

Town of Indian Trail
Minutes of Regular Council Mtg.
April 28, 2009
Civic Building
6:00 P.M.

The following members of the governing body were present:

Mayor: John J. Quinn

Council Members: Gary D'Onofrio, Jeff Goodall, Shirley Howe, John Hullinger, and Dan Schallenkamp.

Staff Members: Town Attorney Keith Merritt, Town Clerk Peggy Piontek, Planning Director Shelley DeHart, Town Engineer Scott Kaufhold, Finance Officer Marsha Sutton, Tax Collector Janice Cook, Assistant to Town Manager Miriam Lowery, Deputy Clerk Trena Sims, Adam McLamb Engineering, Luke Fawcett, GIS Specialist.

CALL MEETING TO ORDER

Mayor Quinn called the meeting to order. He announced the budget workshop to be held on May 7th beginning at 3:00 pm.

Mayor Quinn called Sgt. Coble to the podium. Sgt. Coble introduced Carl Weber, advising he had 17 years as a Police officer in Marshville and as an Administrator in Marshville. Mr. Weber provided brief background experience information.

PRESENTATIONS

Mayor Quinn provided a little background information for Dr. Roger Fish. Ms. Piontek swore in Roger Fish to the Board of Adjustment

Mayor Quinn presented Deputy Clerk Trena Sims with the Proclamation for Municipal Clerk's Week.

ADDITIONS AND DELETIONS

Mayor Quinn announced that Mr. Moose was unable to attend, but he will be coming to the first meeting in May.

Dan Schallenkamp made a motion to approve adding as item 7d Resolution on House Bill 981, Budget amendment for annexation study costs as item as item 8c, Resolution for new roads as item 8d and change the order by putting items 8 ahead of items 7, and adding 7e discussion of town garbage Pickup.

Council voted unanimously in favor of the motion.

Jeff Goodall made a motion to approve adding discussion on House Bill 950 as item 7f.

Council voted unanimously in favor of the motion.

Mayor Quinn asked Council to make a motion to allow public comments for this meeting; it can be limited to the discussion of Holly Park or general business.

Mr. Schallenkamp expressed concern that it has not been advertised as a meeting where public input is being taken on this matter He feels we would not be allowing all citizens to speak.

Mayor Quinn requested that Council allow for general public comments for this meeting only.

Mr. D'Onofrio advised that Mr. Schallenkamp's concern would be echoed by that suggestion as well.

Mayor Quinn advised several weeks ago he asked Council to approve public comments at all meetings and the Council voted it down.

MOTION TO APPROVE AGENDA

Gary D'Onofrio made a motion to approve agenda as modified.

Council voted unanimously in favor of the motion.

CONSENT AGENDA

- a. Approval of revised minutes for February 24th and 28th , 2009
- b. Budget Amendment for promotional item
- c. Budget Amendment for reallocation of funds within Finance department
- d. Budget Amendment for reallocation of funds within Finance department
- e. Budget Amendment for reallocation of funds within Finance department
- f. Budget Amendment for reallocation of funds within Finance department
- g. Budget Amendment for reallocation of funds within Finance department
- h. Budget Amendment for reallocation of funds within Finance department
- i. Budget Amendment for reallocation of funds within Finance department
- j. Budget Amendment to reallocate fund to pay a bill on moving annex.
- k. Budget Amendment to reallocate funds for USA Hockey Advertisement.
- l. Budget Amendment to reallocate funds for move of Planning Department.
- m. Budget Amendment to appropriate funds to cover cost of original

- architect fees for Blythe
 - n. Budget Amendment to reclassify officer off duty assignment pay.
 - o. Budget Amendment to reallocate funds for computer equipment.
- (Copies of all budget amendments can be found on file in the Finance Office and are incorporated herein by reference)**

Shirley Howe made a motion to approve Consent Agenda.

Council voted unanimously in favor of the motion.

Mayor Quinn informed the citizens that Council has the ability to authorize public comments at any time.

Mr. Schallenkamp apologized to the people who were lead to believe there would be an opportunity for public comments this evening. That is not the case; we never have allowed public comments at our second meeting of the month. If we chose to hear from the people here then we would be discriminating against the people who did not know they would be able to speak. He apologized again if they were mislead to believe public comments would be allowed on this issue tonight.

Mayor Quinn countered that any public meeting where citizens are allowed to speak. The ones that are heard are the ones that show up, not the ones that don't. Again, he appreciates the fact that you are here, but hopefully the information will be helpful to you and if the council chooses to change their mind they can do so.

OLD BUSINESS

Board Appointment Process

Ms. DeHart provided the history of the matter and advised that many of the town committees have different term start dates. The intent was to streamline the process and the easiest way is to establish the same term start date at July 1, and advertise once a year. However we have 5 committees and 2 Boards, we have provided an outline for a 2 step process.

A citizen handed Mr. Schallenkamp a notice and he read it. Mr. Schallenkamp read the notice.

Ms. DeHart continued advising that there is a two step process advising that the draft put before them has the twice a year process, set all the committees appoint time start date of April 1st, we would advertise January 15th, have a cut off date of February 20th and then appoint in March for an April 1st start.

Mr. Merritt advised that the Mayor has left the meeting and suggested that the Council vote to pass the gavel to the Mayor Pro Tem in his absence.

Mayor came back into the meeting and asked what took place. Mr. Merritt advised was making the Clerk aware for the record that the Mayor had left the meeting temporarily and inquired if the

Council wanted to vote to have the Mayor Pro Tem take over the meeting until Mayor Quinn returned.

Ms. Howe commented that it is inappropriate for the Mayor to leave the meeting without asking to be excused or passing the gavel, you do it quite often.

Mayor replied that he stepped out to engage some of our public who had come as a result of the town's solicitation and apologized for any confusion.

Ms. DeHart again inquired if Council would like to keep the matter as is or would they prefer 2 times a year.

Mr. D'Onofrio inquired if anything would have to change if Council wishes to solicit two times a year. Ms. DeHart replied yes, the draft policy has been modified that it would be advertised on two different dates for openings and it can be further clarified which date belongs to what.

Dan Schallenkamp made a motion to approve adopting the draft Resolution as modified by the appointment policy. Set all the committees appoint time start date of April 1st, we would advertise January 15th, have a cut off date of February 20th and then appoint in March for an April 1st start.

Council voted unanimously in favor of the motion. **(COPY ATTACHED HERETO AND MADE A PART OF THESE MINUTES)**

**Appoint Council Person or Resident to serve on Union County's
Transportation Advisory Board**

Council Member Howe advised that this matter was heard and tabled at the last meeting, since then she has spoken to Mr. Schallenkamp and he has agreed to take the position with Council's approval.

Shirley Howe made a motion to approve appointing Mr. Schallenkamp to serve on Union County's Transportation Advisory Board.

Mr. Schallenkamp thanked Ms. Howe and said he is honored and will be happy to serve in that capacity.

Council voted unanimously in favor of the motion.

NEW BUSINESS

**Public Safety Committee Level Of Service
(LOS) Recommendation**

Mr. Fawcett advised that Mr. McLamb had the flu and apologized for not being able to be present. He informed Council there are a few committee members in the audience if Council feels they would like to ask some questions.

Introduction of the project in January 2009 they received a new direction by Town Council - does Indian Trail need to extend their contract with the Union County Sheriff's Office (UCSO) for personnel in order to provide a greater level of service for the next 12-24 months in law enforcement. There were 3 matters the committee specifically directed their attention to:
Do we need to increase the number of officers?
Does it need to stay the same/decrease?
The types of officers?

Research and Analysis used to make the recommendation:

1. Public Opinion - town surveys one by UNC and the towns own survey - as a result of this survey the citizens gave a public opinion. The committee saw and recognized a general support by the citizens in increasing the law enforcement for the town and having a greater visibility of law and traffic enforcement for the town.

2. Current and Future Growth factors were current economy, public works and approved housing units. This was done in January when the economy took a bad turn which had an effect on the figures that the committee had for the future growth of the town, which is a factor in the decision making process. They did use future projections, approved housing units already out there for the town that could see an increase of 10,000 people within the next 5-10 years. That was taken into consideration along with the current state of the Public Works in Union County which is limiting the growth in the town as well.

3. Comparables - how do other towns structure their law enforcement and how they compare to what we have. UNC Charlotte report had benchmark communities that they used and analyzed. All of them had their own police department. What our committee discovered is that it is hard to compare Indian Trail to other communities, due to the demographics of different communities; the socio economic factors; the economy; their location to larger metropolitan areas, as every community is different, they track their statistics differently which made it difficult to compare.

4. Staffing Methodologies:
UNCC Regression Model - concluding that Indian Trail could use more officers based on the size of the town and the growth.
A report from the University of North Carolina had a report that took into account calls for service - average time per call number of officer hours spent and how many officers a town needs. As a result of this they came up with 29 officers.

5. Workload:
Mr. Fawcett advised that the committee went to the Sheriff's office for these answers, finding this the most helpful to the committee. Sergeant Chase Coble provided the data and information, he suggested a Community Service Officer, this officer can serve in many roles, such as a reach out to many communities, schools, help on special issues that a community might come up with along with formulating plans and ways to tackle some of the issues that come up. It is a flexible position in that when he is not performing outreach, he can also serve as a basic patrol officer or

traffic patrol; additional patrol officers, ideally to have two patrol officers on duty on each shift; to have control of these officers additional supervisors will be needed to oversee the new increase in staffing levels.

Committee recommendations:

Each member of the Public Safety Committee performed individual research and developed proposals and recommendations to further enhance committee discussion.

The committee recommends:

For fiscal year 2009-2010, the committee recommends adding 1 Community Service Officer, addition of 2 supervisor positions consisting of 1 Sergeant and 1 Lieutenant, 5 patrol officers and the addition of 1 radar trailer, this was in answer to the citizens concern about traffic violations and Sergeant Coble's comments that the current radar trailer does not track the speeding violations in a data base. This would also assist in offsetting some of the manpower.

2010-2011 fiscal year

The Public Safety Committee wishes to come back to the issue in 6-9 months, relook at some of the things that the committee did and hopefully have a recommendation by March 2010 for any specifics for the Council. The purpose is for population levels, to obtain deeper statistics for crime and calls for service, additional citizen feedback and coverage and to see if there is any progress in the first year recommendations and see how they were implemented and determine if there are any changes needed.

Summary:

Importance of a more lengthy and comprehensive analysis of the LOS provided by the UCSO. The committee feels that this could be united to an adopted plan and/or town ordinances. They came away with the conclusion that this is Indian Trail as a town, they as citizens and you as Town Council and it is all of our jobs to come up with a standard as a level of service. As much as we look to other towns and research other communities, Indian Trail really needs to come up with our own vision of what that standard is for our town.

Mr. Fawcett commented that there is no magic formula, no Indian Trail twin that we can look at and model from. There is more work ahead with a big vision of what Public Safety in general could look like and how it could govern the way we go from here. But for the short term, the committee provided you with recommendations with the hope that it will be of some benefit for your upcoming deliberations in the next few weeks.

Mr. D'Onofrio thanked Mr. Fawcett and the committee for getting the report in on time.

He asked about total number of officers needed on page 5 of the actual recommendation report, reading that our current number of officers is 13 and the current number of zone officers is 6, advising that 6 is the actual number of officers that are on patrol, not the number of officers needed to have 6 on patrol. Whereas in our contract officers (13) is the amount that we have in total not the amount that are on patrol at any given time, on patrol is 2-3 or the occasional 4, so adding those numbers up he sees a problem.

Mr. Fawcett explained that zone officers are officers in Union County that can be counted in the coverage but not specifically just Indian Trail, they consider them added bonuses. They are out

there working, but not included in the number of officers we have contracted. So the 13 under contract and the 6 zone officers, that would leave which would mean the town would have to add 10 additional officers on top of that to have a total of 29. Discussion continued between Mr. D'Onofrio & Mr. Fawcett.

Mayor Quinn advised for the purposes of clarification for the citizens present, we know that to have 1 patrol officer on the street for 24 hours every day, you have to hire 4.65. We benefit through the relationship with UCSO is that we have the advantage patrol coverage that we don't have to pay for, two zones within Union County are incorporated in Indian Trail. He has been informed by the Sheriff's office that at any given time there are at least 2 officers patrolling the town that we don't have to pay for because they are part of the zones. Stallings does not get that benefit because they have their own police department. Because the numbers of calls in Indian Trail are so much greater than any other part of Union County, these officers are here patrolling, we're getting the benefit of it without having to hire officers.

Sergeant Coble explained that there are 2 officers to the north and 2 to the south that cover into Indian Trail. It would fluctuate at any given time, along with the supervisors.

Mr. D'Onofrio asked for confirmation that his assumption that this number is an interpretation of the amount of officers in total that we benefit. Sergeant Coble advised it is the committee's formula and calculations and he believes they were trying to be conservative for you.

There was a lengthy discussion pertaining to this subject.

Holly Park Phase IV Road Connection

Ms. DeHart advised this is a request for direction from Council. It is an outstanding condition of SUP 2002-006 and 2002-006M advising that the developer is unable to fulfill the condition. The bond (\$58,784.00) will not cover the cost of the road connection as conditioned (a full service access) it's estimated at \$500,000 - \$750,000

Options for Council consideration to complete as a right in right out, cul de sac eliminating connection into Wesley Chapel, cul de sac with a landscape berm and an electronically controlled gate for emergency vehicle access from Wesley Chapel or the last option would be to do nothing.

History - Planned Unit Development approved on August 12, 1997, it was amended in 2002 to SUP 2002-006 which was approved in October 2002, it was amended again SUP 2002-006 heard by the Planning Board in September 2006. A request to modify the condition of the SUP to eliminate the road connection and cul de sac the road.

NCDOT & UCFMO both stated that the amendment as proposed to cul de sac meets their requirements without connection, survey conducted by HOA of Holly Park indicated 2/3 residents approved that cul de sac.

Recommendation passed onto the Town Council to approve the cul de sac, they took public

testimony which included safety for children, cut through & speeding, own access - connection would never occur. Considered required findings one not found - Proposed modification will not endanger the public health and safety and was disapproved. The Developer turned in road construction plans in 2007.

There is an outstanding condition & inadequate funds to cover the condition as proposed; a letter from NCDOT stating it is their belief that less points of access onto Wesley Chapel is preferred. They also indicated that leaving as is or making the connection would meet their requirements. UCFM provided a statement with reference to the NC Fire Code 503.1.2 - enough access points providing the additional access point will not significantly increase response time.

Mr. Kaufhold went over the options:

Option 1 - to extend Holly Villa Circle to Wesley Chapel Stouts Road with a restricted right in right out access. Cost estimate to the Town is \$220,000.00

Option II - Cul De Sac Holly Villa Circle, cost estimate to the town \$41,000.00

Option III - cul de sac Holly Villa Circle with a landscaped berm and an electronic access gate for emergency vehicles, cost estimate to the Town is \$51,000.00

Option IV is to do nothing, cost to the Town nothing.

Mayor Quinn asked Mr. Kaufhold for his recommendation as the Town Engineer. Mr. Kaufhold provided his recommendation stating that the Fire Marshall's comments and his recommendation is for Option II to cul de sac the road.

There was a lengthy discussion pertaining to this matter.

John Hullinger made a motion to table this discussion until our next regularly scheduled meeting to allow the residents to have their input in public comments.

Mr. Hullinger withdrew his motion.

Jeff Goodall made a motion to approve having staff call the bond prior to the expiration.

Council voted unanimously in favor of the motion.

A lengthy discussion pursued.

John Hullinger made a motion to table until the May 12th meeting, and provide notice to the same group of people who was noticed for this meeting and informing them the Council will allow a special public comment period of 30 minutes with each speaker being allowed 3 minutes a piece.

Motion Failed 3 - 2 with Jeff Goodall, Shirley Howe, and Dan Schallenkamp opposing.

Dan Schallenkamp made a motion to table until the May 12th meeting, and provide notice to the same group of people who was noticed for this meeting and informing them the Council will allow a special comment period of 30 minutes 3 minutes a piece with an add in the paper as is customary and on the website.

Council voted unanimously in favor of the motion.

Budget Amendment for Annexation Study.

Ms. Sutton advised this amendment in the amount of \$14,081.25, it is for the costs that have been incurred for the annexation that was previously discontinued. It has not been budgeted for and it will be taken out of the fund balance for professional services.

Mr. D'Onofrio inquired how much is still outstanding on this matter. Ms. Sutton advised this is everything according to COG and the balance due Eagle Engineering to the best of her knowledge.

Dan Schallenkamp made a motion to approve budget amendment request for the annexation study.

Council voted unanimously in favor of the motion. **(Copies of this budget amendment can be found on file in the Finance Office and is incorporated herein by reference)**

New Road Resolution

Mr. Kaufhold advised as this is written as a Resolution to maintain certain streets is a requirement from NCDOT when going through the right of way abandonment process, along with this we submit a SR3 form which is a list of street names and mileage and must get it to them by May 1st.

Gary D'Onofrio made a motion to approve New Road Resolution

Council voted unanimously in favor of the motion. **(COPY IS ATTACHED HERETO AND INCORPORATED INTO THESE MINUTES.)**

DISCUSSION & POSSIBLE ACTION

Events Advisory Committee Update

Mr. Goodall advised it's a quarterly update to keep Council advised on what the committee is discussing. Mr. Goodall read the report for the purpose of the audience.

Mr. Goodall asked Council to approve directing the Town Manager, Town Attorney to draft a funds/solicitation policy and sponsorship policy.

Personnel changes, original VFW rep was Jack Campbell but he sent over Mike O'Brien and need Councils approval.

We also would like 2 alternates. This would bring the committee to 13 regular members and 2 alternates.

Dan Schallenkamp made a motion to approve accepting Mike O'Brien as the new VFW representative on the Events Advisory Committee.

Council voted unanimously in favor of the motion.

Mr. Hullinger would prefer to not add alternates.

Dan Schallenkamp made a motion to approve authorizing the creation of 2 alternate positions on the Events Advisory Committee.

Motion Passed 4 - 1 with John Hullinger opposing.

Dan Schallenkamp made a motion to approve instructing staff to research and draft these 2 policies (Solicitation and Sponsorship Policies) subject to legal counsel review.

Council voted unanimously in favor of the motion.

David Lawrence Professorship

Ms. Howe advised that David Lawrence is retiring from the Institute of Government and the school wants to establish a professorship in his name.

Her goal is to unite all of Union County. She is requesting the following:

1. All of us (Mayor, Council, Clerk) provide a \$25.00 check designated for this professorship.
2. Permission to ask our clerk to compose a letter to contact the other 13 municipalities and the County Commissioners requesting a personal donation of at least \$25.00.

The checks will be made out to the School of Government and will be held in our office so no special account will be necessary. We will have a cut off date that is agreed upon and then send the checks as a unified gift from Union County.

Shirley Howe made a motion to approve for the clerk to contact the other municipalities and the County Commissioners and suggesting a personal donation in the amount of \$25.00 subject to legal and financial approval.

Council voted unanimously in favor of the motion.

Contract for Compunet World

Ms. Sutton explained the July 1- August 31, of the following year. This is a flat rate contract (which is unusual for these type of providers) in the amount of \$4,600.00 a month which equates to \$55,200.00 per year. It is a one year contract but it does state that the agreement will automatically renew on a yearly basis unless otherwise agreed to by both parties. There is a 60 day termination notice.

There was a lengthy discussion on this matter.

Dan Schallenkamp made a motion to table contract for Compunet World until later in the meeting when Ms. Sutton is able to provide information pertaining to the prior contract.

Council voted unanimously in favor of the motion.

Resolution in opposition to House Bill 981

Mr. Schallenkamp read the Resolution. He advised that the County Commissioners passed a similar resolution. If Council decides to approve this tonight, it's up for tomorrow with the Local Government II Committee and we should make every attempt to get it to them before 9:00 a.m. tomorrow morning. He informed Council that he left a message with Representative Blackwood that we may pass this Resolution tonight and if we do so could he assist us and see that it gets in front of that committee before their appointed discussion. He had not heard back from Mr. Blackwood as of this time.

Gary D'Onofrio made a motion to approve adopting the Resolution protesting the 2009 House Bill 981 with the correction aforementioned being one word instead of two.

Council voted unanimously in favor of the motion. **(COPY ATTACHED HERETO AND MADE A PART OF THESE MINUTES)**

Garbage Discussion

Mr. Schallenkamp advised he had a discussion with Nelson O'Neil and feels we must take steps necessary to educate the citizens on rules of garbage through the newsletters and website.

Mr. O'Neil pointed out the obligation of the contract states they are responsible to pick up one 96-100 gallon roll out bin per household. The message was they are doing some things in the scope of the task not in the contract. We need to consider adjusting our policy and make it well known that in the future the additional trash will not be picked up.

Mr. Nelson also brought up one issue where the County sent a letter in June 2006, advising they will issue credits of \$40 per ton for the recyclables, but there's a cap of 10% by weight of the municipal solid waste.

There was a lengthy discussion by Council.

Jeff Goodall made a motion to approve Ms. Sutton calling the garbage vendor to clarify cart or carts and invite him to the budget workshop to give a presentation.

Council voted unanimously in favor of the motion.

House Bill 950

Dan Schallenkamp made a motion to table 7f House Bill 950 to a later date.

Council voted unanimously in favor of the motion.

PLANNING REPORT

There was no Planning Report this evening.

ENGINEERS REPORT

Mr. Kaufhold and Mr. McLamb explained the remodeling of the Administration building. He's working on getting cost estimates, with the hopes of incorporating some of the landscaping design. He is trying to have everything together for the Finance Director to present for the budget process.

Mr. Kaufhold on Bypass - advised they are still holding fast to the start date of late 2010 and opening on 2013. NCDOT has plans to resurface Old Monroe Road from Mecklenburg County line up to Indian Trail Road. That will happen this summer, in the evenings.

MPO meeting update:

TCC meeting held for August Lee Project in Cornelius -2 things to be accomplished 1) amend thoroughfare and 2)amend TIP

It was not a unanimous decision - majority voted for the project.

Wayne Herron, Chairman advised there is a lot of impact, possibly not the most straight forward process because of the timing but that's what planners are there for to help work some of these issues. Fabulous development where a lot of private investors going into it. For the TCC there is 90 million dollars in roadway improvements to include a new interchange on 77, all to be funded by the private development process. For MUMPO it will free up some funds from one of the projects that Cornelius had.

Schallenkamp inquired if there are any other matters on the MUMPO agenda tomorrow night.

Mr. Kaufhold advised that's the main purpose of the meeting, there's another matter about general transportation improvement program amendments.

Mr. Schallenkamp suggested that Mayor should ask us for a motion to vote in the affirmative in these matters according to the staff's recommendations.

Dan Schallenkamp made a motion to approve voting in the affirmative in the same direction as the TCC votes went on those couple of matters coming up on your MUMPO meeting tomorrow night.

Council voted unanimously in favor of the motion.

COUNCIL COMMENTS

Mr. Goodall thanks the town staff members who worked behind the scenes in putting the Farmer's Market and Earth Day together, they were great. He appreciates everyone supporting it.

Mr. D'Onofrio agreed with Mr. Goodall, that it was a great event and thanked staff for their hard work. He apologized for missing the Spring Clean up, as he was out of town.

Mr. Schallenkamp commented on the Mayors request to make modification to the town website. His recommendation would be that any changes to website be approved by the Council in terms of content from the Mayor and other elected officials, as any information on the website represents all of us as a whole and the town. He feels that we should have a policy which states that Council should get final say on changes proposed by any elected official and he feels Council should review and approve Mayors letter prior to it going on the website. We received an email pertaining to the Duke Energy underground conversion pilot plan; he is suggesting assigning a staff member to determine if we want to pursue it.

He would like to understand why we had to take our own banners down advertising the Farmer's Market and how Mr. Hullinger became our MUMPO alternate.

Mayor Quinn advised that after the termination of Town Manager Family Circle called and expressed concern. He has received a couple of emails and a phone call wanting to know what the deal was, he provided limited information to them. They were concerned that there was dysfunction among the Town Council and has not heard back from them since. It will be reviewed by the editors and it was implied that it could take us out of the running.

Mr. Schallenkamp's reference to the Mayors request to modify the website is about a request he had made about a writing that he has made on the fall newsletter be amended. There are 2 sentences in there that he can not in good conscience state. He does not want to communicate anything that he doesn't believe. Those 2 sentences, he believes are before Council, he's asking that those sentences that he wrote be amended and removed and they will not effect the quality of the article.

The banners it was discovered the town in past ordinances had exempted itself along with churches and other non profits for putting up banners and that was not included in the new UDO so the banners were removed after an inquiry to me from a business owner, he inquired to the staff and upon review that exemption does not exist and it has to be brought back to the Council to approve.

Ms. Howe thanked staff for the Farmers Market, Earth/Arbor Day, Spring Clean Up Day, they did a great job. The Firemen's Dinner is Friday at 6:30 at the VFW. Down the road we're going to have to look into grass cutting on homes abandoned or foreclosure and see what we can do about it.

Ms. Howe asked Mayor Quinn to share with Council the emails that were sent back and for with the Family Circle Magazine. She would like to know what was said to them if he thinks we're out of the running. Mayor Quinn advised it was a phone conversation, I was attempting to respond to an email and never got to finish it, he was working on an email on how great we are and never got to send.

As for his question on taking something off the website that has been there since September, if we're taking a vote she does not agree, it's on there and is water under the bridge.

Ms. Piontek sent out an email regarding lunch for 15 of the town employees at Chipolte. He told the restaurant that we had approximately 30 people and asked Council if the town could cover the lunch for the rest of the employees as we're only allowed for 15.

CLOSED SESSION

Dan Schallenkamp made a motion to enter closed session N.C.G.S. 143-318.11 (a)(6) To consider the qualifications, competence, performance, condition of appointment of a public officer or employee or prospective public officer or employee.

N.C.G.S. 143-318.11(a)(3) consult with an attorney to protect attorney client privilege.

Council voted unanimously in favor of the motion.

Dan Schallenkamp made a motion to approve entering back into Open Session.

Council voted unanimously in favor of the motion.

Dan Schallenkamp made a motion to approve appointing Peggy Piontek as Interim Town Manager subject to an agreement being drawn up by the Town Attorney which will contain the following stipulations: salary of \$72,000.00 per annum, she will have the ability to return to her position as Town Clerk. After serving as Interim Town Manager until a new Town Manager is hired, a \$5,200.00 salary increase to her current salary as Town Clerk will be provided, effective as of April 29, 2009.

Motion Passed 4 - 1 with John Hullinger opposing.

Ms. Piontek asked if Council would be coming in to address staff tomorrow.

Mr. Schallenkamp advised this was a good question and he has prepared a draft press release and requested Council advise if they want to modify it.

Mr. Goodall recommended a revision of the second paragraph to read "will provide continuity and stability".

Mr. Schallenkamp suggested striking the month/day/year and replace it with just the month/year of Ms. Piontek's start with the Town. In addition to the first sentence he suggested putting the effective date of her appointment.

Mayor Quinn advised there was no mention of him. Mr. Schallenkamp advised when we refer to Council many times it's all six of us. Mayor Quinn advised if you're referring to the Council as a whole it was not a majority decision. Mr. Schallenkamp advised we will vote on this press release and if the majority agrees, then this is the press release. Mayor Quinn replied he was just pointing out some things.

Dan Schallenkamp made a motion to approve press release, for immediate release as modified.

Council voted unanimously in favor of the motion.

ADJOURN

Gary D'Onofrio made a motion to adjourn

Council voted unanimously in favor of the motion.

APPROVED:

John J. Quinn, Mayor

Attest:

Peggy Piontek, Town Clerk