STATE OF NORTH CAROLINA

AMENDMENT # 2

COUNTY OF UNION

This Amendment, made and entered into as of the 8 day of June, 2016, by and among Union County, North Carolina (hereinafter referred to as "County") and the Town of Indian Trail (hereinafter referred to as "Town") and Eddie Cathey, Sheriff of Union County (hereinafter referred to as "Sheriff") shall modify as indicated that interlocal agreement among the parties dated May 1, 2013, as modified by amendment dated January 12, 2016, hereinafter referred to as the "Agreement."

WITNESSETH:

WHEREAS, the Town currently contracts with the County and Sheriff Eddie Cathey to provide law enforcement services within the Town limits of Indian Trail; and

WHEREAS, the Town has approved reclassification of the Lieutenant position to that of Captain; and

WHEREAS, the parties each agree to the increased costs associated with reclassification of the Lieutenant position to that of Captain.

NOW, THEREFORE, in consideration of the parties' continuing obligations under the Agreement and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto do each contract and agree with each other as follows:

1. The parties agree to reclassify the Lieutenant position to that of Captain. Therefore, modify the first sentence of Section 1 of the Agreement as follows:

> The Sheriff agrees to station twenty-four (24) Deputy Sheriffs (21 deputies, 2 deputy sheriffs with the rank of Sergeant, and 1 deputy sheriff with the rank of ~~Lieutenant~~ Captain) within the municipal limits of the Town of Indian Trail.

The sentence shall now read:

> The Sheriff agrees to station twenty-four (24) Deputy Sheriffs (21 deputies, 2 deputy sheriffs with the rank of Sergeant, and 1 deputy sheriff with the rank of Captain) within the municipal limits of the Town of Indian Trail.

2. Each party hereby agrees to be responsible for their portion of the increased costs associated with reclassification of the Lieutenant position to that of Captain, in accordance with the provisions of Section 9 of the Agreement, as determined by the County's Finance Division, in cooperation with the Sheriff's Office, pursuant to said Section 9.

3. Except as herein amended, the terms and provisions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto, acting under authority of their respective governing bodies, have caused this Amendment to be duly executed, this the day and year first above written.

ATTEST:

By: Lynn G. West
Lynn West, Clerk to the Board

UNION COUNTY

By: _____
Cynthia A. Coto, County Manager

ATTEST:

By: Kelley Southward
Town Clerk Kelley Southward

TOWN OF INDIAN TRAIL

By: _____
Mayor Michael L. Alvarez

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Town Finance Director ~~Marsha Sutton~~
James Wojtowicz

WITNESS:

By: Quayanna Hulsm

SHERIFF OF UNION COUNTY

By: Eddie Cathey
Sheriff Eddie Cathey

Approved as to Legal Form CM

Town of Indian Trail

Memo

TO: Mayor and Town Council

FROM: Kelley Southward, Town Clerk

DATE: October 11, 2016 **(forward to October 25th agenda)**

SUBJECT: Old Bus. 11a-Honorary Citizen/Business/Organization Program

During the 9-13-16 Council Meeting staff was directed to change the proposed Person of the Month program to a quarterly program and change it from having nominations provided from the public (via the Town's Website) to nominations being provided from staff and Council (or public) and reduce the program to writing. Please consider the attached Honorary Citizen/Business/Organization Program and nomination form.

TOWN OF INDIAN TRAIL

HONORARY CITIZEN/BUSINESS/ORGANIZATION AWARD PROGRAM

A quarterly award program to acknowledge those making a difference in our community

Award Goals:

- To recognize Indian Trail citizens, businesses and organizations that promote and foster a sense of community through acts of kindness, selflessness and goodwill
- To develop a sense of pride within our Town
- To promote and recognize community cohesiveness and concern for members of our community
- To highlight positive role models for our youth

Award Criteria:

- Nominees should be Indian Trail residents, property owners, businesses or organizations unless there are exceptional circumstances. All nominees should be honored for positive efforts in enhancing our community
- Individuals/businesses/organizations who have made a noteworthy contribution to the local community during the quarter, year or years will be considered
- No individual/business/organization shall be honored more than once per calendar year

Nominee Process:

- The Residents, Mayor, Town Council Members or Town Staff may forward nominations to the Town Clerk by the third Tuesday of the month during the last month of the quarter (i.e. 3rd Tuesday in March, June, September and December) by filling out the nomination form (any nominations received after the 3rd Tuesday of the last month in a quarter will be considered the following quarter)
- Council shall vote on which nominee to honor for that quarter during the next available agenda
- At the following Town Council Meeting (if the honoree is available to attend) the Mayor and Council will present a certificate (at a minimum) to the individual, business or organization noting the exceptional acts that have been exemplified (i.e. for the first quarter of the year all nominations shall be submitted to the Clerk by the 3rd Tuesday in March; Council will vote on the nominations at the Town Council Meeting taking place on the 4th Tuesday of the month; at the Town Council Meeting taking place on the 2nd Tuesday in April the award will be presented to the honoree)
- The first quarter of this program shall begin January 2017

TOWN OF INDIAN TRAIL
HONORARY CITIZEN/BUSINESS/ORGANIZATION AWARD PROGRAM

NOMINATION FORM

Is there an individual, business or organization in Indian Trail that has done something positive for our community which deserves recognition from the Town Council? Please complete this short form & return it to the Town Clerk for Council's consideration. Honorees are selected by Town Council quarterly. Email completed forms to: ksouthward@admin.indiantrail.org or call 704-821-5401 for details

Nominee (individual/business/organization you are nominating)

Name: _____

Address: _____

Telephone: _____

Email: _____

Reason you are nominating this individual/business/organization (this section must be completed with details please use the back or additional pages if necessary)

_____

_____

_____

_____

Nominated by (your name and details-optional)

Name: _____

Address: _____

Telephone: _____

Email: _____

Town of Indian Trail

Memo

TO: Mayor and Town Council

FROM: Kelley Southward, Town Clerk

DATE: October 25, 2016

SUBJECT: New Business Item 12a: Council to consider approving amendments to the Rules of Procedures/Bylaws for the Transportation Advisory Committee and Parks, Art, Recreation and Culture (PARC) Committee; primary changes include reducing the membership number to five (5).

Recently Staff Liaisons to town committees met with the Town Manager and other key staff to discuss challenges in obtaining quorums for committee meetings. It was agreed to recommend that Council consider reducing the membership of the Transportation Advisory Committee (TAC), Stormwater Committee and PARC Committee to five (5) regular members and discontinue alternate members. The Public Safety Committee was also discussed but Council approved a membership reduction to seven (7) during their October 11th meeting (written amendment of such verbal approved changes are included as part of the October 25th Consent Agenda). The Stormwater Committee Bylaws need some additional attention and should be presented to Council in November.

Council is being asked to consider approving the amendments presented for the TAC and PARC on October 25th. The main change is the membership reduction and a requirement to follow *Robert's Rules of Procedure*. Other changes are to provide consistency with the proposed amendments and the Town's Appointment Policy (amended earlier this year).

RULES OF PROCEDURE
INDIAN TRAIL TRANSPORTATION ADVISORY COMMITTEE

These Bylaws govern the function and operation of the Town of Indian Trail Transportation Advisory Committee.

ARTICLE I
Establishment

1-1 The Indian Trail Transportation Advisory Committee having been created by the Indian Trail Town Council, shall be hereafter referred to as the "Transportation Committee".

1-2 The Transportation Committee shall be considered a "public body" and is subject to all rules and regulation for public bodies contained in North Carolina's Open Meetings regulation (i.e., Law, G.S. 143-318.10 et seq.)

ARTICLE II
Duties and Powers

2-1 The General Purpose of the Transportation Committee is to serve as an advisory committee to the Town Council regarding transportation issues within the Town of Indian Trail. The Transportation Committee will review transportation policies and make recommendations to the Town Council regarding transportation related issues.

2-2 Transportation Committee shall have the following charge and duties:

1. The Transportation Committee shall review and/or recommend to the Council transportation policies, policy changes, and long-range plans.
2. The Transportation Committee shall respond to the Town Council and Town staff requests for advice on matters related to transportation infrastructure.
3. The Transportation Committee shall present the Council with an annual report of key actions and issues.

ARTICLE III
Appointment and Terms

3-1 The Transportation Committee shall consist of ~~seven (7)~~ five (5) members, all of who shall reside ~~or own property~~ within the Town limits. The Council shall appoint the membership of the Transportation Committee.

3-2 Each member shall be appointed for a period of three (3) years. The Council in appointing the original membership of the Transportation Committee may prescribe

Comment [ks1]: Staff recommendations: Reduce Regular Member seats to 5 in order to achieve a quorum more frequently. Also, eliminate the practice of having Alternates (Alternates are not contained in the By-Laws/Rules of Procedures but have been appointed and utilized for some time.

Comment [ks2]: to remain consistent with the Appointment Policy revised Jan & April 2016--all members of Committees and Boards except for the EDC shall reside within Town Limits.

terms of fewer years to the end that the terms of the various members of the Transportation Committee shall be staggered.

3-3 If vacancy on the Transportation Committee occurs by reason of death, resignation, change of property ownership, Town Council removal, or any other cause the seat shall be filled by the Town Council in an expeditious manner for the duration of the unexpired term.

3-4 The Town Clerk shall be responsible for maintaining a current list of Transportation Committee members, including the effective date of their appointment and the expiration date of their term. The Clerk shall keep the Town Council informed as to when any term is to expire, at least sixty (60) days prior to the expiration date.

ARTICLE IV
Officers

4-1 A Chairman and Vice Chairman shall be elected by the Transportation Committee members. Each officer shall serve for a one (1) year term, but may be elected by the Transportation Committee for successive terms to the same office. Annually, in the regular meeting of the Transportation Committee held in the month of June, a Chairman and Vice-Chairman shall be elected. Each officer shall serve from July 1 until relieved of his duties as herein provided.

4-2 The Chairman shall ~~decide upon all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Transportation Committee in session at the time~~ run meetings in accordance with Robert's Rules of Order. The Chairman shall appoint any committees found necessary to investigate any matters before the Transportation Committee. the Vice-Chairman shall serve as acting Chairman in the absence of the Chairman, and at such times he shall have same powers and duties as the Chairman.

Comment [ks3]: Staff Recommendation: All Committees should be run uniformly in accordance with Robert's Rules of Order.

4-3 In the event of the absence of both the Chairman and Vice-Chairman from a Transportation Committee meeting, the regular members present may elect a temporary Chairman for that meeting and proceed with the order of business.

ARTICLE V
Secretarial Services

5-1 The Town Council shall arrange to have secretarial duties performed for the Transportation Committee. Said person(s) (hereinafter referred to as the "Secretary"), subject to the direction of the Chairman, shall take minutes and keep all records. the Secretary shall keep in a permanent volume the minutes of every meeting of the Transportation Committee. These shall show the record of all important facts pertaining to each meeting and hearing, every resolution acted upon by the Transportation Committee, and all votes of members of the Transportation Committee upon any

resolution or upon the final determination of any question, indicating the names of members absent. The Transportation Committee minutes shall be kept at the Indian Trail Town Hall and shall be available for inspection during normal working hours.

ARTICLE VI
Rules of Conduct for Members

6-1 Members of the Transportation Committee may be removed by the Town Council for cause, including violation of the rules stated below herein.

6-2 In order for the Transportation Committee to carry out its duties and responsibilities, it is necessary for all members to attend meetings. If any regular member is absent for three (3) consecutive regular meetings or fails to attend thirty (30) percent or more of the regular meetings within a twelve-month period, such member may be removed by the Town Council and a replacement for the unexpired portion of the term. Alternate members may be removed by the Town Council for repeated failure to attend or participate in meeting when requested to do so pursuant to Section 4-2 as set forth above. The Transportation Committee may make a recommendation to the Town Council regarding removal of a member for duly cited causes and the request must be in writing, signed by the Chairman of the Transportation Committee.

6-3 A member may be excused from voting on a particular issue by a majority vote of the remaining members present under the following circumstances:

1. If the member has a direct financial interest in the outcome of the matter at hand; or
2. If the matter at hand involves the member's own official conduct; or
3. If the member has such close personal ties to the applicant that he cannot reasonably be expected to exercise sound and impartial judgment on behalf of the public's interest.

6-4 If a Transportation Committee member determines that he may have a conflict of interest on a particular issue, he shall declare the nature of such conflict and ask to be excused from voting on the issue related to such conflict. The remaining members, by majority vote, shall determine whether such conflict exists and whether said member may excuse himself from further deliberations on said matter. if a member is excused from voting, he shall seat himself in the audience and not participate in any further discussion on said matter or he shall remove himself from the meeting room during all deliberation pertaining to such matter. In no instance may a member be excused from voting merely due to an unwillingness to vote on the issue at hand and where no conflict of interest is found to exist.

6-5 A challenge to the existence of a conflict of interest or a challenge of an undisclosed conflict of interest may be filed by any interest party with the Transportation Committee. Such a challenge may be an appeal for a review of the findings of the Transportation

Committee or may be for the purpose of alleging an undeclared conflict of interest. Any challenge made to the Transportation Committee shall be supported by competent evidence and shall be submitted at a properly convened meeting of the Transportation Committee. The Transportation Committee shall hear all evidence and shall, by majority vote of the remaining regular members, make the final determination as to the existence of a conflict of interest.

6-6 In the event a Transportation Committee member is found to have a conflict of interest and is excused from voting by the Transportation Committee, he shall be replaced by an alternate member for that business associated with the conflict of interest.

ARTICLE VII
Meetings

7-1 Regular meetings of the Transportation Committee shall be held on the first Tuesday of each month at 6:30 PM at the Indian Trail ~~Civic Building~~ at Town Hall, provided that the meetings may be held at any other convenient place in the Town nearby area if directed by the Chairman in advance of the meeting.

Comment [ks4]: This is now their regular meeting place (Admin Building-130 Blythe Drive)

7-2 Each member shall receive an agenda packet for each meeting by email, mail, or hand delivery at least forty-eight (48) hours prior to the meeting. An agenda notice shall be conspicuously placed at the Indian Trail Town Hall at least forty-eight (48) hours prior to the meeting.

7-3 Special Meetings of the Transportation Committee may only be called by the Chairman. At least forty-eight (48) hours notice of the time and place of special meetings shall be given, by the Secretary, to each member of the Transportation Committee. Notice of such meeting shall also be conspicuously placed at the Indian Trail Town Hall at least forty-eight (48) hours prior to the meeting.

7-4 Whenever there is no business to come before the Transportation Committee, or whenever so many members notify the Secretary of their inability to attend that a quorum will not be available, the Chairman may dispense with a regular meeting by having the Secretary give written or oral notice to all members prior to the time set for the meeting. Notice of meeting cancellation shall also be conspicuously posted at the Indian Trail Town Hall.

ARTICLE VIII
Quorum and Voting

8-1 A quorum shall be a majority of those voting members attending each Transportation Committee meeting, providing that there are at least ~~four (4)~~ three (3) voting members present. A quorum of Transportation Committee shall be required before any vote is taken.

Comment [ks5]: reduces to three based upon membership reduction from 7 to 5

8-2 Whenever a quorum is not present at a regular or special meeting, those present may adjourn the meeting to another day or hold the meeting for the purpose of considering such matters as are on the agenda (noting that no official votes can be taken as per Section 8-1 above).

Comment [ks6]: Suggest adding the note for consistency

8-3 No action taken at such a meeting shall be final or official unless and until the matter serving as the basis of the action is put before the Transportation Committee by a proper motion and vote is taken thereon at a meeting where a quorum of the Committee present.

8-4 Voting, at the discretion of the Chairman, shall be by voice or show of hands. All matter to be voted on by the Transportation Committee shall be by a duly made motion and second.

8-5 All meetings shall be open to the public. The order of business at regular meetings shall generally be as follows:

1. Call to Order
2. Approval of Minutes
3. Discussion Items
4. Action Items
5. Adjournment

8-6 Items of business for discussion at the meeting shall appear on the agenda. Business which is not identified on the agenda may be considered only after approval of a majority of a vote of the membership

ARTICLE IX
Adoption of Amendments

9-1 These rules shall at all times be consistent with all ordinances of the Town of Indian Trail and laws of the State of North Carolina. Should any provisions of these rules be inconsistent with such ordinances or laws of the State of North Carolina, said ordinances and laws shall control.

RULES OF PROCEDURE

INDIAN TRAIL PARC (PARKS, ARTS, RECREATION & CULTURE) ADVISORY COMMITTEE

These Bylaws govern the function and operation of The Town of Indian Trail PARC Advisory Committee.

ARTICLE I
Establishment

1-1 The Indian Trail PARC Advisory Committee having been created by the Indian Trail Town Council, shall be hereafter referred to as the "PARC (Parks, Arts, Recreation & Culture) Advisory Committee".

1-2 The PARC Committee shall be considered a "public body" and is subject to all rules and regulations for public bodies contained in North Carolina's Open Meetings Regulation (i.e., Law, G.S. 143-318.10 et seq.).

ARTICLE II
Duties and Powers

2-1 The General Purpose of the PARC Committee is to serve as an advisory committee to the Town Council regarding parks, recreation, greenways, environment, arts and culture. The PARC Committee will assist in the planning, development and management of the Town's future parks, recreation, greenway systems and tree preservation ordinance.

2-2 The PARC Committee shall have the following charge and duties:

1. The PARC Committee shall advise, deliberate and make recommendations to Town Council on parks, recreation, greenway, environmental, arts, and culture related matters.

2. The PARC Committee shall assist in the development and implementation of any ordinances, policies or plans related to parks, recreation, greenway, environmental, arts, and culture related matters.

3. The PARC Committee shall assist in the community outreach and public education related to parks, recreation, greenway, environmental, arts, and culture related matters.

4. The PARC Committee shall assist in the planning of community events related to parks, recreation, greenway, environmental, arts, and culture related matters.

5. The PARC Committee shall assist the Town Council in developing and maintaining a recreation system available to all Indian Trail residents.

6. The PARC Committee shall assist the Town Council in developing and maintaining a strong Cultural Arts Program and Cultural Arts Center.

7. The PARC Committee shall assist the Town Council in various environmental issues which may the impact the community.

ARTICLE III
Appointment and Terms

3-1 The PARC Committee shall consist of ~~nine (9)~~ five (5) members ~~and two (2) alternates,~~ all of who shall reside ~~or~~

Comment [ks1]: staff recommendation to reduce membership to 5 for committees and discontinue Alternates for committees

~~own property~~ ~~within~~ the Town limits. The Council shall appoint the membership of the PARC Committee. ~~(2)~~ Members shall represent recreation, arts and culture interests within Indian Trail as well as the general public ; ~~(2) Members shall represent arts/culture interests within Indian Trail, and (5) regular members and (2) alternates shall represent the general public.~~ Union County may have an ad-hoc member, and shall attend only when discussing tree issues or requested by staff.

Comment [ks2]: to provide consistency with the Appointment Policy; amended early 2016 to only allow those residing in Town to serve

Comment [ks3]: Adjust language to remain consistent with membership reduction.

3-2 Each member shall be appointed for a period of three (3) years. The Council in appointing the original membership of the PARC Committee may prescribe terms of fewer years to the end that the terms of the various members of the PARC Committee shall be staggered.

3-3 If vacancy on the PARC Committee occurs by reason of death, resignation, change of property ownership, Town Council removal, or any other cause, the seat shall be filled by the Town Council in an expeditious manner for the duration of the unexpired term.

3-4 Town Clerk shall be responsible for maintaining a current list of PARC Committee members, including the effective date of their appointment and the expiration date of their term. Town Clerk shall keep the Town Manager informed as to when any term is to expire, at least sixty (60) days prior to the expiration date.

ARTICLE IV
Officers

4-1 A Chairman and Vice Chairman shall be elected by the PARC Committee members.
Each officer shall serve for a one (1) year term, but may be elected by the PARC Committee for successive terms to the same office. Annually, in the regular meeting of the PARC Committee held in the month of April, a Chairman and Vice-Chairman shall be elected. Each officer shall serve for a one-year period

4-2 The Chairman shall ~~decide upon all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the PARC Committee in session at the time~~ run meetings in accordance with Robert's Rules of Order. The Chairman shall appoint any committees found necessary to investigate any matters before the PARC Committee. The Vice-Chairman shall serve as acting Chairman in the absence of the Chairman, and at such times he shall have the same powers and duties as the Chairman.

Comment [ks4]: Staff Recommendation: All Committees should be run uniformly in accordance with Robert's Rules of Order.

4-3 In the event of the absence of both the Chairman and the Vice-Chairman from a committee meeting, the regular members present may elect a temporary Chairman for that meeting and proceed with the order of business.

ARTICLEV
Secretarial Services

5-1 The Town Manager shall appoint a staff liaison(s) who shall perform all secretarial duties performed for the PARC Committee. Said person (s) (hereafter referred to as the "Secretary"), is subject to the direction of the Chairman, shall take minutes and keep all records. The Secretary shall keep in a permanent volume the minutes of every meeting of the PARC Committee. These shall show the record of all important facts pertaining to each meeting and hearing for the PARC Committee and all votes of members of the PARC Committee upon the final determination of any question, indicating the names of members absent. The PARC Committee minutes shall be kept at the Indian Trail Town Hall and shall be available for inspection during normal working hours.

ARTICLE VI
Rules of Conduct for Members

6-1 Members of the PARC Committee may be removed by the Town Council for cause, including violation of the rules stated below herein.

6-2 In order for the PARC Committee to carry out its duties and responsibilities, it is necessary for all members to attend meetings. If any member is absent for three (3) consecutive regular meetings or fails to attend thirty (30)

percent or more of the regular and special meetings within a twelve-month period, such member may be removed by the Town Council and a replacement made for the unexpired portion of the term. Alternate members may be removed by the Town Council for repeated failure to attend or participate in meeting when requested to do so pursuant to Section 4-2 as set forth above. The PARC Committee may make a recommendation to the Town Council regarding removal of a member for duly cited causes and the request must be in writing, signed by the Chairman of the PARC Committee.

6-3 A member may be excused from voting on a particular issue by a majority vote of the remaining regular members present under the following circumstances:

1. If the member has a direct financial interest in the outcome of the matter at hand; or
2. If the matter at hand involves the member's own official conduct; or
3. If the member has such close personal ties to the applicant that he cannot reasonably be expected to exercise sound and impartial judgment on behalf of the public's interest.

6-4 If a PARC Committee member determines that he may have a conflict of interest on a particular issue, he shall declare the nature of such conflict and ask to be excused from voting on the issue related to such conflict. The remaining members, by majority vote, shall determine whether such conflict exists and whether said member may excuse himself from further deliberations on said matter. If a member is excused from voting, he shall seat himself in the audience and not participate in any further discussion on said matter or he shall remove himself from the meeting room 4uring all deliberation pertaining to such matter. In no instance may a member be excused from voting merely due to an unwillingness to vote on the issue at hand and where no conflict of interest is found to exist.

6-5 A challenge to the existence of a conflict of interest or a challenge of an undisclosed conflict of interest may be filed by any-interest party with the PARC Committee. Such a challenge may be an appeal for a review of the findings of the PARC Committee or may be for the purpose of alleging an undeclared conflict of interest. Any challenge made to the PARC Committee shall be supported by competent evidence and shall be submitted at a properly convened meeting of the PARC Committee. The PARC Committee shall hear all evidence and shall by majority vote of the remaining regular members; make the final determination as to the existence of a conflict of interest.

. 6-6 In the event a PARC Committee member is found to have a conflict of interest and is excused from voting by the PARC Committee, he shall be replaced by an alternate member for that business associated with the conflict of interest.

ARTICLE VII
Meetings

7-1 Regular meetings of the PARC Committee shall be held on the first Wednesday of each month at 6:00PM in the Civic Building ~~beginning in September~~, provided that the meetings may be held at any other convenient place in the Town nearby area if directed by the Chairman in advance of the meeting.

Comment [ks5]: removed language did not make sense in the entire sentence. Added location of where meetings take place.

7-2 Each member shall receive an agenda packet for each meeting by email, mail, or hand delivery at least forty-eight (48) hours prior to the meeting. An agenda notice shall be conspicuously placed at the Indian Trail Town Hall at least forty-eight (48) hours prior to the meeting.

7-3 Special Meetings of the PARC Committee may only be called by the Chairman. At least forty-eight (48) hours notice of the time and place of special meetings shall be given, by the Secretary, to each member of the PARC Committee. Notice of such meeting shall also be conspicuously placed at the Indian Trail Town Hall at least forty-eight (48) hours prior to the meeting.

7-4 Whenever there is no business to come before the PARC Committee, or whenever so many members notify the secretary of their inability to attend that a quorum will not be available, the Chairman may dispense with a regular meeting by having the Secretary give written or oral notice to all members prior to the time set for the meeting. Notice of meeting cancellations shall also be conspicuously posted at the Indian Trail Town Hall and appropriate notification given to the press as required by North Carolina law.

ARTICLE VIII
Quorum and Voting

8-1 A quorum shall be a majority of those voting members attending each PARC Committee meeting, providing that there are at least ~~four (4)~~ three (3) voting members present. A quorum of PARC Committee shall berequired before any vote is taken.

8-2 Whenever a quorum is not present at a regular or special meeting, those present may adjourn the meeting to another day or hold the meeting for the purpose of considering such matters as is on the agenda (noting that no official votes can be taken as per Section 8-1 above).

Comment [ks6]: suggest adding note for consistency

8-3 No action taken at such a meeting shall be final or official unless and until the matter serving as the basis of the action is put before the PARC Committee by a proper motion and a vote is taken thereon at a meeting where a quorum of the PARC Committee is present

8-4 Voting, at the discretion of the Chairman, shall be by voice or show of hands. All matters to be voted on by the PARC Committee shall be by a duly made motion and second.

8-5 All meetings shall be open to the public. The order of business at regular meetings shall generally be as follows:

1. Call to Order
2. Approval of Minutes
3. Business Items
4. Discussion Items
5. Adjournment

8-6 Items of business for discussion at the meeting shall appear on the agenda. Business which is not identified on the agenda may be considered only after approval of a majority of a vote of the membership.

ARTICLE IX
Adoption of Amendments

9-1 These rules shall at all times be consistent with all ordinances of the Town of Indian Trail and laws of the State ofN01th Carolina. Should any provisions of these rules be inconsistent with such ordinances or laws of the State of North Carolina, the municipal or state ordinances and laws shall prevail

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 # (_____)_____ Date Submitted ___10-18-16_____

Date of Town Council Meeting to consider this item: ___10-25-16_____

Please indicate how much time you expect this matter to take: __5 mins_____
Description (give short summary of topic, this is how item appears on the Agenda.)

Council to discuss paying for a holiday luncheon for staff to go out to a restaurant____

_____

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

_____David Cohn_____

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

____ Consent Agenda	____ Schedule Public Hearing**	____Discussion
____ Presentation/Recognition	____Closed Session	____Work session
___x_ 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-Council to determine--Funding Source: Governing Body's Budget

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

Town of Indian Trail

Memo

TO: Mayor and Town Council

FROM: Kelley Southward, Town Clerk

DATE: October 11, 2016

SUBJECT: Discussion Item 13a: Council to discuss the draft ordinance amendment establishing an agenda setting committee and, if Council is ready to move forward then they should vote to schedule the public hearing for Tuesday, November 15, 2016, 6:30 PM at the Civic Building--100 Navajo Trail, Indian Trail, NC for Amendments to Council's Rules of Procedures contained in Section 30.02 of the Code of Ordinances.

During the July 12, 2016 staff was directed to amend the ordinance that regulates the way in which agenda items are submitted so that the Mayor, Manager and Clerk meet to determine what submitted items would be included on the Council's agenda. The UNC School of Government has noted that this specified group of people (elected official and two appointed officials that are staff members) meeting regularly for this specific purpose falls subject to the open meetings laws.

If Council is still interested in moving forward to change the way in which agenda items are submitted and included on the agenda then they should review the proposed draft, make any adjustments and then schedule a public hearing for a specific date, time and place (staff has suggested the next regular meeting date but Council can certainly pick any date of their choosing so long as advertising requirements can be met). The Section affected by this change is §30.02 Council Meetings; Rules of Procedure (A)(4) Rule 4. Agenda. Staff is also suggesting an amendment to §30.02(A)(1) Rule 1 as it currently states there is only one Council meeting per month and that such starts at 7PM (staff suggests amending to what is practiced--2 meetings per month beginning at 6:30 PM).

TITLE III: ADMINISTRATION

Chapter

30. GENERAL TOWN POLICIES

31. FINANCE; FUNDS

CHAPTER 30: GENERAL TOWN POLICIES

Section

30.01 Town Council monthly meetings
30.02 Council meetings; rules of procedure
30.03 Smoking in municipal buildings and vehicles

§ 30.01 TOWN COUNCIL MONTHLY MEETINGS.

The second Tuesday in each month at 7:00 p.m. in the Civic Building in Indian Trail, North Carolina, shall be and it is hereby designated as the regular monthly meeting time and place of the Town Council.
(Prior Code, § 30.01) (Res. 1, passed - -)

§ 30.02 COUNCIL MEETINGS; RULES OF PROCEDURE.

(A) The rules of procedure for the Town Council shall apply to meetings of the Council in open session and shall be:

(1) *Rule 1, Regular Meetings.* The Council shall hold a regular meetings on the second and fourth Tuesday of each month; except that, if a regular meeting day is a legal holiday, the meeting shall be held on the next business day. The meeting shall be held at Indian Trail Civic Building and shall begin at ~~7:00~~ 6:30 p.m. A copy of the Council's current meeting schedule shall be filed with the Town Clerk.

Comment: G.S. § 160A-71 allows the Town Council to fix a time and place for regular meetings. If the Council does not do so, it is required to meet at least once a month at 10:00 a.m. on the first Monday. Although the general law permits a Council to fix a regular meeting time that is less frequent than once a month, many town charters require the Council to meet at least monthly. G.S. § 143-318.12(a) (part of the Open Meetings Law) requires the Council's schedule of regular meetings to be kept on file with the Town Clerk. If the schedule is revised, the new schedule must be on file for at least seven days before the first meeting held pursuant to it.

(2) *Rule 2, Special, Emergency and Recessed or Adjourned Meetings.*

(a) *Special meetings.*

1. The Mayor, the Mayor Pro Tempore or any two members of the Council may, at any time, call a special Council meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. At least 48 hours before a special meeting called in this manner, written notice of the meeting stating its time and place and the subjects to be considered shall be:

a. Delivered to the Mayor and each Council member or left at his or her usual dwelling place;

b. Posted on the Council's principal bulletin board or, if none, at the door of the Council's usual meeting room; and

c. Mailed or delivered to each newspaper, wire service, radio station, television station and person who has filed a written request for notice with the Town Clerk.

2. Only those items of business specified in the notice may be transacted at a special meeting called in this manner, unless all members are present or have signed a written waiver of notice. (Even in such a case, the Council shall only discuss or transact items of business not specified in the notice if it determines in good faith at the meeting that it is essential to discuss or act on the item immediately.)

3. A special meeting may also be called or scheduled by vote of the Council in open session during another duly called meeting. The motion or resolution calling or scheduling the special meeting shall specify its time, place and purpose. At least 48 hours before a special meeting called in this manner, notice of the time, place and purpose of the meeting shall be:

a. Posted on the Council's principal bulletin board, or if none, at the door of the Council's usual meeting room; and

b. Mailed or delivered to each newspaper, wire service, radio station, television station and person who has filed a written request for notice with the Town Clerk.

4. Such notice shall also be mailed or delivered at least 48 hours before the meeting to each Council member not present at the meeting at which the special meeting was called or scheduled, and to the Mayor if he or she was not present at that meeting. Only those items of business specified in the notice may be discussed or transacted at a special meeting called in this manner, unless all members are present or those not present have signed a written waiver of notice and the Council determines in good faith at the meeting that it is essential to discuss or act on the item immediately.

Comment: Division (A)(2)(a)1. combines the special meeting notice requirements of the Open Meetings Law found in G.S. § 143-318.12(b) with the notice requirements for special meetings called by the Mayor, the Mayor pro tempore or any two Council members under G.S. § 160A-71(b)(1). While G.S. § 160A-71(b)(1) only requires that the Mayor and Council members receive six hours' notice of special meetings called by the Mayor, the Mayor pro tempore or two Council members, this rule increases the advance notice requirement for the Mayor and Council members to 48 hours. This change recognizes that the Council will want to be notified of special meetings called by a few of their number at least as far ahead of time as members of the news media and other persons on the board's "sunshine list" are notified (48 hours). (See G.S. § 143-318.12(b)(2).) A discussion of procedures and possible fees for inclusion on the "sunshine list" can be found in G.S. § 143-318.12(b)(2).