

**Town of Indian Trail**  
**Minutes of Regular Council Meeting**  
**February 24, 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, Dan Schallenkamp
- Absent Members: Senior Planner Katie Reeves, Planning Technician Hillary Pace, Trena Sims, Deputy Town Clerk, Junior Planner Jonathon Edwards, Associate Planner Jason Mann, Junior Planner Craig Thomas, and Luke Fawcett, GIS Specialist.
- Staff Members: Town Attorney Keith Merritt, Town Manager Ed Humphries, 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, Administrative Assistant Vicky Watts, and Adam McLamb Engineering.
- Press/Media: Shirley Bossbach of the County Edge, and Marty Mitchen of the Charlotte Observer.

**CALL MEETING TO ORDER**

**PRESENTATIONS**

**Jessica Garner - Teacher of the Year**

Ms. Garner had not yet arrived, so the meeting continued to the next item.

**Maurice Ewing - Union County Partnership for Progress Update**

Mr. Ewing presented to Council the history, purpose, funding and deeds of the Union County Partnership for Progress. There are 15 Board Members and three towns (Marshville, Wingate and Stallings). The organization relies heavily on the private investors and the participating towns. Their primary role is to recruit new business to come to Union County. They have a very

strong business retention program. The staffing model calls for six people, currently they are half staffed. Their website is [www.unioncpp.com](http://www.unioncpp.com). They issued their first e-newsletter this week; and they also publish an information guide, which they update each year. They have two active projects in Indian Trail, one is an expansion of a company in Old Hickory and another one is a new company, which will probably not come. We need to be prepared to manage many companies that are just looking. Mr. Ewing went onto explain how Wingate and Marshville worked together to have an economic study prepared. He believes that in the future, there will be more grant money available to municipalities that work together. He went onto explain Project Legacy, which will be the largest industrial park in North Carolina. In order to make this happen we need water and sewer for all of Union County.

Councilmember Howe inquired if there is any money available for the Legacy Project. Mr. Ewing replied this project will be completed with private investments.

Councilmember Hullinger asked how much the rail traffic would increase as a result of this project. Mr. Ewing advised not a lot. The rail hub for CSX is in Hamlet, he feels a loaded car would go there and not to Charlotte. He understands that the rail line that runs through Indian Trail is near capacity, at some point the infrastructure will not handle any more trains and the trains will be made longer.

Councilmember Goodall mentioned the Gadberry study and inquired if he had any calls as a result of that study. Mr. Ewing replied no. Councilmember Goodall inquired if Stallings is an equal partner in Legacy and he said no, the other two are. He also inquired if our being a dry municipality gives our neighbors a competitive edge on the hotel/motel business. Mr. Ewing replied he has never had an industrial project located because there was alcohol available in the community. If the hospitality/restaurant business is what you want in your community, then it could be an issue for that.

Mayor Quinn presented Jessica Garner, a teacher from Porter Ridge High School, with a Certificate of Recognition for all her accomplishments. **(Copy attached hereto and made a part of these minutes.)**

### **Sheriff Cathey**

Sheriff Cathey advised he feels the Sheriff's department have a good relationship with Indian Trail and feels this is very positive for the both the Sheriff's office and the Town of Indian Trail. They are very pleased to use the Planning Building, feels they can move in 4-5 Detectives, a Community Resource Officer, if the town decides to have one, possibly an Animal Services officer, a couple of Civil Officers and maybe a part time slot person. It will take some time to get things straightened out. They are doing a lot of things in the county that affects Indian Trail; one is a website UCSO.us, this should be up and running soon. With this new website, all the residents will be able to see the calls and reports. Money is tight within the county; but he believes they've come out well.

Councilmember Howe reminded Sheriff Cathey about both of the locations that were discussed and asked Mr. Cathey if he felt this is a good move to the Planning Department. Mr. Cathey

replied they are very satisfied with the Planning Building and if he was sitting on the Council he would have voted the same way. They will make do and make it work.

Councilmember Schallenkamp asked what it would take today to have a store front in Indian Trail, and would the Town have to pay for the individuals that would bring services to the western part of the County. Sheriff Cathey advised that the Town would have to pay for those individuals, but they will try and work their way through the budget crunch and perhaps be able to provide a part time slot. Councilmember Schallenkamp advised the Public Safety Committee was given the task to advise Council on the potential increase of officers. He inquired if the County will be able to provide their 10% of the increased resources that will be necessary if the Committee advises. Mr. Cathey advised he has talked with the County Manager and the finance department and doesn't believe there will be a problem with that. The only issue may be that there may need to be an agreement about the car, perhaps having a used car instead of a new car.

Mayor Quinn asked that during a meeting that was attended by him, Mr. Humphries and Mr. Schallenkamp that Sheriff Cathey's staff looked at a location on Highway 74 but they were unable to pursue it due to a lack of funding. Sheriff Cathey advised that Sergeant Coble identified 6-7 properties and listed all of them and one of the properties was the one located on Highway 74.

Mayor Quinn commented that there was much work, time effort spent on that location, which was not originally his idea. Mayor Quinn asked if the Sheriff had his choice would his preference be the Faith Church Road location. Sheriff Cathey advised if all things were equal and costs the same he would prefer the location on Highway 74. Mayor Quinn inquired if Sheriff Cathey would consider his recommendations a wish list. Sheriff Cathey said that is not a word he would use.

Councilmember Hullinger inquired if as a result of the contract with the town, by having larger numbers, does this help the Sheriff's department to receive any grants. Sheriff Cathey advised it does not allow them any grants.

Councilmember Goodall thanked Sheriff Cathey and his department for all their good work. He asked how the department's relationship was with other police departments. Sheriff replied they have no problems with any other departments. He asked if Sheriff Cathey thought if we had our own department would it help or hinder your mission and/or budget. The Sheriff replied they will go on just like when Stallings initiated their own police force. Councilmember Goodall asked if Sheriff Cathey thought it was time that we start our own department. He replied that Indian Trail has the best coverage right now; if the town had their own department many of the services available now would be lost. Councilmember Goodall inquired if that means we get a break in our taxes. Sheriff advised they are available on call, we will help them, but as far as daily access to those you loose them unless you choose to fund them.

Councilmember D'Onofrio advised he is glad to hear we can expect the services that Sheriff Cathey referred to. He inquired if as Indian Trail provides a good will to add more deputies will the County provide more deputies. Sheriff Cathey answered they added four more last year, but probably not this year; he will submit the budget as though there are no financial problems, but is uncertain as to whether the County would be able to fund it. Sheriff Cathey stated that the

officers were answering about 1000 calls a month for Indian Trail, not only do Indian Trail officers, but all the officers in Union County. Councilmember D'Onofrio inquired about how many zone officers are on duty at a given time and where the zones are located. North and South of Indian Trail; with most cities located south are. Sheriff Cathey replied most of the calls that the zone officers handle are in Indian Trail; there are four zone officers on each shift.

Councilmember Howe asked for an update on the grant that we applied for and when do the deputies plan on moving into the building; Sheriff Cathey replied they started today. Sergeant Coble advised that he will provide a proposed floor plan at the retreat. As for the grant, no one is getting any feed back from the Governors Highway Safety Program, but they have another form on the website they are asking that the municipalities resubmit to insure that they are still interested. Sheriff Cathey stated that their office has someone who will be looking into any grants that may be available.

### **ADDITIONS AND DELETIONS**

Jeff Goodall made a motion to add to the Consent Agenda as item 5g - New Checking Account for Cash Surety Checks (Engineering and Escrow Account). Council voted unanimously in favor of the motion.

### **MOTION TO APPROVE AGENDA**

Gary D'Onofrio made a motion to approve Agenda. Council voted unanimously in favor of the motion.

### **CONSENT AGENDA**

- a. Minutes for January 13, 27, & February 11, 2009
- b. Acceptance of 4 streets into the town for maintenance (**Copy of Memo attached hereto and made a part of these minutes.**)
- c. 2008 Delinquent Real Property Tax to be advertised.
- d. Release of interest due to clerical error of ownership.
- e. Resolution to change name from individual to job title (**Copy attached hereto and made a part of these minutes.**)
- f. Budget amendment to appropriate funds to the professional services line for parks. (**Copy on file with Finance Officer**)
- g. Engineering and Escrow Account

Gary D'Onofrio made a motion pull 5d for discussion. Council voted unanimously in favor of the motion.

Councilmember D'Onofrio inquired from the tax collector whether this is a good idea or not as it may set a precedent. Ms. Cook, our Tax Collector, advised that the citizen has tried diligently to get this error made by the County corrected, and has not been able to do so. She believes this one is eligible for an exception.

Mr. Schallenkamp confirmed that the town would be forgiving the interest in the amount of \$13.42.

Mayor Quinn requested that someone make a motion to pull the January 13, 2009 minutes be pulled as he has some possible corrections.

Dan Schallenkamp made a motion pulling the 1/13 minutes from the consent agenda. Council voted unanimously in favor of the motion.

Dan Schallenkamp made a motion put 5d back on the Consent Agenda. Council voted unanimously in favor of the motion.

Gary D'Onofrio made a motion to approve Consent Agenda. Council voted unanimously in favor of the motion.

## **OLD BUSINESS**

### **a. Instructions and Procedures for Representatives to Outside Bodies**

Councilmember Schallenkamp stated he had discussed this at the last council meeting; he tried to make it generic to encompass any outside board or agency, not just MUMPO. The information is in the councilmember's packet and everyone should have had a chance to read it. He asked Mr. Merritt if he had any suggestions or recommendations to this suggested rules. Mr. Merritt replied he did not have any additional suggestions or recommendations at this time.

Dan Schallenkamp made a motion to approve the Instructions and Procedures for Representatives to Outside Bodies

Councilmember Goodall confirmed that outside bodies does not include our Committees. Councilmember Schallenkamp advised he is correct.

Mayor Quinn asked if Councilman Schallenkamp that is suggesting that the elected officials that may serve as chairs on these town committees are free to make comments that do not reflect the will of the town. Councilmember Schallenkamp stated that for council members this would fall under our Code of Ethics.

Council voted unanimously in favor of the motion. **(Copy is attached hereto and made a part of these minutes)**

### **b. Review and Discuss Previous Instructions to Public Safety**

Councilmember Schallenkamp advised that he put this on the agenda as a result of the phone conversation between himself and the Mayor as a matter of budget and to clarify the instructions that were given the Public Safety Committee. Mr. Humphries provided a copy of the minutes from December 9th that shows the motion made at that meeting. In the previous motion, there were no budget constraints or and they were not asked to determine the appropriate level of service based on any location of a satellite office, which was unknown at that time. This was put on the agenda to clarify the instructions that were given to the Public Safety Committee.

Mayor Quinn advised that the Chairman of the Committee is here and he suggested that perhaps he can present to Council as to what is going on with the committee.

Councilmember D'Onofrio expressed his concern that the information that the committee uses to make a determination needs to go through an accuracy check. He advised that he was copied on an email that indicated there was six zone officers, which is not entirely accurate, there are four zone officers, which makes a difference in the level of service. He has concerns about the information they are receiving and wanted to insure the recommendations they make are being done so with the correct information.

Mayor Quinn commented on a conversation he had with Ms. DeHart that she was concerned that the substation satellite office was going to take funds away from the Town Hall project. After this conversation he went to a Public Safety meeting as a spectator and listened to what was being presented to them. Basically they were told that there would probably not be any additional increases in budget for law enforcement this next fiscal year and there was \$242,000 left over from last year that they had to work with. The committee struggled to prioritize what they would recommend to the board. He feels the information they received is not what the council envisioned for this committee. The chairman volunteered to come in and share with council his perception of what the committee is dealing with and to share his understanding of what the direction from the council was and what their duties are or should be.

Councilmember Schallenkamp commented that it would be appropriate to ask the staff member prior to commenting on something they've said to ensure accuracy, as Mayor Quinn as misstated things that Mr. Schallenkamp has said. He asked for Ms. DeHart's comment.

Ms. DeHart stated that she did not make that statement and she does not understand how Mayor Quinn perceived that statement. Mayor Quinn disagreed with Ms. DeHart.

Councilmember Schallenkamp commented that he has informed the Mayor of incorrect statements both verbally and by shaking his head in a negative manner at the meetings. He expressed his concern that the committee was set up without a Council Member on it, largely because, in his opinion, of the political hot button this has been. It concerns him that Mayor Quinn has not only attended the meeting but took an active part of the meeting.

Mr. Brian McLamb, Chairman of the Public Safety Committee, was asked for his input. Mr. McLamb stated that when the new directive from Mr. Humphries was received, one of the first questions was what are we looking at spending and they were told not to worry about the budget. The committee found it difficult to have discussions and have a recommendation before April. If the committee finds that that the need for increase of level of service, that would definitely impact the budget. They are getting good information from Sergeant Coble and Town employees, but they have had little time for discussion. This topic requires much discussion, there's a lot more to it than numbers, patrol numbers, how many cars, community service officers, neighborhoods. What looks good on paper may not translate on the pavement. Mr. Fawcett recommended at the last meeting that the members do independent research on the matter and make their own presentation to generate their own discussions. The presentations

they have received, while informative, make the meetings last a long time. The information they are receiving is approximately 80% from the Sheriff's Department and they are looking around what everyone else is doing. He is going to recommend the committee members state their research sources.

Councilmember Hullinger asked if not having a Council Member on the committee has been a hindrance. Mr. McLamb replied that the committee can best serve the Council when presented with specific questions. He feels they would have benefited with a Council Member on the committee. Councilmember Hullinger asked what we as a Council can do to insure their success. Mr. McLamb replied that on this particular topic they would benefit from having a Council Member present; perhaps to be on hand to answer direct questions. He commented that staff is doing an excellent job, but it would be good to have a real time response. Mr. Humphries apologized for not being at the last two meetings and asked if his being there to answer the budget questions would have assisted them. Mr. McLamb replied it would help the committee to have some type of budget response. Mr. McLamb advised that it would help the committee to be able to recommend a level of service if they know the budget boundaries.

Mr. McLamb advised Council what the Public Safety Committee got out of the Mayor's attendance at the Public Safety meeting. He informed Council that the Mayor comments reminded the committee of a good point in determining the level of service as far as perception among the citizens for visibility. That was the point he made and Mr. McLamb felt it was a good point. The discussion at the time was about whether or not we needed to add anything, were we ok, do we stand pat. Mr. McLamb did not feel there was anything inappropriate or political about it, just a basic comment that brought us back into focus for discussion. He does not feel the committee members got anything inappropriate out of that either.

There was general discussion as to what is expected of the committee and what Council could do to help the committee to resolve this dilemma.

### **c. Charter Approval**

Mr. Merritt advised he incorporated the changes that were discussed at the February 11th meeting. Since the information was put into the packet there have been a couple of additional changes; Article 5, street lighting was added and Section 13 addresses pronouns.

Councilmember Schallenkamp questioned the second page section 3.8a verbiage "conduct of business". Mr. Merritt replied that he is fine with the wording. Councilmember Schallenkamp also questioned section 311b2, "See that the within"; Mr. Merritt will take out the. He also pointed a typo in Article 5 Section 5.1 should be "street" instead of "streety"; another typo on Article 7, section 7.1b ""account damages" should be "account of damages". Councilmember Schallenkamp also questioned Article 3 section 3.11(a) Powers of the Town Manager; "Except for the purpose of inquiry, or for consultation with the Town Attorney, the Mayor and the Town Council and its members shall deal with officers and employees in the administrative service of the Town only through the Town Manager, and neither the Mayor or the Council nor any of its members shall give orders or directions to any subordinate of the Tow Manager, either publically

or privately.". He agrees with this in principle, but feels the charter is the wrong place to put this, it may be little too stringent. He would like to see this verbiage removed; this could be dealt with as an ordinance. Mr. Merritt stated that the way he reads this is "except for the purposes of inquiry....". There is nothing in this that prevents a councilmember from inquiring of staff, anything they want to ask or talk about. What it does make specific, is that council members could not give orders or directions to staff.

Councilmember Hullinger inquired what would happen if a Town Manager was not in place. Mr. Merritt replied Council would appoint someone in that role.

Councilmember Howe asks what happens if the Manager is on vacation, out of town or can't be reached on the phone. Is it possible to add inquiry and conversation. Mr. Merritt replied Council can do whatever they want. It's Council's Charter and he does not see why the Legislature would not approve it. There was additional discussion of this matter.

Councilmember D'Onofrio commented if you have a question it is not out of the bounds to inquire about something with the Department Heads or staff. He asked in what circumstance would we have a problem with this. Councilmember Schallenkamp advised the only way to change it is to get the attorneys and legislature involved and believes it should be in an ordinance.

Dan Schallenkamp made a motion remove in Section 3.11 (a) "Except for the purpose of inquiry, or for consultation with the Town Attorney, the Mayor and the Town Council and its members shall deal with officers and employees in the administrative service of the Town only through the Town Manager, and neither the Mayor or the Council nor any of its members shall give orders or directions to any subordinate of the Town Manager, either publically or privately" from the Town Charter.

Council voted unanimously in favor of the motion.

Gary D'Onofrio made a motion to approve the Town Charter as amended.

Mayor Quinn advised he wants to make a statement and passed the gavel to Councilmember Howe. Mayor Quinn gave a history of the decision to change the charter. He expressed his concern as to why there has not been more notice to the public to respond to the change of the charter.

Council voted unanimously in favor of the motion.

Dan Schallenkamp made a motion use the section taken out of the charter and put it in an ordinance for review and discussion at the March 10th meeting

Council voted unanimously in favor of the motion.

**d. Annexation Study - Keith Merritt & Shelley DeHart**

Ms. DeHart advised there are proposed annexation areas that affect subdivisions where the associated open space does not qualify. Staff is concerned about annexing the lots and not the open space. Staff looked at the state requirements to see if there is a way to qualify the entire subdivision instead of just the lots. It was determined that there are only two ways to classify the lots as either Residential Developed or Institutional. The areas do not qualify as Residentially developed. The other direction would be Institutional standard and Mr. Merritt is not comfortable classifying the open space as Institutional. As a residentially developed area, the open space does not qualify alone. When added to the entire subdivision, the neighborhood does not qualify. Ms. DeHart is seeking direction to either eliminate the subdivision from the study or maintain the subdivision in the study minus the 21.5 acre open space. If this is annexed, the town could solicit the HOA to voluntarily annex the remaining open space into the Town.

Councilmember Schallenkamp stated that he would like to see us take the second option and leave it in the annexation study.

Dan Schallenkamp made a motion to approve maintaining the area in subdivision in the study minus the 21.5 acre open space.

Motion Passed 3 - 2 with Gary D'Onofrio, and Jeff Goodall opposing.

## **DISCUSSION & POSSIBLE ACTION**

### **a. Street Lights for Faith Church Road/review of sidewalk plan for same**

Mayor Quinn provided some history on the matter. He asked Council for approval to put street lights on this section of road. He believes it was the original intent to do so as shown on the paperwork provided. He commented that the previous town engineer had evidently overlooked this detail.

Mayor Quinn advised there has been an increase in vandalism and it is a safety situation. Mayor Quinn stated that Duke Energy, in October 2008, had given an estimate for 11 street lights as \$15,773.00; however, in February 2009 they have come back with a quote of \$55,000 to meet the requirements of NCDOT. If NCDOT ultimately takes over the road will they be concerned about street lights. Mr. Kaufhold advised there are certain requirements that must be met for street lights.

Mayor Quinn asked Mr. Kaufhold to address the Town taking over this road. Mr. Kaufhold advised it's a new road built to NCDOT standards, it would add to your Powell Bill mileage and any street that the town maintains allows more flexibility. When the State has jurisdiction the Town has to get approval from NCDOT.

Mayor Quinn advised if we take over the road, we could put any lighting we have on this and it would probably cost about \$4,000-\$5,000.

Councilmember D'Onofrio inquired if we have a street ranking system. Mr. Kaufhold replied no. Councilmember D'Onofrio asked where do we stand on that policy for local roadway

ranking process. Mr. Kaufhold replied that at the TAC meeting last month there was a draft document for the group to review. They should finalize at the coming TAC meeting in March.

Councilmember D'Onofrio asked in the absence of some policy would it make sense to come up with a system for street lights so we know what we're design with this and not have to address it on a case by case basis.

John Hullinger made a motion table the matter of Street Lights for Faith Church Road/review of sidewalk plan for same until the next meeting.

Councilmember Howe confirmed that DOT designed the road originally and asked how this road is classified in our Comprehensive Plan. Mr. Kaufhold advised it is classified as a four lane boulevard and by MUMPO standards it's a minor thoroughfare. Councilmember Howe inquired if the road was classified prior to the adoption of our Comprehensive Plan. Mr. Kaufhold stated that using MUMPO's classification it was classified before the project as a minor thoroughfare. She asked if with the older subdivisions that the Town annexed the streetlights are sparse; if something like this is started, will it effect the older developments as there are a lot of dark areas in her neighborhood too. Mr. Kaufhold stated that would probably fall back into prioritization.

Councilmember Schallenkamp stated that considering lighting on a thoroughfare is different than considering lighting on interior subdivision roads.

Mayor Quinn advised that the sidewalk would connect with the new sidewalk being built on Unionville-Indian Trail Road as part of the Pedestrian Plan. There was additional general discussion of why this portion was not completed as per plans.

Council voted unanimously in favor of the motion.

**b. Addition of Public Comments to agenda for all regularly scheduled meetings**

Mayor Quinn advised he has had several people tell him they would like to have an opportunity to speak at the second meeting. He's asking Council to consider having public comments at every regularly scheduled meeting. The Council had a general discussion with each member expressing their opinion; there was some concern expressed as to the length of the meetings.

John Hullinger made a motion allow Public Comments at both regularly scheduled meetings each month.

Motion Failed 3 - 2 with Gary D'Onofrio, Jeff Goodall, and Shirley Howe opposing.

**c. Update on discussion of road between town hall & drug store**

Mr. Humphries gave a brief history of this project and an explanation for the need to build the road. Although all of the right of ways that are needed to complete road have not been obtained, there is a need to build part of the road at this time. He has spoken to the owners of the drug

store and the day care owners behind the drug store and secured the right of way to build part of the road up to that point. It is his recommendation to build this street from Indian Trail Road to our property line.

Councilmember D'Onofrio asked what the cost projection on this road would be and if the funding would be coming out of Powell Bill funds. He was advised that the cost is \$275,000.00 and it would come out of Powell Bill funds.

Councilmember Howe asked if it would enable us to have a side entrance. Mr. Humphries advised that it could possibly, there has been discussion between staff that perhaps an additional parking lot could be located where the annex building is, once it is moved.

Councilmember Goodall asked if the day care center has an access without the road. Mr. Humphries replied that they do have a right of way through the drug store. Councilmember Goodall asked if the Town can use Powell Bill funds for safety projects such as a bridge that's ranked 8 out of 100. Mr. Kaufhold advised that in the Powell Bill use guidelines the funds can be used for new roads for the Town, sidewalks, maintenance of Town roads and in October legislature added to that to allow municipalities to contribute Powell Bill funds to state transportation improvement projects that are in the Town's area; this would be for proposed improvements on the TIP.

Councilmember Schallenkamp asked if Mr. Humphries believed this road is important as far as the intersection on Indian Trail Road. Ms. DeHart answered that at a previous discussion of the Town Hall location there were some conceptual drawings done and the drawing for a Town Hall on this site did include that road and pointed out that the proposed road was part of the Downtown Master Plan as part of the grid system that was planned in the adopted Master Plan.

Councilmember Hullinger advised he doesn't see a lot of value in this and can't justify spending \$275,000, he can't support it.

Councilmember D'Onofrio asked if this was the direction we are going, do we need to make a motion to rescind the previous action. Mr. Humphries replied yes; if Council doesn't want to build this part of the road then certainly the other part would not be needed.

Councilmember Schallenkamp requested Council table this issue. Council discussed something at the closed session at the last meeting and suggested revisiting that matter at this closed session.

Dan Schallenkamp made a motion to table the decision on this matter until after closed session. Motion Passed 4 - 1 with Gary D'Onofrio opposing.

## **NEW BUSINESS**

**None at this time**

## **MANAGERS REPORT**

Mr. Humphries reminded Council and Mayor of the retreat on Friday and Saturday. He also informed Council that the HOA bulletin board is up and running.

Mr. Humphries advised we have been making improvements to this room but have neglected the chairs. When we went to Hartis Grove Church he was impressed with their chairs. He recommended to Council to look in the budget for the proper funds without coming up with a budget amendment to purchase 50 chairs. They are approximately \$20 each. There was a little more discussion about the chairs.

Jeff Goodall made a motion to approve purchasing 50 good chairs for the civic building.

Council voted unanimously in favor of the motion.

Councilmember Schallenkamp asked if the bulletin board is hosted on our computer. Mr. Humphries advised yes. Councilmember Schallenkamp expressed concerns about people posting anonymously and what type of message moderation do we have. This is not a bashing event about elected officials or for neighborhood bashing.

Mr. Humphries advised it is controlled by him, people can only post with a password, anyone can read, the information he obtains before activation, he knows who they are, their address and he has the ability to remove anyone. He doesn't have the ability to read before posting.

Councilmember Schallenkamp believes this will be problem. It could possibly take up a lot of time. We need to have the ability to read the post before it goes out.

Dan Schallenkamp made a motion discontinue hosting the bulletin board on the Town's computer until Council instructs otherwise.

Council voted unanimously in favor of the motion.

Councilmember Howe asked about the reports on the funds. Mr. Humphries advise the information will be in your retreat packet.

## **PLANNING REPORT**

Ms. DeHart advised that the Planning Department has moved in to the Blythe Building. She stated it is clear that annexation laws in the state have not kept up with planning trends; specifically addressing new subdivision designs. The laws were written when a conventional subdivision was being proposed. Planning has moved into the direction of cluster subdivisions or conservation subdivisions where there is a lot more open space associated with a subdivision. She understands that the state is currently looking over their state laws related to annexation. Ms. DeHart, after speaking with the Town Attorney, would like to see either the town or the attorney contact the group working on the new regulations to look at that specific issue. This would be a prime opportunity to give them the idea and let them work on it to craft something that will take into account the new direction of planning.

Councilmember Schallenkamp suggested authorizing Ms. DeHart to present the particular case to that committee. Mr. Merritt feels the League may be the appropriate place to start.

Dan Schallenkamp made a motion Ms. DeHart to pursue getting this issue in front of the Committee that is currently studying annexations.

Motion Passed 4 - 1 with Gary D'Onofrio opposing.

### **ENGINEERS REPORT**

Mr. Kaufhold advised that the at the joint County Commissioner and Town Council meeting held last month one of the issues addressed were Transportation issues. This Thursday, the first Union County Technical Coordinating Committee meeting will be held in Indian Trail. We have invited all the MUMPO members in Union County to attend; some will not be able to attend. Mr. Kaufhold informed Council that a letter was sent to Barry Moose last week requesting use of Powell Bill funds to get construction started on Faith Church Road. We have provided all the information we can to them, we are now waiting on the State to respond. The Deputy Division Engineer and the District Engineer will be attending our Transportation Committee meeting on Tuesday. Mr. Kaufhold mentioned to them that the Council would like to set up a workshop with them. He questioned whether this would be at a regular Council meeting or separate. After discussion, it was decided to meet with them before our regular meeting begins with the dates of March 24, April 14 or April 28 being offered.

Mr. Kaufhold gave the Council an update on Old Monroe Road. A couple of meetings ago there was a question about the interim improvement study done by MUMPO; they're looking at ten intersections from Matthews through Indian Trail and what could be done on an interim basis to make some improvement. The goal was to minimize any right of way acquisition so they could be done quickly. There were two parts of the project; they completed the first part with one exception. We had asked them to include three additional intersections. There were some issues on their side. They asked that since MUMPO has some staffing issues complete study if Indian Trail would consider taking the lead on Project Management study to finish it up. Adam McLamb will be the senior project manager. Another point is that one of the TIP projects that the town has, U47-14 there's about \$4.2 million to do the planning and design of Old Monroe Road. It's a six mile stretch and we have about half of it. This will not be funded until 2013 or 2014. These are called STPDA funds and the funds are there to do the work. The end result would be an environmental document that has a shelf life on it of three-five years. If construction was not started within that time frame, the document would have to be revisited and things would need to be reevaluated. After conversation with Stallings and Matthews, we plan propose to make a recommendation to the TCC instead of using the funds for a shelf document, possibly divide the money between the jurisdictions and put that money on the intersections to be studied. Basically make intersection improvements on our stretch instead of doing an evaluation of the entire roadway. There was general conversation regarding this idea.

Mr. Kaufhold advised that he would like to have Todd Hullinger fill the vacant position of Civil Engineer. He could be used for detention facility inventory, storm sewer inventory, lead constructor inspector, assist in plan review, assist in updating ITLDS manual, assist in updating

UDO. He is bringing it before Council to insure there is no objection due to the economic times. There were no objection.

### **COUNCIL COMMENTS**

Councilmember Hullinger had no comments.

Councilmember Goodall gave his time to Mayor Quinn.

Councilmember Schallenkamp advised he will be late on Saturday retreat. He requested that we have some of our Fire Chiefs address us.

Councilmember D'Onofrio commented he would be all for adding a second public comments as soon as we are able to end the meeting by 11 pm.

Councilmember Howe asked about the town seal. Mr. Humphries advised it has been ordered; should be here in two or three weeks. She also asked about the electronic sign for the front that was approved in the budget. Mr. Humphries advised it has not been ordered, but he will work on if Council so desires.

Councilmember Schallenkamp commented that just because it's in the budget doesn't mean we need to run out and spend it. He would like to discuss it.

Councilmember Goodall feels we should proceed as we originally planned and feels the sign is very necessary.

Councilmember Howe suggest putting names in a cup for Council Comments.

Mayor Quinn advised he would reserve the right to rule anyone out of order if derogatory comments against anyone. He also feels that Council members should be able to respond to comments if they feel they have been attacked.

Shirley Howe made a motion placing the names of Council Members and Mayor in a cup and pick and let them speak in that order.

Council voted unanimously in favor of the motion.

### **CLOSED SESSION**

Shirley Howe made a motion NCGS 143-318.11(a)(3) Consult with the Attorney to protect attorney client privilege

NCGS 143-318.11(a)(5) To establish or instruct the staff or agent concerning the negotiation of the price and terms of a contract concerning the acquisition of real property.

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.

Council voted unanimously in favor of the motion.

Dan Schallenkamp made a motion to approve out of closed session

Council voted unanimously in favor of the motion.

Gary D'Onofrio made a motion to rescind the Councils previous action to build the complete road from Indian Trail Road to Navajo Trail Road including the half road.  
Motion Passed 4 - 1 with Dan Schallenkamp opposing.

**ADJOURN**

Shirley Howe made a motion to adjourn  
Council voted unanimously in favor of the motion.

APPROVED:

---

John J. Quinn, Mayor

Attest:

---

Peggy Piontek, Town Clerk