



Town of Indian Trail
Minutes of Town Council
December 9, 2014
Civic Building
6:30 P.M.

The following members of the governing body were present:

Mayor: Michael L. Alvarez

Council Members: David Cohn, Gordon B. Daniels, David W. Drehs, Christopher King, and Gary M. Savoie.

Staff Members: Town Manager Joe Fivas, Town Attorney Keith Merritt, Town Clerk Peggy Piontek, Senior Planner Rox Burhans , Director of Community & Economic Development Kelly Barnhardt, Finance Director Marsha Sutton, Human Resources Director Carey Warner, Director of Engineering and Public Works Scott Kaufhold , Interim Planning Director Rox Burhans, Assistant Director of Parks & Recreation Jason Tryon, and Communications Coordinator Lindsey Edmonds.

CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Alvarez called the meeting to order and led in the Pledge of Allegiance. He announced that ZT2014-004 is not on the agenda because of error on the part of Charlotte Observer, also the Economic Development Advisory Committee Update has been cancelled.

ADDITIONS AND DELETIONS

David W. Drehs made a motion to approve to move Closed Session from item 7 to item 3a
Council voted unanimously in favor of the motion.

Mayor Alvarez announced that all Council Members are present.

Gordon B. Daniels made a motion to approve deleting item 4 Presentation of the Economic Development Advisory Committee Update.
Council voted unanimously in favor of the motion.

Mr. Cohn inquired why are we going into closed session now, Council had a brief discussion about this.

David W. Drehs made a motion to approve having closed session in Cultural Arts Center.

MOTION TO APPROVE AGENDA

Christopher King made a motion to approve the agenda modified.
Motion Passed 4 - 1 with David Cohn opposing.

CLOSED SESSION

Christopher King made a motion to enter closed session:

NCGS 143-318.11(a)(3) Consult with attorney to protect attorney-client privilege

NCGS 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. To hear or investigate a complaint, charge, or grievance by or against a public officer or employee.

Council voted unanimously in favor of the motion.

Gary M. Savoie made a motion to approve coming out of closed session.
Council voted unanimously in favor of the motion.

Mr. Drehs rescinded motion to go to Cultural Arts Center.

Gary M. Savoie made a motion to approve suspending the rules to the agenda to add a line item and have Mayor Alvarez read a letter.
Motion Passed 4 - 1 with David Cohn opposing.

Mayor Alvarez read the letter of confidence:

“At the November 25th Town Council Meeting a letter was read which portrayed some staff members in a negative light. The Town Council has reviewed and investigated the issues presented in the letter with the Town Manager. The Mayor and Town Council should have been more diligent in enforcing the current Town Council public comment rules. Regarding references to specific persons the Town Council apologizes to the Town Manager, Finance Director, Human Resource Director and the Community and Economic Development Director for the missteps. The Town Council will amend our Public Comment Policy and adequately train our Elected Officials to make sure similar events do not occur in the future. Moving forward we have confidence in the Town Manager, his leadership team and his other employees to continue to move Indian Trail forward into the future.”

Mr. Cohn stated that he vehemently disagreed with the letter. In his opinion, at the last meeting there was nothing done that was illegal and was done in a professional manner. He apologized to Ms. Cook and the others that sent letters to the Council indicating they agreed with Ms. Cook on what her letter said. He stated this isn't right, he is tired of decisions being made before meetings. It's not right and will make the problem worse and if there are more employees let us know. Because it's a free country to say what you want to say and how you want to say it. If by going over the time limit was the only thing done wrong, he's sorry to the Town of Indian Trail, and hopes we get to the bottom of it and hopes those that do work for the town voice their opinion. He would like to see a nonpartisan come and speak to the staff to determine what's wrong or right, it's another sweeping under the rug, and is sorry it happened.

Mayor Alvarez agreed with Mr. Cohn stating he has worked with many people, it's unfortunate but when accusations came out whether real or fictitious in each and every case they were independently investigated to vindicate whichever side deserved it. Apologizing for going over the policy this Council put in place undermines the authority of this Council and how seriously you might be taken in the future. It is 38,000 people's town, not 5.

Mr. Daniels provided his professional background stating people have different manager styles that agree with some and disagree with others. People come and go for different reasons. He was offended with the timing and environment that the letter was read; there could have been another venue that the letter could have been read. We spent 2.5 hours in closed session it was voted to be read 4-1. We are an employment at will State and in his opinion the Council has a certain responsibility according to the charter to hire the Town Manager and Town Attorney. Employee issues are up to the Town Manager and in his opinion he has no problem with the content or purpose that the letter was meant for.

Mr. Cohn explained the content of letter stating he most regretted that they went into Closed Session and heard from only one side without any rebuttal from the person who wrote the letter. In his opinion it was not done fairly.

Gary M. Savoie made a motion to approve the Council accept the letter.
Motion Passed 4 - 1 with David Cohn opposing.

PRESENTATIONS - *This matter was deleted as a result of a motion made under Additions and Deletions*

a. Economic Development Advisory Committee Update

COMMITTEE APPOINTMENT

a. Economic Development Advisory Committee - Andy Morrison

David W. Drehs made a motion to appoint Andy Morrison for the Economic Development Advisory Committee.

Council voted unanimously in favor of the motion.

CONSTRUCTION MANAGEMENT AT RISK

a. Overview

Ms. Barnhardt introduced Mr. Greene from Creech Associates. Mr. Green explained the duties and methods in delivering a project with a Construction Manager @ Risk. Ms. Barnhardt introduced Choate Construction.

b. Interview #1

Choate

Mayor Alvarez excused himself for a couple of minutes and passed the gavel to Mayor Pro Tem Cohn.

Scott Harris Vice President of Choate Construction introduced his associates. They provided some company background, experience and photographs of past projects with client references. They reviewed site analysis, building information modeling advising their focus is on sustainability, quality control, and the advantages of and how they execute the plan in preconstruction and construction. **(A COPY OF THE PRESENTATION CAN BE FOUND IN THE OFFICIAL PACKET IN THE CLERK'S OFFICE).**

Mayor Alvarez returned to the meeting during the presentation.

Council asked several questions, topics included: results of going off task of budget, hiring of Veterans, 3 things that appeal to them for this building.

c. Interview #2

Gary Creed, Chief Operating Officer of Edifice introduced Mike Carlisto, Andy Aldridge, David Andrews, Chuck Jacobs as the Project Team, providing a corporate overview with necessary features and project experience in community rooms, offices, Council Chambers. The presentation included several local and nonlocal projects they worked on, a Construction Manager@ Risk required General Statues compliance requirements, preconstruction cost control, encouragement of local participation, HUB program, communications, community, post project requirements and why Council should choose Edifice. **(A COPY OF THE PRESENTATION CAN BE FOUND IN THE OFFICIAL PACKET IN THE CLERK'S OFFICE).**

Council asked several questions, topics included: do they have 3d models and if they hire Veterans.

d. Discussion and consideration of approval

David W. Drehs made a motion to table until the first meeting in January.
Council voted unanimously in favor of the motion.

PUBLIC COMMENTS

Samantha Townes, 104 Pinelake Dr., Indian Trail, NC stated tonight the Council displayed a behavior that some of you knew what was going on while others didn't, asking if we are having a council that is a sub council? Some of you are privy to certain information while others are not. Ms. Towns referenced Ms. Cook's letter stating that she had no recourse except to bring it public. Ms. Towns stated that certain citizens were retaliated against by certain Council Members after making public comments. She advised that Council is not listening to their citizens or staff, suggesting the Town conduct an independent audit. The citizens pay Council, Manager and staff to run the town and feels it would be only fair to have an independent to come in and investigate.

LAW ENFORCEMENT UPDATE

Lieutenant Coble advised that the driver in the school bus crash yesterday was a citizen of Indian Trail. On Thanksgiving Day they responded to a suicide at the Golf Course and the past month they have been wrapping up training on taser recertification, radar, and seminar on first responders. He provided the statistics for calls for the month of November.

CONSENT AGENDA

- a. Approval of November 25, 2014 draft minutes
- b. Approval of 2015 Council Meeting Schedule **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
- c. Approval of Sanitary Sewer Extension Agreement **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
- d. Approval of Citizen Academy Applications

Gary M. Savoie made a motion to approve the Consent Agenda.
Council voted unanimously in favor of the motion.

PUBLIC HEARINGS

None

BUSINESS ITEMS

None

DISCUSSION ITEMS

a. Street Maintenance Agreement

Mr. Merritt stated staff was directed to create a draft of an agreement to take over the Bonterra Streets, asking that Council review it and provide him with comments at the next meeting. Council had a brief discussion on it.

David Cohn made a motion to approve the Street Maintenance Agreement contingent upon Bonterra Homeowners Association reviewing and giving their acceptance and the acceptance of the Powell Bill Funding. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

Council voted unanimously in favor of the motion.

MANAGERS REPORT

Mr. Fivas wanted to shout out to staff and deputies for pulling off a wonderful parade and tree lighting, it was well attended. Everyone needs to understand that on the personnel issues the Council doesn't have the ability to address these issues, everything is taken seriously and it is his hope that there are solutions and we find a place to address anything that comes out in the future. He thanked staff and guests for staying late. The 19 and 20th meeting might be rescheduled. There is no second meeting in December. He wished everyone a happy holiday

COUNCIL COMMENTS

Mr. Drehs thanked everyone for their support of the Miracle Field/League, staff and deputies on great job of parade he wished everyone a safe and happy holiday.

Mr. Cohn stated in connection with tonight he's sorry that we're not interested in determining if anyone had done anything, it would make him happy to discover that nothing stated in that letter was done. He noted that the Clerk was asked to leave the Closed Session he thought it was odd. He believes we need a bigger rug, perhaps a wall to wall carpet to sweep things under it because the list is getting longer. What are we going to do if we get more letters, that's why we need a bigger rug? We have people scared to say anything, he hopes if there are more that they come out and if not he hopes nothing else becomes of it. His experience with the Town Manager working with him in past and today I'm disappointed, Sheriff's contract he was disappointed on how that came out and how it was handled. We need to clear things up and have the Town start finding the answers instead of covering things up. Merry Christmas

Mayor Alvarez wished everyone happy holidays and apologized for the delay with a long Closed Session and is grateful to those who stayed. The staff and deputies did a great job with the parade. He appreciates the commitment of the deputy's working on the holidays. He asked everyone to remember those who won't be home with their families who are out defending us so we can have long winded Closed Session meetings. Go to the funding page for Mr. McManus to help him, I knew him, he was a nice man. He was an amazing, kind person; keep his family in your prayers as well. Mr. Cohn it was real concerning when you get a call from a

Council Member that says: you don't want to put anything on the agenda that says something is broken in the town. Can't fix it unless you know it's broken, there's nothing wrong with things being broken but you have got to meet the demons face head on and fix what's wrong. If it's broken, you're human; it's what you do after it that determines your ethics. Happy Holidays

Mr. Daniels looked at the calendar and tomorrow is December 10th, a year went by since Councilman Savoie and he were sworn in, and wow it went fast. I guess the next 3 will go just as fast and I hope we can accomplish some good things for this Town in the next 3 years. This is our last meeting for 2014 he thanked everyone for hanging out tonight, wished everyone happy holidays and happy new year.

Mr. Savoie thanked everyone for coming out tonight, especially as late as it is. He thanked staff leaders in Indian Trail, the Town Manager for all they have done; all the wonderful projects that we've seen. He thanked those who are responsible for having the right policies in place to protect the employees and hope the employees do use them and he looks forward to a good new year.

Mr. King said let's go home.

ADJOURN

Gordon B. Daniels made a motion to adjourn
Council voted unanimously in favor of the motion.

APPROVED:

Michael L. Alvarez, Mayor

Attest:

Peggy Piontek, Town Clerk