



Town of Indian Trail
Minutes of Town Council
August 9, 2011
Civic Building
6:30 P.M.

The following members of the governing body were present:

Mayor: John J. Quinn

Council Members: Robert Allen, Jeffrey Goodall, Darlene Luther, and Roger Stanton.

Absent Members: Gary D'Onofrio.

Staff Members: Town Manager Joe Fivas, Town Clerk Peggy Piontek, Town Attorney Keith Merritt, Finance Director Marsha Sutton, Planning Director Shelley DeHart, Town Engineer Scott Kaufhold, and Tax Collector Janice Cook.

Press/Media: Brian Carlton of the Union County Weekly, WSOC News, and Fox News.

CALL MEETING TO ORDER

Mayor Quinn called the meeting to order, lead the Pledge of Allegiance and welcomed everyone.

ADDITIONS AND DELETIONS

Roger Stanton made a motion to approve adding a Consent Judgment to the Consent Agenda as item 7 | Council voted unanimously in favor of the motion.

Mayor Quinn announced Mr. D'Onofrio is not here and Mr. Fivas informed Mayor Quinn that Mr. D'Onofrio advised us that his plane was delayed and hopes to attend later.

MOTION TO APPROVE AGENDA

Robert Allen made a motion to approve the agenda as modified. Council voted unanimously in favor of the motion.

PUBLIC COMMENTS

Arthur Spurr, 4100 Woodcreek Court, Indian Trail congratulated Union County Sheriff's Office for the fine job they do, and expressed his concern about the ABC Store not having proper police and law enforcement as is required by State law. It should be part of the operating expenses for that board. He believes both the Council and State Board are lacking in their responsibility. Mr. Spurr feels the ABC store is in an unreasonable proximity to a church which is illegal. He went on to read several statutes and emails.

Jonathan Baer, 5517 Rogers Road, Indian Trail, NC exercised his first amendment rights by advising that the Council has conspired to exclude Mayor Quinn in the interview process for the vacant Council seat. He requested the resignations of Council Members involved and advised he has contacted Representative Horn about the matter. *The rest of the audio is inaudible.*

Dr. Carlton Aldrich, 2033 Fripp Lane, Indian Trail, NC addressed concerns that have been raised regarding the ABC Store. He distributed to Council and Mayor a letter from Agnes Stevens of the ABC Commission in North Carolina. Mr. Aldrich went onto to read the letter which states that the ABC Store is in compliance with the statutes.

Barbara Santon, Sandalwood Subdivision, Indian Trail, NC expressed concern about the infrastructure for Stone Theaters. If it will enhance traffic congestion on Wesley Chapel Stouts Road and the intersection of Old Monroe Road she is in favor of it, but if at the cost of the taxpayers in the form of loans she disagrees with it, as it will create a tax increase. Ms. Stanton requested Council consider stronger communication with Stone Theatres to have them pay a portion of what is typical, as the taxpayers cannot afford it.

Steven Long, 1012 Cranston Crossing Place, Indian Trail, NC read into the record his thoughts on the ABC Store, alcohol and the ABC Board's compliance with the Statutes. *Mr. Long's recording was difficult to understand.*

Cathi Higgins, 3004 Clover Hill Road, Indian Trail, NC addressed Mr. Spurr's comment that all Indian Trail citizens are concerned about the location of the ABC Store; she feels the store location in a shopping center has no effect or concern from her.

PRESENTATIONS

a. Present July 4th Parade Float winners with plaques

Ms. Jagu Blumer owner of the Indian Trail UPS Store thanked the town for the opportunity to participate in the parade and handed out plaques for the following categories: Best Youth - Peaceful Warrior; Most Creative - Arena Racing; Best all around - Extreme Ice Center; Most Patriotic - I Love Yo!

b. Representative Craig Horn

Representative Craig Horn presented an update on what is going on in Raleigh - 24 new members of the House and 13 new members of the Senate. On Jan 24th the office inherited a budget deficit in excess of 3 billion and when they recessed the 27th of July passing out general funding expenditure that was balanced budget. Mr. Horn went onto explain the hard work performed by the Legislature this session by listing the many Bills that were passed, specifically encouraging the Town to review the laws in vegetation that were passed.

c. Senator Tommy Tucker

Mr. Tucker informed Council that the Senate got out of Session in 87 days, the earliest since 1973, saving taxpayers \$61,000 per day. Coming up on September 12th should be 2 or 3 constitutional amendments, the Marriage Amendment (between a man and woman), Imminent Domain and the 3rd could be limiting the power of legislators. The Speaker of the House and President Pro Tem of Senate can serve no more than six consecutive years. North Carolina has an AAA Bond rating and we are Six Billion Dollars in debt. We have not had a referendum by the people to increase the debt in North Carolina since 2003; he does not plan to have it happen on his watch.

Mayor Quinn thanked both gentlemen for coming.

d. Indian Trail ABC Board Presentation

Ken Porter, Chairman of the Board provided the history of the store, informing everyone that all expenses incurred by the town were refunded when the doors were opened. He went on to explain the sales have exceeded their budget, they are self funded and expect it to continue. However it has not been without challenges, the management needed replacement, computer systems; we needed additional storage space in order to take advantage of the bottle discounts from the State, water intrusion that needs repairing. The sales for 7.5 month period were approximately \$1,400,000. They are currently negotiating with USCO and Sheriff Cathey, they have had coverage from day one but they do not have a contract. Mr. Porter explained the difference for the audience

and Council.

Upon Completion of the presentation Mayor Quinn, Council and the ABC Board had a lengthy dialogue.

Council took and returned from a short break.

COMMITTEE APPOINTMENTS

a. Transportation Committee Appointment

Jeffrey Goodall made a motion appoint Marion Mike Knight to the Transportation Advisory Committee. Council voted unanimously in favor of the motion.

b. Park Tree & Greenway Committee Appointment

Jeffrey Goodall made a motion appoint Justin King to the Park Tree and Greenway Committee. Council voted unanimously in favor of the motion.

CONSENT AGENDA

- a. Tax Report - Month end for July 2011
- b. 2010 Tax Settlement
- c. Approval of July 26, & 27, 2011 minutes
- d. Annexation Ordinance #129 Petition
- e. Resolution directing the Town Clerk to investigate the sufficiency of the proposed voluntary annexation petition **(COPY ATTACHED HERETO AND MADE A PART OF THESE MINUTES.)**
- f. Certificate of Sufficiency by Clerk **(COPY ATTACHED HERETO AND MADE A PART OF THESE MINUTES.)**
- g. Resolution setting the public hearing date to hear the annexation for September 13, 2011 **(COPY ATTACHED HERETO AND MADE A PART OF THESE MINUTES.)**
- h. Budget Amendments **(COPY CAN BE FOUND ON FILE WITH THE FINANCE OFFICER AND IS INCORPORATED HEREIN BY REFERENCE.)**
- i. Resolution to Assume Maintenance of Certain NCDOT Streets **(COPY ATTACHED HERETO AND MADE A PART OF THESE MINUTES.)**
- j. Urban Forester Agreement **(COPY ATTACHED HERETO AND MADE A PART OF THESE MINUTES.)**
- k. Crismark Subdivision Street Acceptance **(COPY ATTACHED HERETO AND MADE A PART OF THESE MINUTES.)**
- l. Judgment Consent **(COPY ATTACHED HERETO AND MADE A PART OF THESE MINUTES.)**
this item was added as a result of a motion made in item 2

Jeffrey Goodall made a motion to approve pulling the July 27, 2011 minutes for a minor correction. Council voted unanimously in favor of the motion.

Mr. Goodall requested that page 2 "Union County Citizens for Progress" be corrected to state the correct name of the agency.

Robert Allen made a motion to approve the Consent Agenda without the July 27, 2011 minutes. Council voted unanimously in favor of the motion.

Robert Allen made a motion to approve the July 27, 2011 minutes as with correction as stated by Mayor Pro Tem. Council voted unanimously in favor of the motion.

PUBLIC HEARINGS

- a. **ECONOMIC DEVELOPMENT INCENTIVES** This hearing was published in the Enquirer Journal on July 30, 2011 Indian Trail Town Council will consider the provision of economic development incentives pursuant to G.S. 158-7.1, as well as the possibility of providing other loans or incentives. The Indian Trail Town Council intends to consider a combination of an incentive grant and / or loans to Stone Theatres Management, LLC in a total amount not to exceed \$250,000 for the purpose of funding required infrastructure improvements.

Mr. Fivas provided some history on this subject. Mr. Fivas announced that the Town along with assistance of other parties and NCDOT have come up with an agreement with the State that they will assist in funding a majority of the road improvements. He explained the benefits of this project and proposed to Council, in light of this information, not to do an economic development incentive. We have been very successful in articulating that this is a road infrastructure project with several schools involved. We can roll State funds; leverage our local dollars and getting 3-4 dollars back from the State. This will be very similar to the road improvements done to Indian Trail Fairview Road, resulting in a safer road and preparation for the Bypass. He suggested suspending the rules and amending the agenda for a resolution that would commit \$200,000 of town money and the state will contribute the balance. This Resolution would encompass road improvements on Sardis Road, around Highway 74, substantial improvements on Wesley Chapel Stouts Road and Old Monroe Road.

Mr. Fivas also suggested not discussing the Economic Development Policy until we receive additional information from our consultant.

Roger Stanton made a motion to approve suspending the Rules and to add a discussion of the Resolution to fund certain roadway improvements to the agenda. Council voted unanimously in favor of the motion.

Michael Falkenberry, 519 Picket Circle, Indian Trail, NC requested to speak. Mayor Quinn replied with the Council's permission, there were no objections from the Council. Mr. Falkenberry expressed concern over changing the rules at the last minute, he advised if you have an agenda you should stick to it, if you have a Public Hearing it should be for the public. He addressed an article he read about the theatre and explained he requested information from the Clerk for any and all correspondence between Council Members Luther and Allen and Stone Theatre or the developer and was advised that none existed. He has concerns about the development of the theatre right behind his neighborhood and requested the Council Members and Town Manager to attend a meeting that will take place on Saturday between the developer and the homeowners. When they last met, the neighborhood requested a berm and a wall and he feels the wall will not be built. He asked if the Council will step up on the citizen's behalf and attend the meeting on Saturday morning.

Mayor Quinn and Mr. Fivas had a lengthy conversation about who benefits in this arrangement and Mayor Quinn commented that he is the only one who knew nothing about it. Mr. Fivas advised this was discussed at the Special Meeting held last night which is why the Council is familiar with it. Mr. Allen stated "for the record" Mayor Quinn was not at the meeting last night.

Mr. Goodall inquired if this was already on the Transportation Improvement Plan (TIP)? Mr. Fivas replied yes it was.

Ms. Luther commented that she believes this is a roadway improvement issue that should not solely rely on Indian Trail. The County should have made improvements before putting four schools there. We contacted our Legislative Body to inquire and ask why we are the only ones responsible. Representatives Horn and Tucker agreed and assisted in getting NCDOT involved to pick up the balance of the expense.

Mr. Allen expressed his appreciation to Mr. Tucker and Mr. Horn and advised he feels confident that we are now truly represented in Raleigh.

Mr. Goodall thanked Mr. Horn and Mr. Tucker for their contribution and stated this is an outstanding opportunity for Indian Trail to engage in a new partnership with North Carolina Department of Transportation.

Jeffrey Goodall made a motion to approve the Resolution to fund certain roadway improvements as presented by the Town Manager.

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

Mr. Tucker expressed his appreciation to the Council for their service, acknowledging that it's a difficult task. He addressed the citizens and informed them that it was both his and Mr. Horn's pleasure to get something done for that intersection. They saw an opportunity to get the State to take a look at that intersection and the commitment of the Town dollars was the catalyst to getting it done.

Robert Allen made a motion to approve suspend rules and remove item 8a Economic Development Incentives from the agenda.

Council voted unanimously in favor of the motion.

BUSINESS ITEMS

There were no items to discuss

DISCUSSION ITEMS

- a. **Discussion of future economic development incentive policy**

This item was not discussed.

- b. **Indian Trail Citizen Academy**

Mr. Fivas explained that we are considering putting together a pilot project for our citizens in January as training on how government works. Council had a discussion about this topic.

Robert Allen made a motion to approve pursuing Indian Trail Citizen Academy and bring back to Council in a month or so.

Motion Failed 2 - 2 with Jeffrey Goodall, and Darlene Luther opposing.

Mayor Quinn broke the tie vote by voting against the motion. The motion failed 3-2

MANAGER'S REPORT

Mr. Fivas had no report.

PLANNING REPORT

Ms. DeHart had no report.

ENGINEERS REPORT

Mr. Kaufhold had no report.

COUNCIL COMMENTS

Mr. Stanton had no comments.

Mr. Goodall acknowledged the attendance of a former Indian Trail Council Member, Don Helms attending the meeting and expressed his appreciation for his service to Indian Trail.

Mr. Allen informed the audience that they witnessed what your government is supposed to be doing.

Mayor agreed with Mr. Allen and clearly would not be getting done. He does not like the idea of people paying for something that should have been done a long time ago. He sees change in government and feels Union County has

been short changed on road money. With Mr. Horn & Tucker, along with Mr. Moose, he believes things will change. He expressed excitement. He does not believe we should pay \$10,000,000 for something that should have been done years ago.

Ms. Luther commented about the public comments section of the meeting. At the beginning that every time it comes on the agenda, it should be stated that the Council cannot reply to the citizens. Just so that you know it's your opportunity to state your comment but be aware that Council cannot respond.

CLOSED SESSION

There was no items to discuss.

ADJOURN

Roger Stanton made a motion to adjourn
Council voted unanimously in favor of the motion.

APPROVED: _____
John J. Quinn, Mayor

Attest: _____
Peggy Piontek, Town Clerk