numbers on that. Thank Council for removing any stigmas that we aren't an open council. Thanks to Staff. Chase, we can't forget about you, thank you for the presentation.

Councilman Daniels: Thank the residents for coming out. Regarding the Town Hall I understand that each Council in the majority has to make changes to a previous plan, but when they make change to a previous plan, they should take responsibility for the course of the changes.

have been receiving emails from a resident asking the Mayor to give him a personal apology, or tell him you're not going to apologize, and ask the resident to take Council off the email trail. Mayor Alvarez responded that the resident has every right to email Council, how he chooses to handle his business is up to him, but Councilman Daniel's request is duly noted.

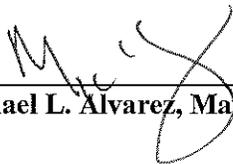
Councilman Cohn: Thank everyone for coming. Thanks to Chase for coming out last night, way beyond call of duty to attend toll road meeting to inform the public. Thanks to Vicki who came last night and answered questions. Thanks to all Town Staff for working so hard, coming in early and staying late. Public Hearings are giving the public a chance to voice their opinion on a council decision or Town decision. The Town Hall Public Hearing was about 50/50 in favor of/opposed. It should have given more reason to put it on a ballot. Give the people a chance to vote for it.

Councilman Savoie: Thanks Chase. Staff, as always, an excellent job. Scott, Mr. Merritt, thank you.

14. CLOSED SESSION: none

15. ADJOURN: *Councilman Daniels moved to adjourn; carried unanimously.*





Michael L. Alvarez, Mayor

Attest:



Kelley Southward, Town Clerk