MAYOR
Michael L Alvarez

MAYOR PRO TEM
David L. Cohn

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
Tuesday, September 13, 2016
Civic Building—6:30 PM

AGENDA

1. **CALL MEETING TO ORDER & PLEDGE OF ALLEGIANCE**

2. **MOMENT OF SILENCE**

3. **AGENDA ADDITIONS & DELETIONS** **Action**

4. **MOTION TO APPROVE AGENDA** **Action**

5. **PRESENTATIONS**
   a) Union Preparatory Academy of Indian Trail
   b) Mischelle Reece & Sheriff's Department regarding the Adopt-A-Cop and Flower Fund

6. **PUBLIC COMMENTS**

7. **LAW ENFORCEMENT UPDATE**

8. **CONSENT AGENDA** **Action**
   a) Approval of Budget Amendments #615-618
   b) Approval of Draft Minutes August 9, 2016 Regular Town Council Meeting
   c) Approval of Tax Month End Report August 2016
   d) Approval of Certificate of Sufficiency-regarding the Clerk's investigation of Annexation Petition #143 for Parcel# 07120005 90 and 07120008; Parcels are approximately 8 acres total and located on the northeast side of Hawfield Road
   e) Approval of Resolution #R160913-01-Resolution Fixing the Date of the Public Hearing for Annexation Petition #143 for October 11, 2016

9. **PUBLIC HEARINGS** **Action**
   a) **Annexation #142 Virginia Trace:** This is a voluntary annexation request to annex into the Town of Indian Trail; Parcel # 07045001-approximately 39.114 acres. The parcel is located on the southeast corner of Unionville Indian Trail Road and Oakwood Lane. Applicant: M/I Homes of Charlotte, LLC

b) **CZ2016-004 Virginia Trace:** This is a Rezone request to establish a Conditional Zoning Single Family (CZ-SF-5) district for 92 single-family detached units on a parcel approximately 39.114 acres. The parcel is located on the southeast corner of Unionville Indian Trail Road and Oakwood Lane. Parcel # 07045001. Applicant: M/I Homes of Charlotte, LLC

10. OLD BUSINESS ITEMS **Action**

a) Council Consideration of a Policy to honor a Person or Business of the Month. (tabled item)
b) Council to appoint one of their own membership to be Indian Trail's representative on the Charlotte Regional Transportation Planning Organization (CRTPO). (tabled item)

11. NEW BUSINESS ITEMS **Action**

a) Council to consider appointing Ms. Jeannette Lucas to the Board of Adjustment to fill Seat #1, vacant seat with the unexpired, 3-year term ending June 30, 2018.
b) Council to consider appointing Mr. Anthony Susana to the Public Safety Committee to fill Seat #6, vacant seat with the unexpired, 3 year term ending June 30, 2019.

12. DISCUSSION ITEMS

a) Solid Waste and Recycling RFP Level of Service Discussion. (Mr. Burhans)
b) Discount for field space for Indian Trail Athletic Association and Porter Ridge Athletic Association.

13. UPDATES

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

14. COUNCIL COMMENTS

15. CLOSED SESSION **Action**

16. ADJOURN **Action**

TOWN OF INDIAN TRAIL
AGENDA ITEM REQUEST FORM

This form must be completed and attached to all supporting documentation for items to be included on the Town of Indian Trail Town Council Agenda.

Submitted By: _____Mayor Alvarez_____ Department: __Council___

Contact Phone # (704_)821-5401_____ Date Submitted __8-30-16_____

Date of Town Council Meeting to consider this item: _____9-13-16_____

Please indicate how much time you expect this matter to take: __10 mins_____
Description (give short summary of topic, this is how item appears on the Agenda.)

___Presentation-Union Preparatory Academy of Indian Trail_____

_____

Who will attend Council meeting able to respond to questions? Give name & title:

_____

Where does this item need to appear? Check all that apply:

____ Consent Agenda	____ Schedule Public Hearing**	____Discussion
__x__ Presentation/Recognition	____Closed Session	____Work session
____ New Business	____ Old Business	

***Board, commission, or group requesting joint meeting:_____**

Supply General Statute or local ordinance that governs this item (attach copy)

_____

Has this item been reviewed by Town Attorney? Yes _____ No _____ (Attach recommendation.)

What action is requested of the Council? _____

What action is requested of the Manager? _____

Are Town funds required? Yes / No $_____Funding Source _____

***** If requesting a Public Hearing, attach a copy or sample Ad to run in newspaper *****

TOWN OF INDIAN TRAIL
AGENDA ITEM REQUEST FORM

This form must be completed and attached to all supporting documentation for items to be included on the Town of Indian Trail Town Council Agenda.

Submitted By: _____Mayor Pro Tem David Cohn_____ Department: __Council___

Contact Phone # (704_)821-5401_____ Date Submitted __9-1-16_____

Date of Town Council Meeting to consider this item: _____9-13-16_____

Please indicate how much time you expect this matter to take: __10 mins_____
Description (give short summary of topic, this is how item appears on the Agenda.)

___Mischelle Reece & Sheriff's Department regarding the Adopt-A-Cop and flower fund_____

_____

Who will attend Council meeting able to respond to questions? Give name & title:

_____

Where does this item need to appear? Check all that apply:

____ Consent Agenda **____ Schedule Public Hearing**** **____Discussion**

__x__ Presentation/Recognition **____Closed Session** **____Work session**

____ New Business **____ Old Business**

***Board, commission, or group requesting joint meeting:_____**

Supply General Statute or local ordinance that governs this item (attach copy)

_____

Has this item been reviewed by Town Attorney? Yes _____ No _____ (Attach recommendation.)

What action is requested of the Council? _____

What action is requested of the Manager? _____

Are Town funds required? Yes / No $_____Funding Source _____

***** If requesting a Public Hearing, attach a copy or sample Ad to run in newspaper *****

TOWN OF INDIAN TRAIL
BUDGET TO BUDGET AMENDMENT REQUEST

DATE: 8/16/2016
DEPARTMENT: Planning/Code Enforcement

Account Number	*Account Description*	*(Transfer In/Out)*	*Amount*
10-40-4910-121-000	Salaries-Planning	Transfer Out	1,500.00
10-40-4911-121-000	Salaries-Code Enforcement	Transfer Out	1,500.00
10-40-4910-397-000	Contract Services	Transfer In	3,000.00

EXPLANATION:
Temporary staffing for Planning department

REQUESTED BY:
FINANCE:
TOWN MANAGER: 8/16/16

For Finance Dept Only:

EFFECTIVE DATE: 8/16/16
JOURNAL NO. ASSIGNED: 615
FISCAL YEAR: 2017
ENTERED: agadd
PERIOD: 2
DATE: 8/16/16

Finance Director

From: Rox Burhans
Sent: Friday, August 12, 2016 12:43 PM
To: Finance Director
Subject: FW: Budget Transfer-Planning

Jim:

I need to update the number below to **$3,000**.

Rox

Rox Burhans, Planning Director

Town of Indian Trail
P.O. Box 2430
Indian Trail, NC 28079
704-821-5401
www.indiantrail.org

From: Rox Burhans
Sent: Thursday, August 11, 2016 3:38 PM
To: Finance Director
Subject: Budget Transfer-Planning

OK 8/16/16

Hi Jim:

Per our earlier conversations, I need $2,300 transferred from account 10-40-4910-121-000 **Planning Salaries** and 10-40-4911-121-000 **Code Enforcement Salaries** (split evenly) to 10-40-4910-397-000 **Contract Services** for Temporary Staff provided by TRC Staffing Services.

The above is based on an estimate for approx. 3-weeks full time service (118-hrs) at a rate of $19.20 per hour.

Thank you.

Rox

Rox Burhans, Planning Director

Town of Indian Trail
P.O. Box 2430
Indian Trail, NC 28079
704-821-5401
www.indiantrail.org

Batch Id: AGADDY Batch Date: 08/16/16 Batch Type: Standard

Account No. Account Description	Type	Entry Description	Amount	Seq
10-40-4910-121-000 SALARIES	Transfer Out	Temporary staffing for Planning Dept	1,500.00	1
10-40-4911-121-000 Salaries	Transfer Out	Temporary staffing for Planning Dept	1,500.00	2
10-40-4910-397-000 Contract SERV.	Transfer In	Temporary staffing for Planning Dept	3,000.00	3

Fund Description	Fund	Expenditures	Reimbursements	Transfer In	Transfer Out	Cancel	Encumbrances
General Fund	10	0.00	0.00	3,000.00	3,000.00	0.00	0.00
Total Of All Funds:		0.00	0.00	3,000.00	3,000.00	0.00	0.00

	Entries	Amount
Expenditures:	0	0.00
Reimbursements:	0	0.00
Transfer In:	1	3,000.00
Transfer Out:	2	3,000.00
Cancel:	0	0.00
Encumbrance:	0	0.00
Total:	3	6,000.00

There are NO errors in this listing.

	Updated Entries	Updated Amount
Reimbursements:	0	0.00
Expenditures:	0	0.00
Transfer In:	1	3,000.00
Transfer Out:	2	3,000.00
Cancel:	0	0.00
Encumbrances:	0	0.00

Batch: AGADDY Updated Entries: 3 Updated Amount: 6,000.00 Ref Num: 615

TOWN OF INDIAN TRAIL
BUDGET TO BUDGET AMENDMENT REQUEST

DATE: 8/16/2016

DEPARTMENT: Parks and Rec

Account Number	*Account Description*	*(Transfer In/Out)*	*Amount*
10-80-6130-493-000	Community Events	OUT	700.00
10-80-6130-493-005	Disc Golf Grand Opening	IN	700.00

EXPLANATION:
Transfer Funds into Event

REQUESTED BY: Jay Tryon
FINANCE: Jim Wojtowicz 8/17/16
TOWN MANAGER Scott Kaufhold

For Finance Dept Only:

EFFECTIVE DATE: 8/16/2016

JOURNAL NO. ASSIGNED: 1616

FISCAL YEAR: 17

ENTERED: BWC

PERIOD: 2

DATE: 8/16/2016

	Updated Entries	Updated Amount
Reimbursements:	0	0.00
Expenditures:	0	0.00
Transfer In:	1	700.00
Transfer Out:	1	700.00
Cancel:	0	0.00
Encumbrances:	0	0.00

Batch: BWC Updated Entries: 2 Updated Amount: 1,400.00 Ref Num: 616

Fund Description	Fund	Expenditures	Reimbursements	Transfer In	Transfer Out	Cancel	Encumbrances
General Fund	10	0.00	0.00	700.00	700.00	0.00	0.00
Total Of All Funds:		0.00	0.00	700.00	700.00	0.00	0.00

	Entries	Amount
Expenditures:	0	0.00
Reimbursements:	0	0.00
Transfer In:	1	700.00
Transfer Out:	1	700.00
Cancel:	0	0.00
Encumbrance:	0	0.00
Total:	2	1,400.00

There are NO errors in this listing.

INDIAN TRAIL
north carolina

Disc Golf Grand Opening

Saturday, August 27, 2016

Account # 10-80-6130-~~005~~ 493-005 JT

Budget

Public Relations Promo Items- $425

Banners/Signs - $125

Contest Prizes $75

Misc. Supplies $75

Total- $700 JT

TOWN OF INDIAN TRAIL
BUDGET TO BUDGET AMENDMENT REQUEST

DATE: 8/23/2016

DEPARTMENT: Human Resources

Account Number	*Account Description*	*(Transfer In/Out)*	*Amount*
10-00-5000-450-000	Insurance & Bonding	OUT	600.00
10-00-5000-189-001	Other Fringe Benefits	IN	600.00

EXPLANATION:
Transfer funds to cover Cell Phone Allowance

REQUESTED BY: Brauden Chopelas
FINANCE: Jim Wojtowicz 8/23/16
TOWN MANAGER Scott Kaufhold

For Finance Dept Only:

EFFECTIVE DATE: 8/23/2016

JOURNAL NO. ASSIGNED: 617

FISCAL YEAR: 17

ENTERED: BWC

PERIOD: 2

DATE: 8/23/2016

TOWN OF INDIAN TRAIL
Expenditure Entry Verification Listing

Batch Id: BWC Batch Date: 08/23/16 Batch Type: Standard

Account No. Account Description	Type	Entry Description	Amount	Seq
10-00-5000-450-000 INSURANCE & BONDING	Transfer Out	Provide Funds for Cell Phone Allowance	600.00	1
10-00-5000-189-001 Other Fringe Benefits	Transfer In	Provide Funds for Cell Phone Allowance	600.00	2

Fund Description	Fund	Expenditures	Reimbursements	Transfer In	Transfer Out	Cancel	Encumbrances
General Fund	10	0.00	0.00	600.00	600.00	0.00	0.00
Total Of All Funds:		0.00	0.00	600.00	600.00	0.00	0.00

	Entries	Amount
Expenditures:	0	0.00
Reimbursements:	0	0.00
Transfer In:	1	600.00
Transfer Out:	1	600.00
Cancel:	0	0.00
Encumbrance:	0	0.00
Total:	2	1,200.00

There are NO errors in this listing.

	Updated Entries	Updated Amount
Reimbursements:	0	0.00
Expenditures:	0	0.00
Transfer In:	1	600.00
Transfer Out:	1	600.00
Cancel:	0	0.00
Encumbrances:	0	0.00

Batch: BWC Updated Entries: 2 Updated Amount: 1,200.00 Ref Num: 617

TOWN OF INDIAN TRAIL
BUDGET TO BUDGET AMENDMENT REQUEST

DATE: 9/1/2016
DEPARTMENT: Finance

Account Number	*Account Description*	*(Transfer In/Out)*	*Amount*
10-00-4130-494-000	Bank Charges	Transfer Out	1,750.00
10-00-4130-397-000	Contract Services	Transfer In	1,750.00

EXPLANATION:
To allocate funds to cover auditing services for FY2016

REQUESTED BY:
FINANCE: 9/1/16
TOWN MANAGER:

For Finance Dept Only:

EFFECTIVE DATE: 9/1/16
FISCAL YEAR: 2017
PERIOD: 3

JOURNAL NO. ASSIGNED: 618
ENTERED: agaddy
DATE: 9/1/16

Alicia Gaddy

From: Finance Director
Sent: Thursday, September 01, 2016 12:41 PM
To: Alicia Gaddy
Cc: Branden Chopelas
Subject: transfer to cover $20,500 audit fees

We had budgeted $19,000 we have expended $250 (prior auditor did some work)... thus please transfer $1,750 out of 10-00-4130-494-000 bank charges, thank you, Jim

Jim Wojtowicz
Finance Director

Town of INDIAN TRAIL north carolina

Batch Id: AGADDY Batch Date: 09/01/16 Batch Type: Standard

Account No. Account Description	Type	Entry Description	Amount	Seq
10-00-4130-494-000 BANK CHARGES	Transfer Out	Allocate funds for auditing servicesFY16	1,750.00	1
10-00-4130-397-000 CONTRACT SERVICES	Transfer In	Allocate funds for auditing servicesFY16	1,750.00	2

Fund Description	Fund	Expenditures	Reimbursements	Transfer In	Transfer Out	Cancel	Encumbrances
General Fund	10	0.00	0.00	1,750.00	1,750.00	0.00	0.00
Total Of All Funds:		0.00	0.00	1,750.00	1,750.00	0.00	0.00

	Entries	Amount
Expenditures:	0	0.00
Reimbursements:	0	0.00
Transfer In:	1	1,750.00
Transfer Out:	1	1,750.00
Cancel:	0	0.00
Encumbrance:	0	0.00
Total:	2	3,500.00

There are NO errors in this listing.

	Updated Entries	Updated Amount
Reimbursements:	0	0.00
Expenditures:	0	0.00
Transfer In:	1	1,750.00
Transfer Out:	1	1,750.00
Cancel:	0	0.00
Encumbrances:	0	0.00

Batch: AGADDY Updated Entries: 2 Updated Amount: 3,500.00 Ref Num: 618

MAYOR
Michael L Alvarez

MAYOR PRO TEM
David L. Cohn

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
Tuesday, August 9, 2016
Civic Building—6:30 PM

MINUTES

The Indian Trail Town Council held a Regular Meeting on Tuesday, August 9, 2016, 6:30 PM in the Council's Chambers at the Civic Building, 100 Navajo Trail, Indian Trail, NC.

The following members of Town Council were present:

Mayor Michael Alvarez
Mayor Pro Tempore David Cohn
Council Member Mark Wireman
Council Member Gary Savoie
Council Member Gordon Daniels
Council Member Amy R. Stanton

The following members of staff were present:
Town Manager Scott Kaufhold, Interim Town Attorney Brent Thompkins, Town Clerk Kelley Southward, Director of Planning and Neighborhood Services Rox Burhans, Director Parks and Recreation Jason Tryon, Director of Finance Jim Wojtowicz, Human Resources Director Tihisha Sharif, Contract & Bond Administrator/Executive Assistant to Town Manager Vicky Watts and Communications/Community Engagement Coordinator Mike Parks.

Guests Present: there were approximately 60 guests in the audience at the height of guest attendance.

1. CALL MEETING TO ORDER & PLEDGE OF ALLEGIANCE

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

2. MOMENT OF SILENCE

After the Pledge everyone remained standing for a moment of silence.

3. AGENDA ADDITIONS & DELETIONS

Councilman Daniels asked to move Consent Agenda Item 8a (Budget Amendments) to New Business Item 11f and Consent Agenda Item 8b (Draft minutes 7/12/16) to New Business Item 11g. Councilman Cohn asked why the minutes were being moved to New Business; Councilman Daniels felt an amendment to the Draft Minutes was needed.

Councilman Cohn asked to move New Business Item 11e into Closed Session because, as written, it should be included for Closed Session. Mr. Thompkins noted if Council is going to direct him, as the Interim Attorney, he would need more information than what has been provided on the agenda and such would be appropriate for Closed Session. It was agreed that Item 11e would be included for Closed Session, which is part of Item 15 on the agenda.

4. MOTION TO APPROVE AGENDA

Councilman Daniels moved to approve the agenda, as amended above; the motion carried by a unanimous vote.

5. COUNCIL ACTION REGARDING LEGAL SERVICES:

a) Accept resignation from Town Attorney K. Merritt

Councilwoman Stanton moved to accept the resignation of Town Attorney, Keith Merritt. The motion carried by a vote of four (4) to one (1) with Councilman Daniels voting in the opposition.

b) Give consideration to finding/appointing new legal counsel to represent the Town of Indian Trail. (Council Member Stanton)

Councilwoman Stanton moved to appoint Brent Thompkins as Interim Town Attorney for this meeting and for the September meeting appoint Chris Duggan as the Interim Town Attorney and there was a brief discussion. Councilman Daniels said that whether interim or permanent he would like the attorney representing the Town to have constitutional and municipal law knowledge. As long as Mr. Duggan has this, Councilman Daniels said he has no objection. Councilman Savoie asked about finding a permanent (attorney). Councilman Cohn and Mayor Alvarez both noted that the motion was only for interim appointments at this time. *Councilwoman Stanton's motion carried unanimously.*

6. PRESENTATIONS

a) Introduction of the new Director of Engineering and Public Works, Mr. Patrick Sadek.

Mr. Kaufhold noted that he finally found a replacement for his role as Engineering Director. He has known Mr. Sadek for sometime as they used to work together in the City of Charlotte Engineering Department. Mr. Sadek has extensive engineering knowledge and experience. Most recently, Mr. Sadek was the Engineer for the City of Myrtle Beach, SC. Mr. Kaufhold and Town Staff are excited to have Mr. Sadek join the team. Mr. Sadek was welcomed by Council and it was noted that he would be presenting an item included in New Business.

7. PUBLIC COMMENTS

- Mrs. Amanda Faulkenberry of 519 Pickett's Circle congratulated the Parks and Recreation Department for a wonderful National Night Out event. Even though the weather didn't fully cooperate it was a wonderful event. Mrs. Faulkenberry also recognized all of the law enforcement officers, medics/EMTs and firefighters that attended the event. She thanked them for making their equipment available for public inspection at the event. Finally, she thanked the Sheriff's Deputies that endured the polar dunk tank.
- Ms. Cynthia Johnson of 2019 Holly Hedge Lane addressed Council on behalf of a group of concerned citizens who stood with her while she spoke. These citizens have collectively attended Town Council meetings, reviewed approved Town Council agendas & minutes and have read the *North Carolina Public Information Act and the Guide to Open Government and Public Records* by Attorney

General Roy Cooper. She asked that Council seriously consider their observations and expectations as they are all important contributors to the democratic process. First, this group has observed that #1) inappropriate behavior by a local elected official when using social media to air negative feelings regarding another local elected official and inciting residents to act without receiving all of the facts (included in exhibit A); #2) lack of civility upon disagreements such that Town Council Members aren't treating each other with dignity and respect, for example: over-talking another person, walking out and holding side bars; #3) Our local political climate, not unlike the national political climate, has become ugly disgraceful and unprofessional. Furthermore, it discourages citizens from wanting to participate in the democratic process. Expectations: #1) all claims are backed up with factual, verifiable information or evidence before presenting publicly; #2) all Council Members, staff and residents are treated with dignity and respect at all times; #3) before proposals, amendments or recommendations are presented at Council meetings that all appropriate parties are consulted and given the opportunity to provide input or make corrections or changes; #4) communications including minutes and agendas are distributed to appropriate parties in a timely manner so that Council Members can review them for accuracy before public distribution; #5) (and I only have to #7) promote transparency with residents by providing enough information on major projects to residents in a timely fashion before a major decision and encourage public comment on such projects as vital input for our elected representatives and staff; #6) public information requests are handled according to the *NC Public Information Act and the Guide to Open Government and Public Records* by Attorney General Roy Cooper, specifically sections referring to the reasonable turn around on requests and associated costs; #7) it bares repeating this expectation, that ALL Council Members, staff and residents are treated with dignity and respect at ALL times. With that being said, we do thank our officials and staff for their service. But finally, if any of you here concur with this statement or find it to be reasonable, I ask you to show your support by standing now. Thank you.

- Mr. Eugene Griggs of Cottage Creek: ladies and gentleman of Indian Trail Town Council, what a mess we are headed for with all the in-fighting among the Council Members. I have attended many Council Meetings and each time it gets worse. When will the Council work together or the citizens? We are all old enough to know that whatever party is in power at the time will look to put their agenda in effect. It has nothing to do with the will of the citizens but the will of the power at the time. Meanwhile the citizens of the Town suffer the most. I do not know of your party affiliation nor do I care. It should be about the citizens and the Town. Of course, it is not. I have not seen one Council meeting with palliative thought. Everyone seems more concerned with self-promoting than taking care of the citizens. There is nothing wrong with striving for a higher office whether state or federal but to deny the citizens of Indian Trail the service you were elected to do is very disappointing. Not one of you is wrong all of the time but not one of you is not right all the time either. You sit before the citizens and have no respect for each other or the position you hold. It is time to stop; way past time to stop. Now, with this issue of emails, we know there are costs involved with emails, no doubt there will be a cost but what is a reasonable cost? It reminds me of when I was a kid growing up back in different parts of the United States back in the 1960's: if you don't want them there, you price them out because you can't say what is really on your mind. Say what's on your mind. Make it a rule by the Council. All of this in-fighting between the five of you should stop. It is not benefitting the citizens. I drove past the new city hall today and what's there? A rusty skeleton that has been sitting there for months now with no progress. What are we doing about that? Nothing. We are sitting here fighting against each other every two weeks about nothing. Let's stop promoting our own agendas and move on for the citizens.
- Mr. Michael Faulkenberry of 519 Pickett's Circle. In regards to New Business Item 11a Consideration in adopting the State's Policy for Public Information Requests, I have submitted and received many public information requests in the last six years. So far I have received a combined total of over 500,000 emails including other documents. I was under the impression there was an existing public information request policy implemented by the Town due to my past requests. Also due to large information requests submitted by then resident Mark Wireman, that made the news.

There is a reference to that on the Indian Trail's Hornet's Nest Face Book page—there is a link there for the video/news story. I addressed the public information high processing cost, which was a concern of a former Council Member during a Council Meeting three years ago. I had to walk up to the podium to demand to be recognized due to the discussion by a few Council Members who were insinuating I had the intent to purposely damage the reputation of the Town and Town Staff. I was accused of wasting and abusing Town resources for documents that were created using tax-payer money and belonging to the public. The name "Paper Terrorist" was given to me by our current Mayor because of my large request quantities. I know a great deal about what has happened in the past to the present. Council Member Wireman himself wrote to me that I am an encyclopedia of knowledge. Here is an example I'm reading into the record: "Monday, July 18, 2016-Scott, I absolutely agree with you. This request is senseless and time consuming knowing the Town Staff has their day-to-day priorities, please hold off with this request and any others that take that amount of time and cost. I know others feel the same as I. I am sorry that our employees and yourself are dealing with such asinine requests. Signed Amy Stanton, Indian Trail Council". This email shows one Council Member by email, behind the scenes, instructing the Town Manager to implement a policy that had yet to be discussed in open session until tonight. It takes three Council Members' votes during an open meeting to create and enforce due policies; is this being open and transparent? No it is not. As for the appointment for the CRTPO representative from the Town of Indian Trail, I would like to thank my wife for researching that Ms. Stanton only attended one CRTPO meeting since January, I did find out that Ms. Stanton attended the July 20th meeting, why bother when her resignation would take effect right after the July 20th meeting? I guess it was time for her to say goodbye to those she never knew since she only attended one meeting prior to that. Thank you.

- Councilman Gordon Daniels 1020 Woodkirk Lane: Mr. Mayor and Council I must admit I came up here tonight to kind of open up the toilet bowl and flush it but after hearing Mrs. Johnson and Mr. Griggs plea I'm compelled to not go into the bathroom at all. I just want to share something with you; I spoke to the Mayor at National Night Out (last Tuesday) and I said I'm sick and tired of all the in-fighting because we're not getting anything done for the Town. All we're doing is trying to prove like we're back in 3rd grade: who can run better, who can shout the loudest. And, I'm frankly tired of it. One of the newspaper articles that was out in March was a Justin Vick from the Union County Weekly mentioned that we need to stop the fighting here in Indian Trail and we need to work together as a Town Council. He mentioned three Councilmen that could lead the way and the two others that really help. He mentioned Councilmen Savoie, Daniels and Wireman and he also mentioned Councilmen Cohan and Stanton that could really help this Town move forward. Like I said, I was prepared to go into the bathroom and flush the toilet but I'm not. What I'm willing to do tonight is say guys we need to stop. We need to, as Mr. Wireman said, we need to forget about the past and move forward for the good of the Town because all we're doing is hurting the Town. I remember when I was growing up my bother used to beat the heck out of me and I decided one day that I was going to get him. And when that day came, I realized, I looked him in the eye, I said for me to get my brother, I would have to hurt him real bad. So, all we're going to do to get each other is hurt this Town real bad and I'm not willing to that; I don't want to do that. I figure that we all bring tools and energies and experiences to Council that we could do well for this Town. So, from this day forward, I'm not going to partake on going into the bathroom and flushing the toilet. People can do what they want to do, I'm just not going to be a part of it. Thank you.
- Jennifer Herring 1902 Valley Park Way was present on behalf of Waste Pro and passed out a document to Council; a letter from Waste Pro. Ms. Herring wanted to comment on Discussion Item 12a of the agenda regarding the Solid Waste and Recycling RFP. Waste Pro currently provides these services for the Town and would like to continue to do so; they will be submitting an RFP. She has seen the memo provided to Council by Mr. Burhans and has a few comments. Waste Pro is not opposed to the idea of discontinuing the community drop-off for bulk items and replacing that with a 4th pick-up for the year. In fact, they support that recommendation and think it is best to move forward in this manner. Code Enforcement and Nuisance pick-ups—Waste Pro is in complete

support of the Town's efforts to abate illegal dumping and therefore would be more than willing to work with Code Enforcement to pick up items in a timely manner. Marketing/Graphics on garbage trucks—if the Town has an event or something that they want to market by having graphics displayed on their garbage trucks they would be in favor of such so long as the Town covers the cost for the graphics. The frequency of graphic changes would, of course, affect the annual costs associated with this idea. Recycling and Education—there is a program run through Waste Pro's corporate office where they handle all municipal marketing for educational related items/programs pertaining to recycling and they are open to discussing any ideas the Town may have to improve or expand in this area. Finally, Waste Pro is in the process of building a $3 million facility in Indian Trail. They are here for the long-term and want to partner with Indian Trail and be a part of the community as they have been for the past four years. Ms. Herring said that she appreciates the opportunity to address Council and looks forward to moving forward with the Town.

- Mr. Dennis Gay of 4705 Pioneer Lane is really happy to hear Councilman Daniels' comments about moving forward in a constructive manner. Mr. Gay opined that so far this Councilman has been an obstructionist that has tried to gridlock Council and has proposed ideas that contradict existing rules. Mr. Gay said he is happy to see that the personal agendas are going to be dropped and everyone will start working together. He said that the Town needs a good working Council. He has been appointed to a couple of boards/committees and efforts are being made to fix problems.

8. CONSENT AGENDA **Action**

~~a) Approval of Budget Amendments #s 553, 558, 559, 612, & 613~~ This item was moved to New Business Item 11f during Agenda Additions & Deletions.

~~b) Approval of Draft Minutes July 12, 2016 Regular Town Council Meeting~~ This item was moved to New Business Item 11g during Agenda Additions & Deletions.

c) Approval of Tax Month End Report July 2016

d) Approval of Certificate of Sufficiency-regarding the Clerk's investigation of Annexation Petition #142 for Parcel# 07045001

e) Approval of Resolution #R160712-02-Resolution Fixing the Date of the Public Hearing for Annexation Petition #142 for September 13, 2016

f) Approval of Resolution #R160809-01-Resolution Directing the Clerk to Investigate an Annexation Petition: Annexation #143-request for voluntary annexation parcels 07120005 90 and 0712008. Parcels are approximately 8 acres total and located on the northeast side of Hawfield Road

g) Approval of Resolution #R160809-02-Resolution Directing the Clerk to Investigate an Annexation Petition: Annexation #144-request for a voluntary annexation for parcel 07090761. Parcel is approximately 0.68 acres and located on Mustang Drive.

h) Approval of Proclamation for Constitution Week September 17-23, 2016 as requested by the John Foster Chapter of the Daughters of the American Revolution.

i) Acknowledgement of receipt of the Local Government Commission-203 (LGC-203) Report for the period ending June 30, 2016.

Councilman Wireman moved to approve the Consent Agenda; the motion carried unanimously.

9. PUBLIC HEARINGS **Action**

a) ZT2016-001 Sun Valley Hotel-Motel Uses: Proposed amendment to Unified Development Ordinance Chapters 520 and 1020 and creation of new Chapter 7220 to permit hotel-motel uses within the Sun Valley Village Center overlay district and related amendments; Ordinance #0160809-245. Applicant: Moser Group.

Mayor Alvarez said that this is not the first time that this item has been on a Council Agenda; this is the second public hearing on the matter. Mayor Alvarez said he would like to limit the presentations on this item to five minutes. The last time this matter was before Council the presentations were

extensive. Mr. Burhans said he was not aware that his presentation time was going to be so limited and there are quite a few updates on the matter since the last time this was before Council but he would do his best to keep his presentation short to be respectful of the time.

Mr. Burhans, Planning & Neighborhood Services Director, noted that this was the second public hearing regarding this proposed UDO text amendment, which if approved, would allow hotel-motel uses within the Sun Valley Village Center Overlay district. A lot has happened since the first public hearing held by Council on this amendment in April. The UDO's Table of Uses, some Use Specific Standards and the parking standards would be affected by this proposed text amendment if approved by Council. The underlying factor for the Moser Group making this application is that they have a national hotel chain interested in constructing a hotel in the Sun Valley Village. Presently, the UDO does not permit hotels/motels in that area. Hotels and motels are permitted in Regional Business District (i.e. mainly properties along HWY 74). The Planning Board reviewed this application at their March 15, 2016 meeting and ultimately forwarded a recommendation to approve the text amendment. Town Council held a public hearing for the proposed amendment during their April 12, 2016 meeting where there was a lot of active discussion of the pros and cons of the proposed amendment.

Ultimately, on April 12th, Council directed staff to do two things: 1) bisect the original application into two separate matters as the original proposal included additional UDO text amendments pertaining to mixed uses (i.e. business and residential units in one structure) and 2) partner with the applicant to hold a public informational meeting regarding the simplified application that only includes the text amendments pertaining to hotel/motel uses. Staff completed both items requested by Council. The community meeting was held on May 23rd at the SPCC ballroom; staff mailed notices of the community meeting to approximately 2400 property owners in the area most closely located to Sun Valley. Additionally, several print ads were included in local papers and the community meeting notice was posted on the Town's website and social media sites. Approximately 150 people attended the community meeting, which is a huge turnout for a municipal community meeting. Comment sheets were distributed to those who attended the community meeting and an analysis of the comments received is included in Mr. Burhan's report to Council which is ATTACHED HERETO AND MADE PART OF THESE OFFICIAL MINUTES. Of the 68 comment sheets received back, 13 people were in favor of the text amendment, 2 people were unsure, and 53 people were opposed to the text amendment. Mr. Burhans detailed the remainder of responses. Mr. Burhans noted for the record that since his report was distributed to Council he has received on email from a resident in Taylor Glen who is opposed to the text amendment. Further, he believes the applicant will be providing Council with a few emails of people who support the proposed text amendment.

Mr. Burhan's reiterated that the Planning Board has unanimously recommended approval of the UDO text amendments pertaining to hotels/motels as a permitted use in the Sun Valley Village Overlay District and he read their consistency findings into the record again (such had also been read into the record on April 12th): "the proposed amendments are consistent with the Comprehensive Plan in that they will enable diverse uses, avoids potential land use incompatibilities, promotes sustainable development through the use of smart growth principles and encourages high quality design; the amendment will also enable investment in the commercial areas of Indian Trail that will help foster economic development initiatives that ensure a more balanced tax base within our community as well as locate residents and customers in close proximity to local businesses. This UDO ordinance amendment is in the best interest of the public because it seeks to concentrate more intense development within the village center areas and protect the low density single-family areas as envisioned in the Comprehensive Plan while also expanding on opportunities for lodging uses in a way that will benefit Indian Trail residents and business owners."

Staff is asking that Council receive this information and any public comments that may be forthcoming. The applicant is present this evening and his team would like to address Council tonight. Ultimately, staff would request that Council take action on this matter this evening. Action would include approving or denying the consistency findings as read into the record, and then take final action on the proposed UDO amendments which would be to approve as presented or amend and approve as modified, disapprove, or request additional information.

Councilman Daniels asked if Mr. Burhans had any information as to the amount of taxes that would yield from the property being developed with a hotel as so desired by the applicant. Mr. Burhans did not have that information.

Mr. John Ross of Eagle Engineering, engineering firm representing the applicant, addressed Council next. Mr. Ross thanked Council and staff for their efforts in getting this application to this point. On March 15, 2016 the text amendment petition was presented to the Planning Board consideration and recommendation. As Mr. Burhans presented, the Planning Board forward a recommendation to approve the text amendment by a unanimous vote. Mr. Ross gave a synopsis of the timeline of meetings matching that of what Mr. Burhans had just presented.

Mr. Ross noted that the text amendment would allow hotel/motel uses in the Sun Valley Village Commons only; it would not permit the use at any other place in Indian Trail that hotels/motels are not already permitted. They propose, if the amendment is approved, to develop lot 14 in the southwest corner (adjacent to Pickett's Circle) with a hotel. Mr. Ross said that Sun Valley Commons was developed as an entertainment district with a 2800 seat theater. Mr. Ross said that from a developer standpoint, lot 14 was always slated to have a hotel. He said that the utility system was designed to accommodate a hotel on lot 14; this dates back to 2011 for the calculations that were approved through (Union County) Public Works.

Why a hotel in the Sun Valley Commons area? It was identified in the original plans, incorporation into the existing entertainment hub with the theater and restaurant uses that are already in place, the proximity to a pedestrian-friendly Old Monroe corridor, proximity to thousands of jobs that exist for the Monroe airport and the benefit that it brings to Indian Trail businesses as well as patrons of Carolina Courts, Extreme Ice and Crooked Creek Park. He showed the thoroughfare plan for Old Monroe Road and the pedestrian improvement slated in the area. The Old Monroe improvements are on the 7-year TIP. The goal is to create a one-stop destination within Sun Valley Commons; lodging, restaurants, shopping and entertainment. Currently patrons of Extreme Ice, Carolina Courts and Crooked Creek Park all have to leave Indian Trail to find lodging which increases the traffic along Old Monroe Road and HWY 74. Mr. Ross passed out copies of two emails he received today from people in favor of the text amendment and subsequently a hotel in Sun Valley Commons. The one is from the owner of Hickory Tavern, Brad Smith. The other is from David Mendes of Marriot Hotels.

Mr. Ross said that they have reviewed some of the safety concerns outlined by residents. All room entries would be from the interior of the hotel structure; no outside room access. Additionally, he corrected information he previously had provided, noting that an outdoor pool would not be constructed but rather there would be an indoor pool only at this location. Convention centers and restaurants, other amenities of that nature would be limited to 20%. The applicant concurs with the recommendation of the Planning Board and would appreciate Council's support in approving this text amendment.

Councilman Daniels asked for tax revenue information of a developed hotel. Mr. Ross said he does not have those calculations but this would be a several million dollar hotel that would employ a lot people. Mr. Ross said that they could certainly run some projections for tax revenues upon

development and submit them to Council. Councilman Daniels asked for sales tax breakdowns for municipalities. Mr. Ross said that he is not a municipal sales tax expert and deferred to Mr. Moser of the Moser Group, applicant.

Mr. Dennis Moser addressed Council noting he is not a hotel tax expert but noted that he had provided each member of Council with a breakdown from his hotel consultant (the document was provided before the meeting and not provided to the Clerk for the record). Mr. Moser said that he would be willing to support an occupancy tax. As he best recollects, the total potential was a couple-hundred thousand dollars in tax revenues per year from the development of a hotel in the proposed area.

Councilman Daniels asked if the occupancy tax could be a reality. As he understands it the last time the General Assembly passed an occupancy tax was in 1970; approved for Monroe, Matthews and Charlotte. Stallings has four hotels and has been requesting the occupancy tax but it has been denied, he believes. Councilman Daniels doesn't want anyone to be mislead by the projections—have occupancy taxes been included because they are certain or a possibility; or is that tax unlikely? Mr. Moser said he doesn't know the answer but opined if he, as the developer/owner of a hotel, teamed up with the Council and requested the occupancy tax from the General Assembly perhaps they would be willing to grant an occupancy tax to Indian Trail. Mr. Moser said that the information he provided clearly notes that they figures have been derived from what Monroe and Matthews are currently receiving. Mr. Moser said that he would do anything he could to support Indian Trail in efforts to be provided the right from the state to charge occupancy tax. Councilwoman Stanton noted that this revenue would go where the hotel is placed; that point concurred by Mr. Moser. Councilman Wireman noted that the occupancy tax is per hotel, per room; he recalls the calculations provided yielded $6 per room. He has discussed the process of requesting occupancy tax with a couple of state legislatures and has learned that it is not an easy process. Currently, the legislature is not motivated to add taxing abilities to local areas. Councilman Wireman noted that Waxhaw was denied a few years and believes that Stallings has been denied numerous times. While it may possible the chances are likely slim even with Mr. Moser's support.

Councilman Wireman wanted to clarify a point of confusion. He stated that the fees paid to Union County for water and sewer tap fees may have included fees and taps to accommodate a hotel; that is between Mr. Moser and Union County. Just because his water and sewer connections may accommodate a hotel it has nothing to do with Indian Trail zoning regulations. Water and sewer taps don't make a hotel a permitted use or an approved part of the overall Sun Valley project. We are at now at the point of considering a text amendment to allow the use because it was not a permitted use at the time he paid tap fees and it is not a permitted use—if the text amendment gets approved, then the hotel will be a permitted use. Mr. Moser agreed with Councilman Wireman's statement noting he had made a good point. However, Mr. Moser said that from his standpoint the Town could not have approved the project without seeing evidence that he paid his tap fees and the letter noting the tap fees had been paid included evidence that fees to accommodate a hotel were included.

Mr. Moser said that he would like the Council's support with this text amendment. He said that all the text amendment allows is for the project (i.e. construction of a hotel) to be brought forward to the Town on a particular site. He said that they have an alternative site in mind if lot 14 is not agreeable. He feels the alternative site would be a "win, win, win": for him, the Town and the neighbors. He is simply asking that Council approve the opportunity for a site plan to be brought before the Town by approving the text amendment this evening. He said that Sun Valley is the Town's future entertainment district and it is hard to have an entertainment district without a hotel. He said that the hotel companies he is talking with are not willing to build along HWY 74; they are only willing to build in the Sun Valley area.

Public Comments:

- Mrs. Shirley Howe of 6205 Clearwater Drive said that she is in favor of a much-needed hotel in Indian Trail but does not believe it should be located in Sun Valley. We need a hotel located along HWY 74 where it will have greater exposure and be easily acceptable. There are four schools in the immediate vicinity of Sun Valley Commons. A hotel will add to the present (traffic) congestion. Since children are involved, safety should be considered at all times. Publix grocery store is soon to open in the area and this will expose Sun Valley to more traffic. Sun Valley Village will continue to build additional buildings for businesses which will bring more traffic. Monroe Road has existing traffic problems that residents already have to deal with on a daily basis. This problem will be on-going and will continue to be a problem because we've allowed thousands of homes to be built with little concern for making road and other infrastructure improvements. The sad thing is that more houses, condos and apartments are scheduled to be built in this area bringing more congestion. Monroe Road widening is at least several years away. Also, there is a residential neighborhood located adjacent to the lot where this hotel is proposed to be constructed. Would you like to live next door to a 63-foot high hotel? It would basically be in these residents' back yard. Hotel patrons could see our residents trying to enjoy life in their own back yards. This application from the Moser Group is like history repeating itself. It is time we use some common sense and listen to "we the people". The Council majority promised the people of Indian Trail that you would listen to them and honor their requests. Folks are here and you know what the majority are asking Council to do; please respect their views.
- Mr. Jim Cherry said that he moved to Indian Trail 25 years ago from Charlotte; it was the best move he ever made and he loves Indian Trail. Indian Trail has grown a lot since he's been here. Mr. Cherry said that he is a big advocate of property rights; a man should be able to do what he wants with his own property. Mr. Cherry said he doesn't have a dog in this fight but if the property owner wants to build a hotel on his property then he should be able to do so. Further, Mr. Cherry said that Mr. Moser has done a wonderful job with developing Sun Valley Village; it is an asset to the residents in the area. Mr. Cherry said he probably wouldn't invest in the hotel but he would fight for Mr. Moser's right to build what he wants on his property. Mr. Cherry respects Mr. Moser's right to build the hotel and hopes the Town will allow him to build the hotel.
- Mr. Ashe Minor of 323 Thompson Ct. addressed Council stating that he is in favor of the hotel at Sun Valley. He is 37 years old and been here for 11 years. People have referred to him as a "young professional" and he associates with folks in Indian Trail that he would classify in the same manner. He believes his peers agree with him that a hotel would be a valuable amenity for Indian Trail. It usually makes sense to "strike while the iron is hot". There is a great project proposed. However, Mr. Minor said he doesn't envy the residents of Pickett's Circle; those who would be located adjacent to the proposed hotel as it would basically be in their back yard. He believes those residents are likely already suffering adverse effects from Sun Valley Village such as noise pollution, light pollution and everyone suffers from the traffic. Mr. Minor said that he has yet to see a Moser property that isn't "top notch". He believes this project will be treated in the same manner. However, and Mr. Minor noted that he's not a hotel developer, he wonders how lot 14, an L-shaped lot, is going to accommodate the hotel. Perhaps there is another lot in the development that would better accommodate a hotel.
- Mrs. Peggy Piontek, Indian Trail resident and former Town Clerk/Interim Manager, addressed Council noting that given her background as an employee of the Town she sat through basically every Town Council meeting for nearly a decade and therefore has extensive knowledge about Town matters. She attended and spoke at the recent community

meeting held at SPCC related to this matter. More importantly at the SPCC meeting, Mrs. Piontek said she noted three points the applicant made during the community meeting. First, it was stated by the applicant that Old Monroe Road was the best location for a hotel because HWY 74 is planned to be a super-street. Mrs. Piontek said that Old Monroe is also slated to be a super-street (she had provided a copy of an email chain between her and NCDOT officials confirming that fact). Therefore, the applicant's argument that Old Monroe is better than HWY 74 because HWY 74 will be a super-street is weak at best. Second, the applicant stated that the "high-end" hotel chain has researched the area and found Old Monroe Road to be the best location for their organization. Mrs. Piontek was curious as to where that information was found and what it was based upon because she has traveled Old Monroe Road from Monroe to Charlotte and there is not a single hotel located along this road. How does this particular hotel chain have data to support Old Monroe being a better location than HWY 74 when there are a lot of hotels along HWY 74 to abstract data from none along Old Monroe to provide data? Third, the applicant had stated that hotels don't generate a lot of traffic and not as much as a shopping center. Mrs. Piontek said that may be true but the applicant had also insinuated that each hotel room only generates two trips per day as guests leave in the morning and return in the evening. Mrs. Piontek said that from personal experience she would disagree. Unless at a resort such as Disney World, when she stays at a hotel she is in and out of the facility all day. Mrs. Piontek stated that she is completely in favor of having a hotel in Indian Trial. There is a need for a hotel in Town so that visitors competing at Extreme Ice, Carolina Courts or Town parks have a place to lodge without leaving Town. Each one of these facilities is just north or south of HWY 74 so why would you build a hotel near Old Monroe Road where there aren't any venues such as those just mentioned. Additionally, there are four schools in the Sun Valley area, two of which are elementary schools. Mrs. Piontek said that the Town was told that relocation of Carolina Courts was going to bring a nice hotel toTown and we still don't have a hotel in Indian Trail. This Council has stated that they are a Council for the people and now is their opportunity to show the residents that this Council truly is for the residents. Mrs. Piontek urged the applicant to bring the Town a hotel along HWY 74.

- Jerry Morris of 271 Unionville Indian Trail Road noted that he lives right off of HWY 74. Mr. Morris said that he too is a strong property rights person. However, if he owned a pig farm it wouldn't be suited just to locate it wherever next to just anything. Just because you own a piece of land doesn't mean that you can do absolutely anything you want with it without regard for adjacent properties. Other people are affected by what one does. If the proposed hotel were in a remote area we wouldn't be having this discussion. However, the proposed location abuts a residential neighborhood and that is the issue. It would be right in these folks' back yards plus right near the schools. Mr. Morris said that he is in favor of a hotel in Indian Trail; we need a hotel. The use of a hotel is already permitted in a zoning district in the UDO; the approved zoning district is along HWY 74 and that's where a hotel should go. When the residents voted for Council they were voting for someone to be a listening ear and then a mouth piece for what they want. Mr. Morris said he has nothing against Mr. Moser or his attempts to better our town with construction and increased property tax base. However, when there are four to five times as many people speaking against a project as there are speaking for a project that is plain as day. Mr. Morris said he hopes Council will respect residents' wishes and not amend the UDO at this time by denying this request.
- Gary Evans 4800 Mossy Cup Lane said he was not opposed to a hotel being build in Indian Trail but is opposed to a hotel being built in Sun Valley Commons. He believes there should actually be multiple hotels in Indian Trail. When you are traveling and searching for a hotel, what are you looking for? Convenience: easy in, easy out. HWY 74 is the most logical location for a hotel in Indian Trail. This would be convenient for the travels who would use

a hotel the most: people involved in events taking place at Crooked Creek Park, Extreme Ice and Carolina Courts. Hotels along HWY 74 will open up doors for new businesses and industries to locate in Indian Trail. In order for the Moser Group to build a hotel at Sun Valley they need Council to approve this UDO text amendment. Mr. Evans believed the approval of this text amendment would not only allow a hotel to be built in Sun Valley but would also allow Mr. Moser to build mixed use facilities (businesses on ground floor and residential on 2nd and 3rd stories) in Sun Valley. This mixed use would affect all village overlays in Indian Trail; not just Sun Valley. If you lived on Pickett's Circle would you want a 5-story hotel built in your back yard? These residents would no longer be able to spend an evening relaxing in their back yard after a long day at work or even enjoy a weekend cookout with their family without people peering down at them from the hotel rooms. Children won't be able to swim or play in back yards for fear of someone invading their privacy. Even if one family on Pickett's Circle is inconvenienced by the hotel it is one family too many. No Council Member would want that for their family. Just imagine strangers peering into your windows at night, trucks and cars coming and going at all hours, how about resale value? Do you think these people will be able to sell their homes to any potential buyers with a hotel in the back yard? Mr. Moser uses the excuse to put a hotel in Sun Valley because of the uncertainty of the Monroe By-Pass but all he has to do is visit NCDOT Engineering they have a clear model for what the Monroe By-Pass will look like. Mr. Moser said that this will be good for the residents because their families will have a place to stay when they come to visit but who sends family to a hotel? It is time for Indian Trail to stand up to the big builders who have had control of this Town and Council Members for years. It is time for the madness to stop. This is not the right thing for the residents or the students in the schools in the Sun Valley area. Mr. Evans said he is asking Council to vote against this text amendment; do the right thing for the people of Indian Trail.

- Mr. Burhans asked to be recognized to make a clarification; Mayor Alvarez allowed Mr. Burhans to comment. Mr. Burhans noted that he heard in the last comments that "mixed use" would be a part of this text amendment when in fact it is not. As stated in his opening presentation of this matter, mixed use was a part of this application at the April 12th meeting but it was at that meeting that Council directed staff to separate the application into two applications and make one for the hotel/motel amendments and a separate one for the mixed use amendments; mixed use to be addressed at a date after the hotel issue has been addressed. So, what is before Council this evening is text amendments only pertaining to the hotel/motel.
- Michael Faulkenberry 519 Pickett's Circle opined that the property proposed for the hotel in Sun Valley is too small to allow for any future expansion of the hotel. What will happen in the future when that hotel is just too small to meet the needs? By his calculations the meeting room in the hotel would be no larger than 1000 square feet; the size of a small home. You want to look at the future; this is about future growth. Mr. Faulkenberry felt that the hotel should be built along HWY 74. That is where traffic and commuters are going to travel. That would make access easy. He thanked Mrs. Piontek for her comments; yes, Monroe Road is slated to be super-street he knows for a fact as he had attended DOT meetings for the past four or five years. So for the applicant to use the excuse that Old Monroe will be different than HWY 74 is just not true. Mr. Faulkenberry said that he has just been talking with Mr. Moser during these proceedings and Mr. Moser has proposed to move the hotel location to the Publix shopping center. Well again, there will be traffic there and that is closer to the High School. Would relocating the hotel to the Publix Shopping Center help or hinder the situation? Mr. Faulkenberry still believes HWY 74 is the best location for a hotel. Mr. Faulkenberry said that he has traveled all through Charlotte and Charleston the past few months and has yet to see hotels that close to a residential neighborhood. He said that his neighbor's back yard would be next to the hotel and she has

been approached about selling part of her back yard (about 1500 square feet) which makes the building even closer and the parking lot. He doesn't see how all the parking to accommodate the rooms, the restaurant and the meeting space will fit on the lot. So, that means people will have to take up the parking for the existing businesses in Sun Valley Commons. Council knows what they have to do; they've heard the feedback from the residents. Council should use common sense judgment, take the emotion out of it, and determine what is best for Indian Trail—not just for today but for the future as well.

- Mrs. Amanda Faulkenberry of 519 Pickett's Circle said that she lives on the other side of the wall in the subdivision that would be directly affected by the hotel. She said that she is not against hotels; we need two or three hotels in Indian Trail. If this hotel gets built Mrs. Faulkenberry said that she won't need her front porch light. It would be a large building with multiple stories. Several of her neighbors will no longer be able to use their back yards. One neighbor has small children and a large pool; she wouldn't let her children play in the pool with that hotel right there. Another neighbor has a pool and teenage daughters. Council needs to think about that large of a structure butting up to the existing wall and what it going to create as far as people looking in and the use of residential yards. There will be noise; cars generate a lot of sound as they come and go and no one has even mentioned the buses. If we are talking about tournaments then there will be buses. How are buses going to park on this lot? So there is noise from the coming and going. Light pollution will be a problem because you cannot turn hotel parking lot lights and other exterior lights off for safety and security of the hotel patrons. Neighbors will need to darken the backs of their homes and several families won't need front porch lights. The garbage truck for the theater arrives every morning between 3:00 AM and 3:30 AM. There is one person in the neighborhood that already gets woken up every morning by the garbage truck. At one point there was a suggesting about adding a gate to the wall and landscaping. That was brought up during development of the complex—no one on Pickett's Circle wanted access. The idea of a hotel in Indian Trail is the right idea but Sun Valley is wrong the place—please put it on HWY 74. Mrs. Faulkenberry said she doesn't want her family and her neighbors to deal with any additional issues.

There were no other comments from the public forthcoming so Mayor Alvarez closed the public comment portion of hearing and opened the floor to Council for discussion. Councilwoman Stanton said that she is personally in favor of a hotel in the Sun Valley area. She feels it will work for the theater and surrounds. However, Councilwoman Stanton said that she was not elected to put her beliefs forward but rather the wishes of the citizens. She noted that she has spoken with residents and businesses. Of course, the businesses are in favor of the hotel in Sun Valley because it would generate more business for them. The overwhelming majority of residents she spoke with were not in favor of the hotel in the Sun Valley area. She acknowledged that there are homes that would be directly affected by the hotel if constructed on lot 14. Councilwoman Stanton said that she is from Southern Florida and there you see homes and schools next to hotels all over the place. She said that she is listening to the residents and will be casting a "no" vote on this matter because the residents don't want it; the hotel belongs on HWY 74 in Indian Trail.

Councilman Daniels noted that speakers brought forth some concerns he had not thought of such as light and noise pollution. Clearly the residents adjacent to the proposed hotel site would be affected. Additionally, he said he had not thought about the issue of future expansion being a problem either. Further, Councilman Daniels felt the location may not provide for the best and highest revenue for the hotel as the location lends itself more to lodging for out-of-town visitors for Indian Trail residents. Councilman Daniels relayed that he has spoken with Mr. Moser about the pros and cons of having a hotel in Sun Valley.

Councilman Daniels likes to have vision and look towards the future. Monroe just built a hotel 5 miles down the street from Indian Trail. He looks about the Monroe Expressway that is coming and hotels are sure to be built near there. So, there is competition that we are going to have to fight against. Sure, for the first three or four years a hotel in Sun Valley will be nice and probably do well but what is it going to be like after that? Hotels have transient people who don't have anything vested in the neighborhood. We need to be concerned about the use of Old Monroe Road; who is going to pay for that? It is a Town road. Councilman Daniels noted that we really need a hotel in Indian Trail but he would like to see it built on HWY 74 and no other place.

Councilman Wireman said that Council has a tough job in making tough decisions. They have to look out for the best interest of the Town with residents being the highest concern. He opined that Council has does a lot of good work since December and he'd like to continue with that trend. Councilman Wireman agrees that Indian Trail needs a hotel; whether or not Sun Valley is a good area for a hotel is still up for debate. Councilman Wireman said that he ran on a campaign that he would listen to the residents and he holds true to that promise. On the other hand, he also agrees with property owner rights; if you bought property, maintain property and pay your taxes on property then you should basically be able to do what you want with that property but as one resident noted you can just put a pig farm anywhere. Property owners have to be aware of how property development affects their neighbors. This is why we have zoning, rules and restrictions; we are a community that has to live with and next to one another and be concerned about our neighbors. Councilman Wireman said he really feels for the adjacent residential neighborhood that would have this proposed hotel sitting next to them. Councilman Wireman said that he travels a lot for work and yes, in Florida you see hotels next to residential areas. However the reason you see that in Florida is because it is a vacation destination so tourists are being catered to; there is only a small group of people that live in those areas year round. Councilman Wireman thanked the Moser Group for brining this application forward and having an open dialog on the issue. He thanked the residents for all their input because it makes his job easier to know what the residents want. Councilman Wireman said he too would not be supporting this text amendment as he does not support the hotel in Sun Valley based upon what the residents want.

Councilman Cohn said that he agrees 100%. He appreciates Mr. Moser and what he has done with the Sun Valley area; the movie theater is a great venue for our Town. As he had stated in the spring Councilman Cohn said he thinks Sun Valley is a great place to put a hotel in Indian Trail. He felt it may be the best place in Town to put a hotel; guests could just walk out of the hotel and walk to the restaurants, shops and theater—they won't need to get in the car to drive for much of anything. However, like some of his fellow Council members have said all of that doesn't matter because Council was elected by the people to listen to the people and act on their behalf. It is clear the residents of Indian Trail don't want a hotel in Sun Valley. He understands that the businesses in the vicinity are in favor of the hotel and he understands why that is. However, that has to be weighed against what the residents want and how those residents adjacent to the proposed hotel will be affected. Councilman Cohn said he will also be voting "no" on this matter.

Councilwoman Stanton moved to disapprove the text amendment(s) to the UDO that would allow a hotel in the Sun Valley area because such text amendment(s) are not consistent with the Town's Comprehensive Plan and Long Range Plans; the motion carried by a unanimous vote of Council.

Mayor Alvarez called for a brief 5-minute recess.

After approximately 5 minutes, Mayor Alvarez called the meeting back to order.

10. OLD BUSINESS ITEMS **None**

11. NEW BUSINESS ITEMS

a) Give consideration to adopting the State's Policy for Public Information Requests. (Council Member Stanton)

Councilwoman Stanton said that the Town has received numerous public information requests that require extensive clerical and information technology resources lately. After reviewing N.C.G.S 132-6.2 Provisions for Copies of Public Records; Fees as well as the State's public request policy, I submitted my proposal to Council for adopting the NC Public Records Policy for the Town of Indian Trail. Councilwoman Stanton shared a document with Council showing the eight outstanding public information requests the Town has received. The first that was received by the Town on March 23, 2016; the request yielded over 18,000 emails that the Town Clerk had to go through. Councilwoman Stanton said that cost to taxpayers for this one request is about $8,400 and that does not include the Clerk or Attorney fee. On March 29th another request for emails was received by the Town that yielded 1,138 emails for the Clerk to examine. Councilwoman Stanton said that the cost of this before the Clerk or Attorney's time is $1,200 (Information Technology contractor cost). Councilwoman Stanton said that this is a problem for the Town because the residents are paying for this and our Town Clerk is not able to do her job because her time is dominated in attempting to fill these public information requests. Councilwoman Stanton said that she spoke with the previous Town Clerk, Peggy Piontek, who went through the same thing with these public information requests; she felt buried by them as our new Town Clerk feels. Councilwoman Stanton said she would like to step up for our new Town Clerk and apologize to the previous Town Clerk because no one would step up for her. Councilwoman Stanton said she is asking Town Council to adopt the State's Record Request Policy which asks the requestor to pay 50% of the estimated cost that exceeds $25 prior to filling the request. Further, this policy states that any request that requires more than 4 hours of clerical or supervisory assistance to fill the agency may assess a special service charge for the amount of staff time spent over four hours. Councilwoman Stanton said she is doing this to try stop all these PIRs from the same people all the time and bogging down the Clerk.

Councilman Daniels asked about those who use this process only once in a while where do they lie in this proposal compared to those that are submitting proposals constantly as stated by Councilwoman Stanton. Councilwoman Stanton said unfortunately, everyone would be subject to the policy. Councilwoman Stanton said if she submitted a PIR and if what she is requesting is going to exceed $25 or 4 hours then she is going to have to pay and it would make her think about if she really needs/wants this information. Councilman Daniels asked who determines if it is going to take more than four hours and opined that the server is doing most of the work. He asked if alternatives could be considered. For instance, Councilman Daniels said that other municipalities have it set up to where all emails on their server are available from their website. Before we adopt the State's policy let's consider some other options. Councilman Daniels said that the State's policy is under attack by the news media right now in the courts and he doesn't know if Council should put the Town in that situation. He suggested we talk with Councilman Wireman and other professional informational technology (IT) people and see what other options may be available. He said that we went through this two years ago: a Council member said it was a waste of staff time but at the same time, we want to have transparent government. State laws say that everyone has the right to public records but if we charge something that is going to make it difficult we may not want to do that to our people.

Councilman Daniels asked that Council consider better and other alternatives to get around this problem.

Councilman Wireman said he has researched this matter. He pointed out that this was addressed by Council a couple years ago when he as a resident and there is a link out there to a news story related to this issue. At that time a now former Council member had basically said that he wanted to stop public information requests. Councilman Wireman does not believe stopping PIRs is the best course of action. Upon review of the state statute, Councilman Wireman doesn't believe it is limiting access to public information but rather recognizes that there are individuals who abuse the system and because of one individual you're impacting thousands of people. The Town as a whole is impacted by one PIR that is asking for eight years worth of emails. That is at an estimated cost of $60,000 to the taxpayers. Our IT contractor has become well-versed in extracting emails because they've been asked for so frequently over the years but it still takes time. The information (emails) has to archived and stored. Storage of data takes up space on computer equipment and space costs money. When information requests seek emails that span years you have to look at additional equipment which takes additional time. Councilman Wireman's understanding of the policy and statute is not limiting access to information but asking that requestors be respectful of people's time. It asks that requestors narrow down their request to seek the specific information they are asking for rather than just putting in a blanket request that asks for everything for eight years. Councilman Wireman said that the federal government will charge for records too and it's not cheap. There has to be a common sense approach so that we are not crippling Town staff for a broad request when a request could be narrowed down and made specific so that the requestor is provided what they are seeking and not additional information that they don't really want. Councilman Wireman felt there is another issue that he thinks staff is trying to address and that is following the record retention schedule. Honestly, we shouldn't even have these emails for this period of time but since we do, we'd have to provide them. The record retention schedule details how long each item needs to be kept some things have to be kept forever and other things don't have to be kept very long at all. There has to be a fair balance. Councilman Wireman doesn't think it is fair that the taxpayers have to pay $60,000 for one person's public record request. If someone wants information that extensive then they need to share in the costs that are above and beyond what would be considered reasonable. He opined that what is being discussed today is a lot different than what Council discussed a few years. Tonight, we are talking about implementing the policy that the State of North Carolina uses to fill public information requests.

Councilman Cohn said he interprets the State's Policy that basically everyone gets four hours free. He estimated that about 95% of the people have never made a public information request. Councilman Cohn said he likes to play golf in his spare time. Apparently, we have some residents that enjoy reviewing public information in their spare time the way that he likes to play golf. When he plays golf, it costs money as a lot of hobbies do cost money. Councilman Cohn said that one person has actually put in a request for 8 years of two people's emails so that is 16 years worth of emails—you must really enjoy going through emails to want to sit and go through that many emails. He felt if he has to pay to play golf then this person that gets joy out of going through emails should have to pay. He said that if someone really wants some specific information on a matter, staff should be able to find it in four hours and the tax payers should not have to be burdened with thousands of dollars for one person's request. He said that this Council wants to be transparent, it's not that we don't want to provide any information but it shouldn't cost everyone money. He felt that Councilman Daniels had a good suggestion about making all the emails available for all to see on the website. It is simply that some of the requests are excessive.

Councilman Daniels said perhaps staff could just talk with the requestor to limit the scope because he doesn't believe that when a person makes a request they have any idea how much time it will take and

what the cost associated with the time will be. He feels people think you have a server and simply put in a date range and the server does 99% of the work and individual simply sifts through it. The requestor has no idea how many emails are out there and how long it takes. Councilman Daniels said he wants to get beyond this: we don't want to burden the taxpayers and we don't want to burden anyone that has the right to a PIR. He said that when this was discussed a few years someone said if we don't want to burden the Clerk then we should hire more help. It's a tough call but we should be prudent when we think of costs. No one knows what is out there and no one knows how long it takes. Maybe the requestor thinks eight years is going to be a couple of hours; communication is a key factor here. Rather than adopting the State's Policy, which is under fire in the courts and media wouldn't it be better to revise the policy we already have. Councilman Daniels asked the Interim Attorney if he knew of a way for municipalities to handle PIRs. Mr. Thompkins said typically municipalities adopt policies to manage the public information requests, which is what is being discussed now. Each Town has to figure out what works best for them. Mr. Thompkins also said it is not uncommon that requestors don't understand that their request may produce so much information that it costs thousands of dollars to fill the request. Councilman Daniels said he is torn just as he was two years ago and he's asking Council to find a "sweet spot".

Councilman Savoie said he agrees that we don't want to burden the taxpayers with excessive costs but how do we remain transparent. Adopting a policy should work and suffice. He said if he would have brought this item forward with the past Council it probably would have been media frenzy. He suggested that if a new policy is implemented it be specified as to when it is to be effective; he doesn't believe it should be made retroactive.

Councilwoman Stanton asked if the former Town Clerk, Peggy Piontek could be heard to provide some insight as to how staff is affected by these requests. Mrs. Piontek said it's not just the data search for emails from the server. Once the emails are extracted from the server then someone literally has to sit and go through each email to make sure the information contained doesn't include information excluded from the public records law such personal information, personnel information or excluded legal information. This is where the real time and cost comes into play. She said that Town's existing policy does ask that requestors make their requests specific, which was an effort to discourage large blanket requests. As Clerk she spent 2 full days in a conference room going through 10 years of agenda packets for a PIR. Her suggestion was to have requestors narrow their requests to ask for specifically what they want. Councilman Cohn added that a lot of the time the Attorney has to review the information before it's released and that's a huge expense at $200 an hour. Councilman Wireman said we should have something in place where a time estimation of how long it will take to fill a request will be provided to the requestor and believes the State's Policy includes just that. So if a PIR comes in the Town Manager and the Town Clerk are capable of providing a good estimation for how long it will take to fulfill the request. They contact the requestor and if it's going to take more than four hours then they should provide the estimated time and cost to the requestor and give the requestor the opportunity to narrow the scope of their request so that maybe they can stay within the four hours.

Councilman Daniels asked Mrs. Piontek if it makes difference if you receive multiple smaller requests (each staying under four hours to fill) or one large request that may be well over four hours to fill. Mrs. Piontek felt that the benefit is not to the Clerk but rather to requestor because if your asking for 8 years of emails all it once it would take a very long time to fulfill but if you ask for 6 month of emails that would enable the request to be filled quicker. When someone makes a request for 8 years of emails then they become frustrated waiting on that request to be filled; they don't understand what takes it so long and begin to wonder if there is something that the Town is trying to hide just because of the time it takes to fill the request. Councilman Daniels asked if she knew how long it would take to fill a request once it is received. Mrs. Piontek said that she knows if someone

asks for eight years of emails all she knows is that will take a very long time to fill. If someone asks for information related to the hotel text amendment for instance then it's not difficult to estimate how long that would take to fill because you know when the application was received and the process that it went through so a good estimate can be given to the requestor. The more specific a request the more accurate estimate can be made and the request can be filled more quickly than vague requests. Councilman Daniels said again that communication goes a long way because he doesn't think the requestor knows what their entire request entails. If it's going to be four hours per request, maybe that is a start but Mr. Daniels said he'd still like us to get in the 21st Century and see if we can do better than that.

Councilwoman Stanton moved to adopt the State's Policy for Public Information Requests effective for all current PIR's that have not been filled yet and add to the policy that requests should be made quarterly by each requestor (four hours free; any requests exceeding four hours would have to be paid for by the requestor). Councilman Wireman asked for clarification; is the policy to say that a requestor may only put in one request per quarter. Councilwoman Stanton concurred that such is the meaning. Councilman Cohn asked if someone wants to request 8 years of emails in a PIR and they break that up into multiple requests by breaking it up into pieces is it not going to take the same amount of time? If you break it into small enough pieces to keep it at 4 hours per request is that circumventing the policy for payment? Mrs. Piontek said it would still ultimately take the same amount of time but by Councilwoman Stanton adding that any one person can only make one request per quarter then that limits how much time is being exhausted in a year. Mr. Thompson asked for clarification—is Councilwoman Stanton saying that you can only get four hours free per quarter or one request per quarter? Councilwoman Stanton said that you could only get four hours free per quarter; one person could make additional requests but they would have to pay for them. *Mayor Alvarez called for a vote and the motion carried by a vote of three (3) to two (2) with Councilmen Savoie and Daniels voting in the opposition.*

b) Council to appoint one of their own membership to be Indian Trail's representative on the Charlotte Regional Transportation Planning Organization (CRTPO). (Mr. Kaufhold)

Mr. Kaufhold noted that Councilwoman Stanton has resigned the CRTPO position due to her work requirements. The Council needs to appoint another person of their own membership to represent the Town. Councilman Cohn asked if anyone wanted to volunteer; there were no volunteers forthcoming from the Council members. Councilman Cohn asked if it has to be a Council Member and it was confirmed that this appointment has to be a member of the Town's governing body. Councilwoman Stanton apologized, noting that when she had volunteered for the appointment she had a different job from what she now has. Her current job does not afford her the time to serve as a member of CRTPO. She apologized to the residents that she has to back down from the position that she had stepped up to the plate for when she originally took office last December. Councilman Savoie thought that it was the Mayor's position. Mayor Alvarez said only if the Mayor chooses to serve but he works nights. Councilman Savoie said that he too is unable to serve on CRTPO because of work. Councilman Cohn said that Councilman Savoie did a good job when he was a member of CRTPO previously and was prepared to nominate him for the position. *Councilman Wireman asked to table this item (until the next Council meeting) to give members time to consider the possibility and also explore the possibility of other options—could a resident serve in this capacity? The motion carried unanimously.*

c) Council to consideration to approve S&ME Stormwater System Mapping Services Proposal. (Mr. Sadek)

Mr. Sadek noted that in August of 2015 the Town contracted with S&ME, a Consulting Engineering firm to locate, identify and assess the condition of all closed storm drain system components, all open roadway culverts with a diameter greater than 24 inches and all permitted water quantity (detention) and water quality facilities within the Town limits. Approximately 6,600 devices were identified in the 2008/2009 inventory. The inventory that began with S&ME last August has provided closed storm sewer system (since 2009)—514 new features mapped and assessed; Map storm water control measures—107 features mapped and assessed; and 191 open channel culverts greater than 24 inches were mapped and assessed. Having these devices mapped will be beneficial to the Town in several areas. It would allow citizen concerns/complaints to be identified and addressed faster. Also, having this data will make us compliant with other agencies such as FEMA. The mapping will not only identify the location of the quantity of devices but it will also include the current quality/condition of the devices. A database can be created and maintained by the Engineering Department making maintenance more routine and easier to track. Also, having the data will allow us to share information with NCDOT since they own streets within the city limits. Additionally, if the Town should accept any of the NCDOT streets into the Town's street system the Town would know what drainage systems go along with which roads and could therefore accept the drainage systems simultaneously and have knowledge of the conditions of the drainage systems. S&ME used both GPS and GIS when they identified the 6,600 devices in Town which allows the information to be stored in accessible electronic maps.

The original scope of work was created using data from the 2010. There has been quite a bit of residential and commercial development since then so S&ME actually located additional devices; closed systems—approximately 600 additional structures identified; storm water control measures—approximately 60 additional; and open channel culverts greater than 24 inches less than 5 identified. In order to make a complete inventory and map staff is recommending these devices be included which is the Storm Water System Inventory & Mapping Task Order Agreement/Addendum #1 before Council this evening in the amount of $45,400. Completion of this project will allow staff to model the data and show what areas of Town would flood during a 20-year storm, a 50-year storm, 100-year storm and so on.

Councilman Cohn moved to approve S&ME Proposal No. 73-1500063—Addendum #1 not to exceed $45,400 as presented by Mr. Sadek and the motion carried unanimously.

d) Council to discuss and take action as necessary regarding the mural proposed by the Indian Trail Historical Society to paint at Carolina Courts. (Mr. Kaufhold)

Mr. Kaufhold relayed that since the Town is contractually involved with Carolina Courts he felt this matter should be brought to Council's attention. The Indian Trail Historical Society has proposed to paint a mural on the side of the Carolina Courts Building. In that process the Historical Society contacted the Planning & Neighborhood Services Department to make sure there would be nothing in the UDO precluding their proposed mural from being completed. During that review staff examined the Town's Contract with Carolina Courts and noted that the contract entitles the Town to put some sort of marketing or branding on the building. The former Town Attorney rendered an opinion to the effect that such mural, if not specifically noted otherwise on the forefront, may in the future, be argued to meet the Town's contractual benefit of Town marketing/branding on the Carolina Courts building. Further, it should be made clear that just because there may not be an issue with UDO compliance that in no way should mean that this Historical Society Mural is to satisfy the contract element with the Town and Carolina Courts. Rather, this mural would be an agreement made solely by and between Carolina Courts and the Historical Society. At this point, there does not appear to be any issue with the UDO so the mural could be completed, as proposed, if the two non-Town entities reach an agreement regarding the mural. In no way would the Town be relinquishing any of their

contractual rights to the Historical Society should a letter be sent to the Historical Society stating that there are not any UDO/zoning issues with the proposed mural.

Councilman Wireman noted that the proposed mural does not include the Town Seal or any other sanction suggesting that it is the Town's mural. This would be an agreement between the Historical Society and Carolina Courts, as stated by Mr. Kaufhold. Further, no Town funds or other Town resources would be spent on the mural; as we understand it is to be funded by the Historical Society. Councilman Wireman agreed that the Town is in no way surrendering any contractual rights included in the Town's contract with Carolina Courts.

Councilman Daniels asked the value of the mural. Mr. Kaufhold said he did not know the numbers; he imagines that there was an artist cost to produce the scene and a cost associated with actually painting it on the building. Councilman Cohn said he had heard the cost was approximately $10,000. Upon query from Councilman Daniels, Mr. Kaufhold noted if the Town wants this mural to satisfy the contractual agreement with Carolina Courts then Council would need to vote on the matter to that effect. Councilman Daniels asked if Council does not approve this as the Town's contractual benefit marketing/branding would there be costs to the Town in the future. Mr. Kaufhold reiterated that unless the Town voted to make this meet the Town's contractual benefit then it is simply an agreement between two private entities: the Historical Society and Carolina Courts and there should never be any costs to the Town related to the mural. Councilman Wireman asked that the Town Attorney write such letter to the Historical Society and/or Carolina Courts. No action was necessary.

~~e) **Council to consider directing the Town Attorney to investigate whether there is any discriminatory effect and resident disenfranchisement by some Council Members and some management staff introducing new town policies to limit free speech, limiting access to public information, direct violations of equal protection, and possible direct discrimination and harassment of one Council Member and residents; including contacting the United States Department of Justice, EEOC, and the North Carolina Attorney General. (Councilman Daniels)**~~

Item 11e was moved to Closed Session during Item 3 of the agenda.

f) **Approval of Budget Amendments 553, 558, 559, 612 & 613**

Upon query, Councilman Daniels said he wanted this item to be voted on by Council separate from the Consent Agenda; a member may agree with all other items on the Consent Agenda but not this item and does not want it to appear as though someone is in favor of some that they in fact are against. *Ultimately, Councilman Daniels moved to approve Budget Amendments 553, 558, 559, 612 & 613 and there was discussion.* Councilman Cohn asked that Mr. Kaufhold review each budget amendment for Council. Mr. Kaufhold deferred to Finance Director Jim Wojtowicz Budget Amendment #553 is an amendment to be compliant with Council's approval of the Capital Project Ordinance for Phase #2 of the Chestnut Extension; it moves funds of 209,056 from 2012 Bond Issuance to the Capital Project Fund for this project. Budget Amendment #558 is a transfer from "Community Events" to the specific event "Community Pride Week/Trash Day; all events money gets budgeted in a single line item at the beginning of the year and then each event is assigned it's own line item number when the event comes up during the year making it easier to see the cost of each event from year to year; this transfer is for $1,175. Budget Amendment #559 is a transfer of funds to cover the cost of the Fiscal and Operations Review (Phase 1) that Council had requested; transfer of $11,000 from one line item of the General Fund Budget to another. Budget Amendment #612 is an amendment for maintenance of park grounds and supplies for the maintenance of parks and grounds. Previously the maintenance of parks' grounds was coming out of the parks department but public works staff has taken over those duties this year so the funds associated are being moved

from parks to public works with this $20,000 transfer. Finally, Budget Amendment #613 is similar to #558; it transfers funds totally from Community Events to the specific events of National Night Out in the amount of $1,950 and Sunset Series Concert III in the amount of $1,200. *Mayor Alvarez called for a vote to the motion to approve the budget amendments and motion carried by a vote of four (4) to one (1) with Councilman Daniels voting in the opposition.*

g) Approval of the Town Council July 12, 2016 Regular Meeting draft minutes.

Councilman Daniels said it is his understanding that people making public comments are not to address Council members specifically but rather address Council as a whole. He said that in the draft minutes a specific Council member's name is included during public comments several times. He said that should be changed to "Council Member" according to NCGS 160 in the minutes. He said that we don't make reference to individuals during public comments. Mayor Alvarez said that the State has said that individual Council members can be called out during public comments and that our public comment rules were invalid by not allowing public to address specific elected officials. Mayor Alvarez said he no longer mentions that "rule". Councilman Daniels said that the rule is still on the signup sheet and both agreed it should be removed. Councilman Daniels said that speakers this evening didn't mention specific names of Council members out of respect of the signup sheet. Councilman Wireman believed both his and Councilwoman Stanton's names were mentioned during public comments. Councilman Wireman said he has posed the question at the State level because the concern of not being able to mention specific Council members' names was brought to him by citizens. Specific names can be mentioned during public comments according to the State the way in which the General Statutes are written. Anyone can get up and say what they want and say anyone's name. He said it is the public's time to express their right to come before Council and say whatever they want. He said anyone could get up and say "Councilman Wireman, you're a dirt bag and you you're not doing a good job and we hate you" and that is allowed. Of course, people should be mindful of their language and not be aggressive because such behavior could be considered disruptive.

Mayor Alvarez asked the attorney if public comments could restrict people from addressing individual Council Members. Mr. Thompkins said Council can make rules for decorum but there is nothing to restrict someone from calling Council Members out by name. Councilman Daniels recognized that 160A-81.1 does give authority to make rules for decorum but the Town adopted something in addition stating that Council should be addressed as a whole and individual members should not be singled out and addressed. Mayor Alvarez said that was changed because he read it out loud at a meeting. Councilman Daniels said that it is still stated that you cannot call out individuals on the form. Councilman Daniels said if the July minutes are not going to be amended he asked that it be included in this record that he objects that the public comments use his name not once, not twice but several times in the July 12, 2016 minutes and objects to the fact that such will not be changed. He considers the use of his name in the July 12, 2016 Minutes in a derogatory manner. The Clerk noted that she would reflect the objection in the transcription of these (August 9, 2016) minutes and also noted that the minutes simply reflect what was actually said; she doesn't change what people say upon transcription as such would not accurately reflect what occurred. Councilman Daniels said he understands what the minutes are to be but they don't have to capture everything; when a person has the opportunity "to not go there and they go there" that is where he takes exception. The Clerk said that if Council as a whole would like minutes transcribed differently she would be happy to accommodate their wishes as much less than normally transcribed is required but she did not scale back other person's comments and detail this one particular person's comments; the transcriptions of all comments are done in a manner to capture what was said. Councilman Daniels said that he did not object to how the Clerk captured the minutes but in utilizing someone's name you could just put their title which would provide the same information. Councilman Daniels agreed with a comment by

Mayor Alvarez that the audio recording is live on Granicus regardless. Mayor Alvarez and Councilman Cohn believed that in the past Councilman Daniels had requested a verbatim transcription of the minutes but Councilman Daniels objected to that allegation noting a verbatim transcription is unreasonable. Councilman Daniels reiterated that if Council is not going to amend the July 12, 2016 minutes as he has requested that he would like his objection noted in these minutes (August 9, 2016).

Councilman Wireman moved to approve the July 12, 2016 Town Council Regular Meeting Minutes, as presented and the motion carried by a vote of four (4) to one (1) with Councilman Daniels opposing.

12. DISCUSSION ITEMS

a) Solid Waste and Recycling RFP Level of Service Discussion: discussion regarding the levels of service to be advertised in the upcoming solid waste and recycling RFP and related items. (Mr. Burhans)

Mr. Burhans said noted he appreciates the opportunity to speak with Council about the Solid Waste RFP and would like to zero-in on discussions on levels of service to be included in the RFP. Earlier this year Council directed staff to pursue a new solid waste and recycling contract with the goals of saving money while improving service. The RFP should be issued at an appropriate time in order to meet contractual obligations of the current contract that expires next spring. Staff recommends garbage (beige cans) remain at a once per week curbside pick up. Likewise, staff recommends holding the bi-weekly curbside pick up for recycling (blue cans); bi-weekly is fairly standard for the area although there are two other municipalities in the area that offer weekly pick-up for recycling. Town staff is also recommending that yard waste (green cans) remain at the same bi-weekly service. Although most other towns do offer weekly pick-up yard waste we don't receive complaints about the level of service. Upon a query from Councilman Savoie, Mr. Burhans noted that there are occasions when special pick-ups are arranged for all types of service: a big storm causing lots of debris may prompt an additional yard waste pick up and a person who just moves to the area may call and arrange a special garbage/recycling pick-up because they have a lot of boxes. Bulk waste is being picked up three times per year curbside and one community drop off event. Staff recommends ending the community drop-off event and replacing it with a fourth curbside pick-up. Council seemed agreeable to all the recommendations made to this point.

Other RFP elements that staff is recommending include a drawdown account for nuisance bulk waste pick-ups, utilizing service trucks to advertise community information and education initiatives for both pick up requirements and recycling. Mr. Burhans said the service trucks traveling our neighborhood streets everyday are a missed opportunity to communicate information to our residents. He said that the information could be whatever the town desires: dates of Town Council meetings or Parks and Recreation events for the year. He suggested that one truck only needed to have the graphics and make sure that truck takes alternate routes so that it makes it way throughout the town every week or two. The key to offset the expense of having the message detailed on the truck is to find message that is relevant (or "lasting") for 6 months to a year and make sure that truck gets rotated to all areas of town. Currently, education for citizens about pick up requirements and recycling benefits is provided by Town staff. It would be helpful if the solid waste vendor could provide that education; staff is not the experts in this matter and is more natural if done by the contractor.

Mr. Burhans asked Council to provide direction for the yard waste carts, which are owned by the current contractor. If a different contractor is selected would Council be agreeable to following suite with other communities and allow generic store-bought cans to serve this purpose rather than paying

for roll-out carts? Of course, with yard waste there is always the options of stacking it loose so long as limbs are cut to a certain length and other criteria are met. Councilman Daniels asked if the same amount would be included in a bin that residents buy at a local hardware store. Mr. Burhans noted that typically cans that are purchased by residents are smaller than the provided roll out carts but they could set out multiple cans to ensure the same amount is collected. Additionally, all types of collection carts currently have the town logo (the IT man at the end of the trail) on them and not the Town Seal. How does Council wish to proceed—continue use of the logo or make changes? Also, if we need new cans and Council decides to go with an image other than the logo do they want to retrofit old cans to match a new image? It is estimated that there are currently 25,000 roll-out collection carts in town which to change the logo on those carts would yield a significant cost.

Mr. Burhans passed along that the Parks and Recreation Department is satisfied with the level of service currently provided to P&R facilities and events. Currently, the Town pays to collect recycling from the public schools in town and we receive a recycling credit in our contract and it is a nice service to provide for the schools. Such credit may not be available in the next contract. If the credit is not available because the recycling market has changed, would Council like to continue providing the service to the schools?

Councilman Wireman said that he would like to seek input from our citizens as roughly 14,000 homes are provided with solid waste services. Councilmen Daniels and Savoie agreed that citizen input would be helpful. Councilman Savoie added that theorhetically; we could do an injustice to the citizens by not approving an extension of the existing contract. For instance, if now we are being charged $11 per household per month now and we could extend this contract to continue at that rate and we send out an RFP holding the service level and the lowest bid comes back at $14 because of inflation and other factors since the last time we sought bids then taxpayers would be paying more for the same service. Mr. Burhans said that cost, although extremely important, should not be the only factor in the Council's ultimate decision. We wouldn't want to hire a contractor with a low track record just because they may provide the lowest bid. Councilman Savoie agreed but said he doesn't want to see us set ourselves up to pay more when we don't have to; citizen's input will be helpful. Mr. Burhans said he understands the point but Council has provided the direction to send out an RFP. Councilman Cohn said that if all bids are received at a much higher rate then we'll just fall back to the existing contractor/contract. Mr. Burhans noted that the existing contractor is expected to be an active participant in this RFP process and their bid for this new contract may be higher or lower than the fees associated with their current contract. He did note that there are provisions in the existing contract and in theory such may be extended at the current rates; the Town Attorney would need to review.

Councilman Cohn said he definitely wants resident feedback but cautioned Council to not base their assessment of this matter on what one or two residents say; we need an effort to get ample residents input. Council should use common sense. He also said he is definitely not in favor of expending funds to change the logos on the roll out cans and asked that the issue never be brought up again as he believes such would be a waste of money.

Councilman Wireman said input from the residents is very important to him; they may want to keep our existing contractor who may come in higher than others. He would like to know if folks are happy with the level of service as well as the contractor; we may need to add something to the RFP. Councilman Wireman further noted that when Council originally directed staff to put this out for RFP that they directed staff to look into the possibility of partnering with Monroe as their existing solid waste contract comes due near the same time as our own. It may be an opportunity to save some money while expanding services. Mr. Kaufhold and Mr. Burhans noted that has not yet been done but they will reach out to Monroe this week.

Councilman Daniels said that he is looking at Mecklenburg County and Union County prices and asked if there are any TIF's or other tax incentives given to these companies which may drive down costs. Mr. Burhans was not aware of any tax incentives.

Mr. Kaufhold asked for input on how to obtain citizen input as time is of essence in getting the FRP together and sent out. It was relayed that the next printed newsletter will go out mid September. Mr. Burhans noted that would be too late as input wouldn't be received back until late September or early October. He said that we are behind on the public input aspect and we'd need to move forward now to obtain such information. Councilman Daniels asked if it would be helpful to get the newsletter out by the end of August. Mr. Burhans felt that would still push him back to mid September as residents should be given at least two weeks to respond; which would be too late. He would like to have all input by the first part of September so that the findings could be presented to Council at their first meeting in September. Council asked for surveys to be posted on the website and social media. There was a consensus by Council to direct staff to get resident input through an online survey and social media and a public information type meeting, if possible and report findings from the residents' input back to Council at the first meeting in September.

13. UPDATES

a) **Manager's Update: Scott Kaufhold, Town Manager**: Mr. Kaufhold reported that some equipment, such as a crane, was delivered to the new Town Hall construction site today so that the scaffolding can be erected. Crews and materials should be on site tomorrow. The completion of the new Town Hall is slated for spring 2017.

14. COUNCIL COMMENTS

- **Councilman Cohn:** thanked everyone who came out especially the new faces in the audience and he hopes to see folks come again. He said that hopes that Council can move forward and the issues that were referenced during public comments have been a two-way deal; it's not one-sided. He said sometimes you are just not a part of the majority of Council. He was on a Council for two years where he was not a part of the majority. He said that he never took it as though they were being hard on him; he just had a difference of opinion from other members. The same may be happening now with a different member of Council. He said that he has been a member of every political party so to him it makes no difference what party a person is affiliated with. He said that while he is on Council he is going to try to do and support what the public wants. He hopes that everyone can keep smiling and move on as he loves this Town and all of the smiling faces.
- **Councilwoman Stanton:** thanked Town staff and the Sheriff's Deputies for all of their hard work. Additionally, she thanked the residents for coming to the meeting and hoped to see everyone in September.
- **Councilman Wireman:** agreed that it was nice to see both new and reoccurring faces in the audience this evening. He said that it bothers him when people have misinformation or not enough information as Council works hard to get the right information to the public. He understands that not all members will agree on every issue. Council members should be able to professionally disagree and argue a matter in a professional manner. He believes that Council has done a lot of good work since December; some issues that have gone on for a decade have been addressed and noted flooding as an example. He believed it to be a misstatement to say that Council is not moving the Town forward because they are bickering amongst themselves. He said that he has heard from many residents that the finances are more open and transparent then they have ever been. He opined that the current budget is the cleanest budget that we've had in years; he has heard that from former Council members. The Town website is updated on a regular basis and the information about the Town Hall is updated every couple of weeks. The newsletter includes the Council Corner, which shows all decisions by Council so that residents are informed of Council actions. He asked that residents call him before making statements such as Council is not moving the Town forward due to